

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27-28 May 2013

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE13/0080) PROGRAM – 4.3: Offshore Asylum Seeker Management

Senator Rhiannon (L&CA 18) asked:

Senator RHIANNON: Are there operational procedures in place to assist IMAs to access legal representation?

Mr Bowles: We have procedures around legal representation.

Senator RHIANNON: What are these procedures?

Mr Cahill: I will have to take that specific question on notice.

Answer:

Section 256 of the *Migration Act 1958* (the Act) provides specific provisions in relation to access to certain advice and facilities for people in immigration detention.

Section 256 of the Act states in part that, at the request of a person in immigration detention, the person responsible for their immigration detention shall afford the person in detention all reasonable facilities for obtaining legal advice or for taking legal proceedings in relation to his or her immigration detention.

People in immigration detention are able to access information on legal representation to facilitate their choice of service provider, for example, legal providers who advertise in the Yellow Pages.

All immigration detention facilities provide telephones for client use and clients also have access to computers with email and internet facilities through a scheduled booking system managed by Serco. Serco also facilitates client access to incoming telephone calls and fax services.

Lawyers who represent clients in immigration detention are generally given unrestricted access to their clients through personal visits or video conferencing during normal business hours where available and after hours in emergency cases, or by telephone at any time.