

QUESTION TAKEN ON NOTICE

SENATE ESTIMATES HEARING: 17 OCTOBER 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE11/00067) Program : Internal Product

Senator Cash asked:

How many compensation cases has the Department been involved in? Has the Department been required to pay compensation to current or ex-detainees over the 2010 – 2011 financial year and the year to date either as a result of a court action or as a settlement out of court? Please provide details.

Answer:

As at 30 September 2011, the Department was involved in 43 cases seeking compensation before the courts (this figure includes matters relating to detainees).

For the 2010 – 2011 financial year, departmental records show that the Department received and became involved in 16 compensation cases before the courts. Departmental records show that for this financial year (to 30 September 2011) the Department received, and became involved in, 5 compensation cases before the courts. These figures include matters relating to detainees.

The Department, through its insurer Comcover, has paid compensation for alleged injury to immigration detainees or alleged wrongful detention over the 2010 – 2011 financial year and the financial year to 30 September 2011. All of these payments were in relation to people detained prior to August 2007.

Departmental records show that for the 2010 – 2011 financial year, \$3,794,492.50 in compensation was paid in 19 cases and for this financial year (to 30 September 2011) \$1,380,000.00 in compensation was paid in 4 cases. These figures are approximate only as some amounts are recorded as inclusive of costs and others are exclusive of costs. These figures include compensation paid in relation to formal cases before the courts and where individuals are paid compensation following assessment of complaints not filed in court.

At the Estimates Hearing Ms Hardy advised the Committee that for the 11-year period from 2000 to 2011, \$17,426,747 was paid in compensation in a total of 110 matters. The figure quoted should have been \$18.805 million. Compensation amounts are approximate only as some settlements are inclusive of costs and others are exclusive of costs.