Senate Legal and Constitutional Legislation Committee
Immigration and Multicultural Affairs Portfolio
Questions on notice from Additional Estimates Hearing 20 February 2001

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			Written questions on notice	
1	MCKiernan	IT Outsourcing	Project Specification: What negotiations took place prior to the requests for tender being developed? Did OASITO negotiate with your agency separately from, or in conjunction with, external service providers?	
2	McKiernan	IT Outsourcing	Project Specification: Did any consultations take place with OASITO to develop the project specification, as part of the development of the request for tender?	
3	McKiernan	IT Outsourcing	Project Specification: a) Was there an independent review of your agency prior to the request for tender being developed and released? b) Who conducted that review? c) Who paid for that review and what did it cost? d) What role did OASITO play in the review?	
4	McKiernan	IT Outsourcing	Project Specification: a) Was there much development of the project specification from the release of the request fro tender to the final version of the contract? b) Were there significant differences? c) Did those differences have and impact on the cost to your agency of outsourcing?	
5	McKiernan	IT	Project Specification:	

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		Outsourcing	Did your agency have input into the development of the project specification, the request for tender and the final contract?	
6	McKiernan	IT Outsourcing	Project Specification: What processes were put in place to ensure that OASITO understood your business and any particular requirements that you have?	
7	McKiernan	IT Outsourcing	Tender Evaluation: *[The Humphry report at p 95 says OASITO's responsibilities in the IT initiative included the following:* *i) to provide guidance and assistance to agencies as they participate in tender processes;* *ii) to manage the evaluation and negotiation process to ensure fairness and probity;* iii) *together with agencies ensure a fair financial evaluation (p96)]* a) Who was responsible for evaluating the tenders? b) What was the process for evaluating the tenders? Can you outline the steps in the evaluation process? c) Was your agency involved in each stage of the process? d) Were agencies excluded from any stage in the process? e) Was your agency involved in the industry development evaluation stage of the process? f) What role did OASITO play in the tender evaluation for your group? g) What role did your agency play in the tender evaluation process: - individually? - Or as a member of a cluster grouping? h) What was the extent of that role? i) At any time in any of the tender evaluation processes, did the cluster grouping make a recommendation for a particular tenderer which did not conform with OASITO's views? j) What was behind the difference of opinion – on what basis was there a difference of opinion? k) How was the difference of opinion resolved in each case – what was the outcome? l) Were there any interim reports or discussion papers issued by OASITO setting out the different points of view, the basis for the differences and proposed courses of action?	

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			m) Did OASITO award a contract during any process to an external service provider, which was not the service provider recommended by the agencies as a group? n) Did you develop or have any part in developing the tender evaluation reports? o) Can you make these available?	
8	McKiernan	IT Outsourcing	Contract Negotiations: a) What role did your agency play in contract negotiations? b) Did your agency have its own legal representation during the contract negotiation stages? c) What components were outsourced – what services does the ESP provide to your agency?	
9	McKiernan	IT Outsourcing	Contract Negotiations: Why was it deemed necessary to sell to the provider the hardware at the commencement of the contract and buy the hardware back from the provider at the end of the contract? i) Is this a normal arrangement? ii) Were both mainframe and desktop components included in the hardware transfer? iii) What is the life of your mainframe? iv) Why was the mainframe included in the transfer? v) What is the life of a desktop unit? vi) When did you last replace your desktop units? vii) When is the external service provider scheduled to replace your desktop units? viii) What provision is there in your contract for the adoption of new technology? ix) Are you concerned that your agency may not have the flexibility it once had to adopt new technology or to only do so at additional cost? x) What is your agency's potential liability for re-acquisition of assets at the end of the contract?	
10	McKiernan	IT Outsourcing	Clustering Approach: The Humphry Review report concluded that "grouping of agencies has served a useful purpose in enabling economies of scale and providing a coordinated approach to the market" [para 2.1, p. 11], but that is the Initiative that matured the original rationale for grouping appears to be less relevant:	

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			a) What is your view on that conclusion – was the clustering of agencies an appropriate approach to the implementation of the policy? b) What benefits did the approach deliver?	
11	McKiernan	IT Outsourcing	Agency Costs and Savings: a) What advice did you provide to DOFA/OASITO in relation to potential savings from outsourcing prior to actual outsourcing? b) Did your estimates of cost savings differ from OASITO's? – If so, what was the quantum of the difference and how were the different figures arrived at? c) Were OASITO's projections re cost savings accurate? If not, why not? d) What expenditure was incurred by you in preparation for outsourcing? e) Has outsourcing been cost effective for your agency? f) Was any liability for the re-acquisition of assets [guaranteed buy back] at the end of a contract factored into the savings estimates? The Humphry Review also stated that there is broad agreement that the initiative has delivered significant cost savings. However, the Audit report came to a different conclusion, arguing that savings estimates were unreliable and that significant elements of any savings calculation had been omitted. [ie. (1) the service potential of agency assets on hand at the end of the evaluation period and (2) the cost of guaranteeing ESP's asset values]: g) Do you agree that there is broad agreement that the Initiative has delivered significant cost savings?	
12	McKiernan	IT Outsourcing	Service Delivery Standards and Service Provision: What service delivery standards were agreed with OASITO by agencies prior to finalisation of contracts? What negotiations/discussions took place between OASITO and agencies? i) Were service delivery standards written into the contracts? ii) How are service delivery standards measured? iii) How are service delivery standards reported on? iv) Are service credits being imposed?	

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13	McKiernan	IT Outsourcing	Service Delivery Standards and Service Provision: Have the contractual arrangement been able to provide adequately for effective levels of service – have you experienced higher levels of service or lower levels of service since your IT requirements have been outsourced? If lower levels of service: What have been the major problems? What has this cost your agency? Are the costs of any downtime and poor service delivery factored into the savings figures? If higher levels of service: What are the improvements in the service delivery? What level of savings have been made?	
14	McKiernan	IT Outsourcing	Service Delivery Standards and Service Provision: a) Has your agency been required to request services which are outside those provided for under the contract? b) Please advise of any 'extra contract' services required and the costs of the provision of those services.	
15	McKiernan	IT Outsourcign	Service Delivery Standards and Service Provision: Have agency operations been constrained because it is unable to provide a service because it has not been specified under the contract? - Would this be because there are either no or limited funds available for extra contract service provision?	
16	McKiernan	IT Outsourcing	Service Delivery Standards and Service Provision: What outages did you experience during the contract period? What service credits have been imposed as a result of outages?	
17	McKiernan	IT Outsourcing	Service Delivery Standards and Service Provision: *Employment impacts*	

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			Has the ESP been able to ensure continuity of contracted staff servicing your agency? Is there any indication that the changes to the taxation system, which deems contractors/self employed persons to be employees and bound by PAYE requirements, to have impacted on the continuity of service by people employed by ESP's or by sole contractors?	
18	McKiernan	IT Outsourcing	Privacy Matters: a) Were privacy matters a significant issue for you? b) What consideration was given to privacy matters: i) in the request for tender? ii) in the contract? c) What were the cost implications of your privacy requirements? d) Were you confident that the ESP had a commitment to and could guarantee the appropriate privacy protections?	
19	McKiernan	IT Outsourcing	Intellectual Property Matters: a) Were intellectual property matters an issue for you? b) Was this significant? c) What consideration was given to IP matters: i) in the request for tender ii) in the contract? d) Is it possible to value the IP component of your IT requirements?	
20	McKiernan	IT Outsourcing	Audit Report: The Audit Report contained a Whole of Government response to the report – have you any comment on that response and did it accurately reflect your own agency's views on all the findings and recommendations? If not, where did your views differ from the whole of government response?	
21	McKiernan	IT Outsourcing	Humphry Review: a) What is your reaction to the findings of the Humphry review?	

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			b) Did your agency have input into the Humphry review? c) Was that input written or oral – did you meet with Mr Humphry? d) Were meeting notes or minutes taken or any documentation at all developed out of these meetings? e) Did the Secretariat discuss any meeting notes with you – distribute any meeting notes for your comments? f) Would it surprise you to know that there is no documentation standing behind the findings and recommendations of the Humphry review?	
22	McKiernan	IT Outsourcing	Will your agency continue to outsource at the conclusion of the present contract?	
23	McKiernan	IT Outsourcing	What implications will it have for your agency if your decide not to continue with the present contract provider? What are the financial implications? What are the hardware and software implications?	
24	McKiernan	IT Outsourcing	The initial contract for Cluster 3 was valued at around $160 million over 5 years by OASITO in its 1997-98 annual report [p. 9]: a) What proportion of that contract was your agency responsible for – how much was it going to cost you for your IT services? b) Is this sum still an accurate assessment of the value of the contract and estimated savings? c) Was there potential for savings only as a group or were savings to be found on an individual basis? d) Were savings made on a group basis? e) Did your own agency make savings? f) What payments have been made by you to date? g) What payments have been made by you to CSC Australia which are within the contract? h) What payments have been made by you for services not covered by the initial contract? i) What is your obligation at the conclusion of the contract to buy back hardware? j) What software exposure will you have – ie. What is the situation with software licensing and product development provided during the course of the contract?	
25	McKiernan		In relation to the incident that resulted in a worker being threatened, attacked and then taken to hospital and the	

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			union notifying the Department of the incident: a) What if any investigations have been undertaken by the Department? b) Have any Departmental staff interviewed the workers involved with the unfair dismissal? c) What if any protection do these workers have since being threatened by their employer? d) What recourse is available to these workers under Immigration law to seek their rights? e) If not, is there any recourse regarding Australian law; loss of income; assault; injury; are there any penalties compensation that this particular employer has to pay to these workers?	
26	McKiernan		a) What measures has the Department undertaken to do regarding this employer who is well known to the police regarding his underground connections? b) What protection do these workers have against the thuggery tactics of this employer? c) Has the Department interviewed the employer involved in this case?	
27	McKiernan		a) Has the Department liaised with the police regarding the reports by the workers? b) Has the Department contacted the union representative regarding the incidence of this case? c) If not, does the Department intend on contacting the union to consult on the issues of this case? d) Does the Department consider it useful to liaise with the union regarding this case?	
28	McKiernan		a) Will this employer be eligible to sponsor future workers? b) How will the Department ensure that this particular employer cannot continue to sponsor workers from off-shore under employer nomination? c) What penalty if any will the employer undergo by the Department? d) Has the Department had similar cases in the past? e) If so, how many cases have been known to the Department?	
29	McKiernan		a) What measures have been undertaken in the past? b) What sanctions are in place to counter this behaviour by bad employers who have known underground connections?	
30	McKiernan		a) Does the Department consult or liaise with the Union and industry representatives to ensure they are informed of the developments or trends in the various industries?	

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			b) If not, will the Department consider the issue in the future?	
31	McKiernan		a) How is the Department currently keeping informed as to what trends are happening in particular industries? b) Does the Department liaise with labour hire companies? c) If not, will it be considered in the future?	
32	McKiernan		Has the Department considered imposing sanctions and/or fines to know employers who clearly abuse the good intentions of the employee in this particular instance (in Sydney) where the workers were threatened by the employer who had underground connections that were know to the Police?	
33	McKiernan	Dept	ACM Staffing at Woomera: In December 2000, the Minister stated that the manager of the Woomera IDC was not being sacked but rather temporarily relocated to other duties following the allegations of abuse in the centre. Last week, advertisements appeared for the position of manager of the Woomera IDC. a) Has Mr Meakin been officially relieved of his duties and no longer in the employ of ACM? b) If so, why?	
34	McKiernan	Dept	Additional advertisements in the South Australian press recently appeared seeking a Health Services co-ordinator and a Support Services Manager. a) Are these positions new or have previous incumbents vacated them? b) If they are not new positions, why have the previous incumbents decided to leave and are they still in the employ of ACM?	
35	McKiernan	Dept. Output 2.3	Citizenship Drives a) Since the citizenship drive associated with the 50th Anniversary of Australian citizenship in 1999, has there been a further campaign to encourage permanent residents to value an apply for citizenship eg. As part of the Centenary of Federation celebrations? b) If any such campaigns have been administered, what was/is the Department's budget? c) If any such campaign has been administered has it provoked a positive response from the public in terms of increased uptake of citizenship?	
36	McKiernan	Dept. Output 2.3	Character checks on citizenship applicants Do the character checks against applicants for citizenship extend only to recorded convictions or does the check	

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			also encompass charges laid but not yet prosecuted?	
37	McKiernan	Dept. Output 2.3	What is the standard delay between the completion of character checks and the final decision to grant citizenship?	
38	McKiernan	Dept. Output 2.3	Does the Department employ measures to ensure decision-makers are aware of any events/activities involving the applicant which effect character, which occur between formal character check and the grant of citizenship?	
39	McKiernan	Dept. Output 2.3	On what grounds, other than character will a decision to refuse citizenship be made?	
40	McKiernan	Dept. Output 2.3	What is the average processing time for citizenship applications?	
41	McKiernan	Dept. Output 2.3	Are applicants advised of the average processing time upon lodgement?	
			Questions from the Hansard Transcript	
42	McKiernan	RRT	In relation to the boat and non-boat appeal rate: Can you separate out the boat and non-boat cases on the appeal rate to provide a percentage of each?	130
43	McKiernan	RRT	In relation to the different types of hearings, videoconferencing and face to face hearings: Can the tribunal put together some comparative research to see whether there are any different trends arising from the different methods of hearings?	131
44	Harradine	Dept Output 1.3	Can the Department provide figures for the overall cost, the cost per centre and the cost per detainee per year?	132
45	Harradine	Dept Output 1.3	Can the Committee be provided with the information and how ACM have gone and whether they have made a profit out of their contract with the Department?	132
46	Harradine	Dept Output 1.3	Can the Department provide details of an earlier exchange in which the analysis of the comparison between the cost to the taxpayer of the detention prior to privatisation as against after privatisation was discussed and, in addition, provide any comparative work that has been done?	133-134
47	Cooney	Dept 1.3	Can the Committee be provided with the evaluation documents relating to Wackenhut and its subsidiaries which resulted in ACM being awarded the contract?	135
48	Cooney	Dept	Provide details of the training given to ACM staff.	138
49	McKiernan	Dept	In relation to the incident where a complaint has been made by the police:	142-143

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			a) Is the ACM officer concerned suspended on salary or without salary? b) Please confirm he is he a locally engaged employee of ACM. c) Is ACM paying or contributing in any way to the officers legal costs?	
50	McKiernan	Dept	In regard to the earlier incident last year at Woomera, have any charges been laid?	143-144
51	McKiernan	Dept	Can the Department provide information on the charges, if any, coming out of the Port Hedland incident and also the incident at Curtin last month?	144
52	McKiernan	Dept	Does the Department have an indication of the amount of money that the incidents at Woomera, Port Hedland and Curtin have cost the taxpayers of Australia?	144
53	Schacht	Dept	On how many occasions has the regulation allowing the forcible medical treatment of hunger strikers been used?	149
54	Schacht	Dept	Can the Department provide the Committee with details of the report from ACM on the Woomera incident concerning the details of any request of what it meant to change to have their powers reviewed and whether that was a request for additional material or ability to handle to inmates of the detention centre?	153
55	Schacht	Dept	Can the Department provide information on how many times in the last two calender years some force, by definition, has had to be used to get people out of the detention centre and physically guided to a plane where the pilot may have taken a decision to handcuff them?	157
56	Schacht	Dept	What is the average length of time of a bridging visa?	159
57	Schacht	Dept	a) For the quarter that you catch each year that have overstayed, are most of those detections people who did not realise that their visa had a limit, or are you catching people who have been here for years as an overstayer? b) Have the three-quarters who are not caught really been here for a long time? Is it possible to give, of the approximately 50,000 illegal overstayers, the time? Is it 10 per cent that have been here illegally for five years and just disappeared into the community?	159
58	Schacht	Dept	a) After detecting overstayers, how many are actually defined as being risky: people who, if you gave them a bridging visa, would just disappear back into the community? b) At any one stage, how many people detained as overstayers are a risk until we get them out of the country?	160
59	Schacht	Dept	Of the 5,000 (UK overstayers), how many are “the backpacker who stayed an extra month and how many have just disappeared into the system for good”?	160

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60	McKiernan	Dept	Can the Committee be provided with details of individuals within the processing stream – the number that had been screened out, the number in primary processing, the number in review and those who had exhausted all processes and the number of those involved in litigation and others who were not involved in litigation?	162
61	McKiernan	Dept	Regarding people smugglers and the attempts by government to contain the problem of unlawful non-citizens arriving in Australia, them: a) Since the significant increases in penalties for people-smuggling, how many people have been prosecuted for their involvement in people trafficking activities? b) Can you provide the Committee with the number of convictions that have been secured, the penalties that go with those convictions and the nationalities of the persons who were convicted of people-smuggling or indeed what countries they have been operating in? c) If the persons were charged whilst in Australia, can you inform the Committee what form of publicly funded legal assistance they are receiving, if they are receiving any?	162
62	McKiernan	Dept	In relation to the Minister's exercise of non-humanitarian entry and stay: Can the Department provide some further detail of the number of times the discretion has been exercised and the areas where it has been exercised – for example, maybe the grant of a spouse visa to a person who wants to remain with their Australian national spouse or partner, or even in the case of a protection visa – and provide a breakdown of the nationality of the people to whom the individual visas have been issued by virtue of the exercise of the discretion for 1996-97, 1997-98 and 1998-99?	164
63	McKiernan	Dept	In relation to the risk factor list Can the Department provide the Committee with a copy of the Gazette notice with details of the age, sex etc.	168
64	McKiernan	Dept	On notice last time you provided the Committee with an update with some figures as to the number of visas issued with the various visa classes for businesses in Australia. If there has been any significant movement in those numbers, we would appreciate being bought up to date with that. If there are only minor variations on what has transpired since we last met or since you provided the information to us, we will be happy with the figures that we have.	174
64	Schacht	Dept	In relation to health care and associated costs: How many greater than $200,000 doe the Minister have to deal with within a year?	175
65	McKiernan	Dept	In relation to the employee nomination scheme:	177

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			a) Which industries or industry groups take most advantage of those visa classes? b) What is the breakdown into occupations that are beneficiaries of the visa grant, staying with the employer nomination category?	
66	Ludwig/McKiernan	Dept	In relation to streamlining visa processing arrangements: a) What savings have occurred as a consequence of that streamlining? b) Is there any direct expenditure by the Department in promoting it in whatever shape?	177
67	McKiernan	Dept	Does the Department keep a record of those employers who have breached sponsorship obligations?	178
68	McKiernan	Dept	In relation to employer sponsorship: a) How many times were site visits undertaken by the Department to follow through on those inquiries? b) Can the Department inform the Committee of whether or not any employers have been prosecuted for breach of their statutory or award obligations – that is, in the narrow area of the breach occurring in relation to persons who were on visas through the employer's sponsorship?	178
69	McKiernan	Dept	Assuming the Department has the power to refuse a sponsorship by employers who have been known to have breached sponsorship obligations: Can the Department inform the Committee of any occasions in the last couple of years when you have exercised that power?	178
70	McKiernan	Dept	How many complaints does the Department get of the nature [an employee who is mistreated by a sponsoring employer] we are just discussing? Do you receive any? If they come from a trade union, do you investigate them and, if so, what are the results of your investigations?	179
71	McKiernan	Dept	Could the Department describe the procedures that are in place for the Department to investigate these matters? Does the Department attend the employee's workplace to investigate conditions? What accountability would the employer have to the Department of Immigration and Multicultural Affairs in those circumstances? Would DIMA have a right of entry to examine the books or examine working conditions, for example on a building construction site?	179
72	McKernan	Dept	Would an employee working here in Australia under a sponsored visa have the normal protection that is provided by Australian law to any employee working in an employer-employee relationship, or are there restrictions upon those rights that the employee may have because of the sponsorship that they are under?	179
73	Ludwig	Dept	If a person is operating under an award, does your agreement identify the particular jurisdiction or the award? If there is a complaint which you investigate and find there is an underpayment or something of that nature, not	179

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			only might the employee then make a complaint to the relevant authority but would you assist the employee in that process as well because there might be some expense incurred?	
74	McKiernan	Dept	Is the Department in a position to supply the Committee with any details regarding the specific incident of four Korean tilers on a construction site in Sydney?	180
75	Schacht	Dept	Can I have a breakdown of the sports [Olympic overstayers]?	181
76	Schacht	Dept	Can the Department provide any information about the 30 other Olympic position holders, including which countries they came from.	181
77	McKiernan	Dept	How many under 16s have been released into the care of the states?	191
78	McKiernan	Dept	Is there a particular line in the Commonwealth Grants Commission grants for this section – that is, the unaccompanied humanitarian minors?	191
79	McKiernan	Dept	How many unaccompanied minors do we still have in detention? Could you provide the age and gender of those children and, the distinction of whether they have a near relative with them or they are in fact unaccompanied minors in the sense that they are alone and without relatives in the country? Could you also provide the length of time they have been in detention and the stage of processing of their protection visas? Could you also provide details of the number, if any, who have been screened out of the process and the number who have gone through all stages of the review process and been rejected?	192
80	McKiernan	Dept	Can the Department provide the Committee with the number of nationals that would be affected as a result of the negotiations with Vietnam.	192
81	McKiernan	Dept	Cant he Department provide the Committee with a breakdown of those nationals that are held in the prisons awaiting deportation or removal, as the case may be.	193
82	McKiernan	Dept	Do all the states send the Department bills?	193
83	McKiernan	Dept	Would many or most of the criminal deportees have families within Australia that are Australia citizens or lawful Australian residents?	193
84	McKiernan	Dept	With regard to the Minister's trip to the Middle East, there was at the time a booklet prepared for distribution during his visit. How many copies of the booklet were produced and how many were subsequently destroyed because they were not suitable?	193
85	McKiernan	Dept	Where was the Minister's announcement made about the consideration of the applications for up to 200 people from South Lebanon? Was it by way of media release?	195
86	McKiernan	Dept	Would the country information service that is available to the Department and to the refugee tribunal have details of the Khiam prison in south Lebanon?	196
87	McKiernan	Dept	What I am looking for on behalf of the Committee is some detailed costings on what occurred with safe havens. But what I would like to take into consideration in providing that costing is the ongoing costs. The ongoing	198

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			costs I mention are those people who are now returning to Australia who are granted protection, because there is a continuing and ongoing cost in bringing those people back here and resettling them in Australia. I am asking for the inclusion of that material on the basis that the individuals prior to leaving Australia, were encouraged to leave on the basis that they could apply to return to Australia. I do not think we can actually discount that and discount the cost of it. I would like to have a real analysis of the benefits of the safe haven program.	
88	Schacht	Dept	Can the Department provide a breakdown by nationality of the people who have taken out Australian citizenship.	200
89	Schacht	Dept	Has there been any sign that the number of British residents on the electoral roll is slowly declining?	200
90	Schacht	Dept	The 200,000 or thereabouts estimate is what percentage of the total number of British residents in Australia who have now taken out citizenship?	200
91	Schacht	Dept	Is there officially recorded a list of countries that have restrictions so that if you did take out Australian citizenship you would lose not only your citizenship back in the home country but access? You could not sell your property and take the money to Australia.	202
92	McKiernan	Dept	Can the Department provide the definition of ‘re-phasing’?	202