

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 30 October 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(185) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&CA 7-8) asked:

Can you split up the litigation figures depending on whether it is the RRT, the MRT, HREOC, the Federal Court or the High Court?

I am trying to find out whether you can specify which court the litigation work relates to – be it the Federal Court, the High Court or wherever else you might appear in a court. If there is work within the tribunals – the MRT and the RRT – if that information is available it would be helpful for us to understand the amount of representation by legal or paralegal professionals or by workload. That goes on the back of the question about costs that might be awarded against you. It also relates to compensation orders that might be made against you. Could you provide that detail as well.

Answer:

During 2005-06 according to our records the payment of applicants' costs are broken down by court as set out in the table below:

Family Court	1
Federal Court	71
Full Federal Court	86
Federal Magistrates Court	352
High Court	22
Total	532

There is often a significant lag between an award of costs against the Department and the applicant seeking payment. Further time may elapse whilst the final amount is agreed or determined by formal taxation by the Court. As a result the above table includes payments for debts incurred in previous years.

We are unable to provide information on matters before the MRT and RRT because the Department is not represented or makes legal representation before either the RRT and MRT.

We are not aware of any HREOC matters where costs have been paid during 2005-06.