

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 25 May 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(101) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 100) asked:

1. How much has DIMIA payed to the South Australian Health for the provision of services at Glenside for detainees?
2. Was an additional amount paid for them to re-open a ward?

Answer:

1. DIMIA has paid approximately \$105,000 for this purpose in the 2004-2005 financial year to the end of May.
2. No additional amount has been paid above the standard occupied bed rate.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(102) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 101) asked:

In relation to the provision of health services to detainees, who are the members of the expert panel?

Answer:

As at 27 May 2005, there are two expert panel members used to review the delivery of medical health services in Immigration Detention Facilities. They are BMP Healthcare Consulting Pty Ltd and Knowledge Consulting Pty Ltd.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(103) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 102) asked:

Provide a copy of the standard form used for reporting on health care services in detention centres.

Answer:

DIMIA receives two reports from GSL detailing the types of health related services delivered in Immigration Detention Facilities each month. One report details the types of general medical consultations delivered, with the other detailing the types of psychological and counselling services delivered. The template of each report is attached.

DIMIA Monthly Health Services Report



Detention Services

Centre: XX

Month of: XX 20XX

Health Employees (employed or contracted):

Name of Employee	Position (including FTE)	Qualifications	Character check completed? (Y/N)	State Registered/ Approved for State practice	Next State registration due
	<i>i.e. Health Services Manager</i>	<i>i.e. RN</i>		<i>State</i>	<i>date</i>
	<i>i.e. Registered Nurse</i>	<i>i.e. RN</i>		<i>State</i>	<i>date</i>
	<i>i.e. Enrolled Nurse</i>	<i>i.e. EN</i>		<i>State</i>	<i>date</i>
	<i>i.e. HS Coordinator</i>			<i>State</i>	<i>date</i>

Health Services Provided within Detention Facilities:

Number of appointments by Health Service Staff (Within Centre)

Doctors: XX
 Nurses: XX
 Psychiatric Nurses: XX
 Psychiatrists: XX
 Psychologists: PSS
 Counsellors: PSS
 Dentists: XX
 Optometrists: XX
 Specialists: XX

DIMIA Monthly Health Services Report



Detention Services

Hospital Referrals:

How many? XX

Detainee Information:

NAME	BX	A&E DATE	ADMITTED DATE	REASON	RETURNED DATE	AMBULANCE

DIMIA Monthly Health Services Report



Detention Services

Detainee Population Served: XX

Number of detainees with chronic condition:	Blood Borne Virus / Communicable Disease	XX
	Diabetes (NIDDMS)	XX
	Asthmatic / Respiratory	XX
	Cardiac / High Cholesterol	XX
	Total	XX

Number of detainees under psychiatric care: XX

Number of detainees accessing specialised treatment: XX

Medical Staff Numbers: XX

Dr's hours per week =

5 x 3 hr sessions per week.

15 hours

Referral Types:

What service provider :

[i.e. Dental, X-ray, optometrist, General Surgeon, Orthopaedic surgeon, Orthotics, Acupuncture, Urologist, Audiologist, Ophthalmologist, Anaesthetist, Neurologist, Liver Specialist, endocrinologist, Gynaecologist, Spinal Surgeon.]

Were there any Public Health Notifications? Yes No

DIMIA Monthly Health Services Report



Detention Services

If yes: Provide details:

Complaints Made against Health Services:

Type of complaint relates to critical/major/minor issue?	Who made the complaint?	Date complaint received ?	Status of the Complaint? Open or closed?	Details of Resolution	Date complainant was informed of outcome	Time frame of resolution (from when received to when resolved)	Complaint reference number(s)	Incident report reference (s)	Outside agencies involved? Who? (e.g. HREOC; Ombudsman etc)

Professional Support Services

PSS MONTHLY STATISTICS

Facility: XX

Month: XX YEAR

A. Counselling Statistics

Category	Number	Comments
Psychologist appt's*	XX	XX mins average
Consulting Psychologist	XX	XX mins average
Senior Counsellor appt's	XX	XX mins average
Counsellor's appt's	XX	XX mins average
Group Counselling sessions	XX	
Self harm attempts	XX	XX on SASH
Behavioural problems	XX	
Detainees with Chronic psychological conditions	XX	<i>[Described conditions i.e. posttraumatic stress disorder; Major Depression; Anxiety; Adjustment disorder; Personality Disorder]</i>
Detainees in psychiatric care	XX	<i>[Provides current location of detainee]</i>

B. Staff Details

Type	Number	Shift
Senior Counsellor	XX	Full time: Mon to Friday
Counsellor	XX	Full time: Mon to Friday
Psychologist	XX	Full time: Mon to Fri

Summary / Comments

[Provides a summary of service delivery for that month, covering both routine assessments and management of detainees that access mental health services plus a description of any extortory incidents that involved mental health professionals]

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(104) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 102-103) asked:

Can you take on notice to give us an indication of the number of occasions on which there have been breaches of the contracts and the clauses to which they are related? Are you able to provide the financial penalty associated with those breaches?

Answer:

The table below outlines the number of times the Department has determined that Immigration Detention Standards have been breached since GSL assumed management of IDFs.

IDS	Description	Instances
1.4	Dignity and Privacy	3
2.1.2	Detainee Property	11
2.2.1	Health	2
2.2.1	Hygiene	7
2.2.3	Special Care Needs	2
2.3.1	Release and Removals	4
4.4.1	Communicating in Languages the Detainees Understand	4
6.1.1	General Security	13
6.2.1	Operational Procedures	3
6.3.1	Contingency and Emergency Training	1
6.4.7	Obeying laws, orders and direction, including conflict resolution	1
6.5.1	Screening and Searches of Detainees	1
6.6.1	Contraband	1
6.8.2	Assaults	2
7.1	Competency Requirements	2
8.1.1	Complaints Mechanism	1
9.1	Monitoring and Reporting	23

The Department is unable to provide detail as to what financial penalty was applied for each breach as this information is commercial-in-confidence under the terms of the contract with GSL.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(105) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 105-106 and written) asked:

(1) In relation to the answer to question no 80 from the February 2005 estimates hearings, given the suggestion that primacy be given to the provisions of the *Migration Act* rather than the medical recommendations, is DIMIA prepared to take the responsibility for any damages to health that giving precedence to immigration law over medical recommendations might cause?

(2) The second paragraph in answer to the question on notice raises the issue of families. It seems to be seeking to equate DIMIA to the role of a family member in a consultation outside of the hospital. It says that, in the community, a medical recommendation may need to take into consideration the family. My reading of that is that it is equating DIMIA to the role of the family. If that is a wrong reading of that, I am happy to take that advice; but that is certainly the reading that I took and that the psychiatrist who read it took of that answer.

On the issue that we were just discussing, the response from the psychiatrist was that, in giving medical advice in the community, it is a breach of their medical ethics to provide advice which is different from what is the best advice because of circumstances extenuating to how it can be implemented. They would be pulled before a medical ethics board if they are told they must give a lesser standard of advice because they have to take into consideration the capacity of the family or the environment to be able to implement it.

(3) Please provide examples of situations where the advice of health professionals has not been followed due to the *Migration Act*.

(4) Did this scenario occur in the case of Ms Cornelia Rau?

(5) Who makes the decision to overrule the advice of a health professional due to the *Migration Act*? Is this decision recorded on paper or a computer database? Provide an example of the record of several such decisions?

Answer:

(1) The first paragraph of the response to Question 80 from the February 2005 Senate Estimates Hearings stated that:

The Department generally entrusts day to day health care to the qualified, treating health care professionals. The Department's practice is to follow the advice of the treating health professionals in regard to

the treatment and location of a detainee, except where this is precluded by law eg if the advice is contrary to the provisions of the *Migration Act*.

The *Migration Act* does not in any way hamper people getting appropriate care and medical treatment while in immigration detention. The provision of health care to immigration detainees is undertaken at each facility through a combination of on-site health care professionals and access or referral to external health facilities and specialists.

In some instances, health care professionals indicate that treatment may not be able to be provided within immigration detention facilities and detainees will require referral to specialists or to use hospital outpatient services. Medical procedures are followed to arrange admission to hospitals or residence in facilities other than detention facilities. The *Migration Act* accommodates these procedures, for example, by providing for a hospital to be declared as an alternative place of detention.

(2) The second paragraph of the response to Question 80 from the February 2005 Senate Estimates Hearings stated that:

In the community a medical professional's recommendations can have implications for family members, particularly those directly involved in their care. Likewise, in an environment such as immigration detention, the medical recommendations can have implications for other providers involved with the detainee eg detention officers who are in day to day contact with the detainee and immigration officials who are involved in seeking resolution of the detainee's case. In this context, the treating health professionals would involve other relevant parties in implementing the health professionals' recommendations, as required, consistent with the requirements of the law.

This paragraph is merely trying to indicate that the recommendation of a medical practitioner with relation to a particular detainee will have implications not only on the detainee, but on other persons who interact with that detainee. They therefore may need to know something of a detainee's medical condition to ensure they meet their duty of care.

DIMIA does not in any way attempt to prevent psychiatrists, or other medical practitioners, from giving what they believe to be the best and most appropriate advice in all cases.

(3) A likely situation in which the advice of a medical practitioner would not be followed is where it is not lawfully possible to follow the advice – see Part 1 of this answer above. An example is where the practitioner advises the release of the detainee from detention. If the medical advice is simply to release the detainee from detention, it cannot be lawfully followed. However, the Department may pursue alternative detention arrangements consistent with the recommendations of the medical practitioner which ensure the non-citizen remains in immigration detention as required by the *Migration Act*. If the issue is one of conflicting medical advice,

DIMIA would follow the preponderance of medical opinion, and seek a third opinion if necessary, as detailed in Part 3 of the response to this question above.

DIMIA may receive contradictory medical opinions, and may be unsure which to follow. DIMIA has amended its procedures, such that a third opinion is always to be sought as to the appropriate form of treatment for the detainee. DIMIA will then generally follow the majority advice, provided it is lawful to do so. If there is still uncertainty then further advice would be sought as indicated by the situation.

(4) No.

(5) As noted above, if the medical advice is simply to release the detainee from detention, it cannot be lawfully followed. However, the Department may pursue alternative detention arrangements consistent with the recommendations of the medical practitioner which ensure the non-citizen remains in immigration detention as required by the *Migration Act*. If the issue is one of conflicting medical advice, DIMIA would follow the preponderance of medical opinion, and seek a third opinion if necessary, as detailed in Part 3 of the response to this question above.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(106) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 107) asked:

The other contention is to what extent ongoing detention causes or exacerbates the mental illness of people relevant to a case are mentioned on several occasions in the judgement. Does the department have a view on that contention?

Answer:

The Department treats the issue of mental health of detainees very seriously.

Many factors impact on the mental health of individuals such as their prior history, cultural issues, change in family dynamics and uncertainty regarding the future.

Some immigration detainees arrive in Australia having experienced circumstances that increase risks to their mental health. These include experiencing traumatic events in their country of origin, undertaking dangerous journeys to Australia and separating from family and friends.

Many detainees have been unsuccessful in their claims to remain in Australia despite several court appeals and in this context, some may experience episodes of anxiety or depression because they have not had the outcome that they desired.

The Department acknowledges that some detainees experience difficulties in immigration detention which may adversely affect their mental health. Clearly, institutionalised living in an immigration detention facility and uncertainty about visa status present challenges for immigration detainees. As in any institutional setting, individuals will respond in different ways to these challenges depending upon a wide range of complex and inter-relating factors.

The Department and the Detention Services Provider seek to ensure that wherever possible, the effects of risk factors to mental health are minimised and protective factors are maximised. In this context on entering immigration detention detainees undergo a broad mental health screen to determine both their mental state and where necessary, need to continuing care.

Detainees with mental health issues are also encouraged to participate in education and recreation programs which can be helpful in supporting people with anxiety and depression.

Several recent events have lead DIMIA to further enhance mental health service arrangements. On 25 May 2005 enhancements to health care services at Baxter IDF were announced with the more frequent visiting of a psychiatrist and the establishment of two new psychiatric nursing positions to achieve seven day coverage, and on-call arrangements at night.

DIMIA is also implementing procedural changes and service delivery enhancements at other facilities, improved access to care outside detention facilities and reviewing monitoring and oversight arrangements for health care services. DIMIA is accessing further specialist medical expertise to assist it in these processes.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(107) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 109) asked: What was the legal cost to the Commonwealth of the Finn case?

Answer:

The Commonwealth incurred legal costs of \$87,099.14 for "*S*" v *Secretary, DIMIA & Commonwealth of Australia* and \$91,526.56 for "*M*" v *Secretary, DIMIA & Commonwealth of Australia*. These cases were heard together in South Australia by the Federal Court (Finn J).

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(108) Output 1.3: Enforcement of Immigration Law

Senator Chris Evans (L&C 111) asked:

In relation to Ms Alvarez, provide the dates of travel and whether or not she used an Australian or a Filipino passport.

Answer:

According to DIMIA records the following are details of Ms Alvarez' travel prior to her removal from Australia to the Philippines in July 2001 when she travelled on a document issued by the Philippines Consulate in Brisbane.

Date of travel	Details
7 July 1984	Vivian Alvarez YOUNG, arrived in Australia on a Philippines passport.
29 November 1986	Vivian Solon YOUNG, departed Australia on Australian passport
10 January 1987	Vivian Solon YOUNG arrived in Australia on Australian passport.
17 February 1990	Vivian Solon YOUNG departed Australia on Australian passport.
26 May 1990	Vivian Solon YOUNG arrived in Australia on Australian passport.
10 June 1992	Vivian SOLON departed Australia on Australian passport.
27 June 1992	Vivian SOLON arrived in Australia on Australian passport.
10 December 1992	Vivian SOLON departed Australia on an Australian passport.
21 January 1993	Vivian SOLON arrived in Australia on an Australian passport.
8 April 1993	Vivian SOLON departed Australia on Australian passport.
22 April 1993	Vivian Solon YOUNG arrived in Australia on Australian passport.
19 May 1993	Vivian Solon YOUNG departed Australia on Australian passport.
26 June 1993	Vivian Solon YOUNG arrived in Australia on Australian passport.
23 July 1993	Vivian Solon YOUNG departed Australia on Australian passport.
2 September 1993	Vivian Solon YOUNG arrived in Australia on Australian passport.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(109) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 111) asked:

Provide a copy of the request from the Queensland Missing Persons Bureau on 19 July 2001 for movement details of Vivian Solon, also known as Young.

Answer:

A copy of this document is attached.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(110) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 112) asked:

In relation to the request from the Queensland Missing Persons Bureau on 14 July 2003, what was the response from DIMIA in respect of that inquiry? Was that the total information that was provided? Was there a file note or another slip from the Queensland Missing Persons Bureau?

Answer:

Attached is a document from a DIMIA employee to the Queensland Missing Persons Bureau on 21 August 2003.

Information supplied to them on 9 September 2003 and a reply email from the Queensland Missing Persons Bureau to a DIMIA staff member on the same day is also attached.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(111) Output 1.3: Enforcement of Immigration Law

Senator Chris Evans (L&C 114) asked:

In relation to the response to the Queensland Missing Persons Bureau in August 2003, did anyone else receive that email other than the Queensland Missing Persons Bureau?

Answer:

According to DIMIA file records, the Queensland Missing Persons Bureau was the only listed recipient of this correspondence.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(112) Output 1.3: Enforcement of Immigration Law

Senator Chris Evans (L&C 117) asked:

In relation to the email that was sent to the Queensland Missing Persons Bureau on 9 September 2003, is there any suggestion that that email was copied to anybody?

Answer:

According to DIMIA file records, the Queensland Missing Persons Bureau was the only listed recipient of this correspondence.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(113) Output 1.3: Enforcement of Immigration Law

Senator Chris Evans (L&C 121) asked:

Provide a copy of these emails with the names of officers et cetera removed.

Answer:

Attached are copies of emails relating to the inquiry from Queensland Police Missing Person Bureau dated August – September 2003.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(114) Output 1.3: Enforcement of Immigration Law

Senator Chris Evans (L&C 122) asked:

How many officers have been offered counselling?

Answer:

All DIMIA employees have been offered the assistance of the Employee Assistance Program, which provides a counselling service and support service for staff and for their immediate family members.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(115) Output 1.3: Enforcement of Immigration Law

Senators Chris Evans and Ludwig (L&C 124) asked:

In relation to the letter from the Philippine Embassy in Canberra, when was the letter sent and to whom? When did DIMIA get a copy – was it ccd to DIMIA? Is DFAT seeking information from DIMIA so that they can respond to it?

Answer:

This letter, dated 18 May 2005, was addressed to the Director of Consular Operations, DFAT. DIMIA received a copy of this document from DFAT Canberra on or about 18 May 2005. DFAT was not seeking information from DIMIA in respect of this item of correspondence.

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ADDITIONAL ESTIMATES HEARING: 25 May 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(116) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 126) asked:

How was the request for information in September 2004 to DFAT actioned? What officer was involved in that?

Answer:

The request took the form of an email from DIMIA Brisbane to DFAT Brisbane seeking the availability of passport L9368783 and application documents especially in relation to photographic records and next of kin.

DIMIA is not in a position to name the officers involved or give details that would identify the person.

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BUDGET ESTIMATES HEARING: 25 May 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(117) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 126-127) asked:

“Was there any interoffice email traffic between the Brisbane office and the central office about this issue in that time between the beginning of 2003 and the end of 2004? In other words, were there inquiries made out of Brisbane to the central office by way of internal DIMIA traffic?”

It is just trying to tie off whether or not, if central office had been responding to the Queensland Missing Persons Bureau, there had been inquiries from the Brisbane unit to the central office and whether there had been replies back during that period - 2003 to 2004 – in respect to the whereabouts of Ms Solon and what information may have been provided to the Brisbane office.”

Answer:

Yes. According to DIMIA file records, in 2003 and 2004 enquiries from the Queensland Missing Persons Bureau were being handled by Central Office. There was interoffice email traffic between staff in Queensland and staff in Central Office about this issue on 21 August 2003.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(118) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 129) asked:

Did the dossier provided to the AFP contain the information about the Queensland Missing Persons Bureau searching for her?

Answer:

No.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(119) Output 1.3: Enforcement of Immigration Law

Senator Chris Evans (L&C 136) asked:

Do you know as a question of fact whether or not the AFP directly dealt with the Queensland Missing Persons Bureau on that issue in those days following the establishment of the inquiry?

Answer:

AFP advice is that they did deal directly with the Queensland Missing Persons Bureau at this time.

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BUDGET ESTIMATES HEARING: 26 May 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(120) Output 1.3: Enforcement of Immigration Law

Senator Faulkner (L&C 29 and 42) asked

So do we have any idea at this stage of, first of all, what the nature is and, secondly, what the dollar value is of the consultancies that Mr Palmer has engaged in order to assist him with his functions?

Answer:

Mr Palmer directly engaged only one consultant to assist in the Inquiry. The consultant, Dr David Chaplow, Director of Mental Health, Ministry of Health, New Zealand acted as consulting psychiatrist to the Inquiry. The value of this consultancy is \$16,709.00.

Mr Palmer sought the assistance of the Department in engaging Mr Comrie and Mr Mere. Mr Severino was engaged at the request of Mr Comrie.

Total expenditure for all consultants engaged to assist Mr Palmer at 30 June was \$409,524.45

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(121-123) Output 1.3: Enforcement of Immigration Law

Senator Faulkner (L&C 32-33) asked:

How many meetings has the Minister had with Mr Palmer?

How many meetings has the Minister had with Mr Palmer about the need for him to have the assistance of someone of the level and calibre of Mr Comrie?

In relation to each meeting that the Minister had with Mr Palmer provide an indication as to who initiated them and indicate the reason why.

Answer:

Senator Faulkner asked about my meetings with Mr Palmer and, in particular, as to whether as a consequence of these meetings, the inquiry could be said to be independent. I undertook to get back to Senator Faulkner to clarify these matters.

As I indicated to the Committee, I had a number of meetings with Mr Palmer or Mr Palmer and Mr Comrie.

Most if not all of those meetings focused on matters relating to resources and powers and latterly, in view of the additional cases and the changed nature of the inquiry, how the remainder of the inquiry should be handled following the presentation of Mr Palmer's report in late June.

At most if not all of the meetings Mr Palmer also shared his views as they were forming on the Department's culture and the environment in which it operates. At the conclusion of the meeting on 9 May 2005, Mr Palmer left with me some written material outlining his preliminary views on these matters. He advised that the same views were being provided to the DIMIA executive to allow them an opportunity to comment. I understand that this opportunity was offered to all people interviewed where critical findings are intended to be made in the report. I understand that other parties in the investigation will be given similar opportunities to comment on portions of the draft that directly affects them in this way. Mr Palmer did not seek a response from me on the material that he left with me and I have not given one. I may or may not do so in the future.

The sequence of meetings with me was as follows:

1. 9 February 2005: An initial meeting with Mr Palmer to discuss the task and the Terms of Reference. This was initiated by both parties.
2. 26 or 27 February 2005: Telephone conversations with Mr Palmer and Mr Comrie to discuss the need for an extension of time and additional resources (which led to the appointment of Mr Comrie). This was initiated by Mr Palmer.

3. 20 April 2005: A meeting with Mr Comrie and Mr Palmer initiated by Mr Palmer before I departed on an overseas visit.
4. 9 May 2005. A meeting with Mr Palmer and Mr Comrie agreed by all parties at the 20 April meeting.
5. 19 May 2005: A teleconference initiated by Mr Palmer prior to his media release of 20 May 2005.
6. 24 May 2005: A meeting I initiated to advise Mr Palmer of comments I intended to make in a Ministerial Statement.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(124) Output 1.3: Enforcement of Immigration Law

Senator Faulkner (L&C 35) asked: Mr Palmer is an officer of the Commonwealth in another agency in another department, isn't he?

Answer:

Mr Palmer was, at the time of commencing his Inquiry, a non-ongoing employee with the Department of Transport and Regional Services. Since the completion of the Inquiry on 14 July, Mr Palmer has been re-engaged by the Department of Transport and Regional Services.

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BUDGET ESTIMATES HEARING: 26 May 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(125) Output 1.3: Enforcement of Immigration Law

Senator Faulkner (L&C 39) asked:

In relation to the 200 cases that have been referred to the Palmer inquiry, are you able to say whether any of the 200 have taken or concluded legal action, or whether any of those cases might have sought or received compensation?

Answer:

As at 22 June 2005 approximately 25% of 203 cases referred to the Palmer Inquiry had lodged applications for review of a visa decision with one or more of the Federal Magistrates Court, the Federal Court, the Full Federal Court and the High Court.

Further to this:

- one person is currently seeking damages on behalf of himself and his child;
- one person commenced legal proceedings to claim damages but withdrew his claim after the decision to cancel his visa was set aside by the Federal Court; and
- one person was awarded \$24,000 for wrongful detention. This matter is now concluded and the person has since departed Australia.