CHAPTER 2

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

Introduction

2.1 This Chapter summarises areas of interest and concern raised during the Committee's consideration of the Additional Estimates of the Immigration and Multicultural and Indigenous Affairs portfolio for the 2004-2005 financial year.

Department Of Immigration and Multicultural and Indigenous Affairs

2.2 The Committee raised a number of issues regarding the apprehension and detention of Ms Cornelia Rau as a suspected unlawful non-citizen. The Committee questioned officers extensively concerning the events that led to Ms Rau's detention. The Committee also canvassed Ms Rau's treatment in detention including: the physical and psychological care afforded to her; the number of times she was visited by DIMIA officials whilst in the Brisbane Women's Correctional Facility; and her involuntary hospitalisation under Queensland mental health legislation.[1]

2.3 DIMIA officials were also questioned at length about the Department's efforts to determine Ms Rau's identity. The Committee heard that Ms Rau had not given her correct name to officials which the Committee was advised made it more difficult for the Department to confirm her true identity in a timely manner.[2]

2.4 The Committee was advised that former AFP Commissioner, Mr Mick Palmer AO APM, would be conducting an inquiry into the events surrounding Ms Rau's detention and that this inquiry would extend to why Ms Rau had not been identified earlier.[3]

2.5 Minister Vanstone and officers from DIMIA stressed to the Committee on a number of occasions that the detention of Ms Rau was neither improper nor unlawful. Minister Vanstone informed the Committee that the *Migration Act 1958* (Cth) requires officials to detain any person whom they have reasonably suspect to be an unlawful non-citizen. This detention would only become unlawful if the person concerned was not released once it had been established that they were not an unlawful non-citizen.[4]

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1 *Proof Committee Hansard,* 15 February 2005, pp.30-62 & 74-111.

2 *Ibid,* pp.30-62 & 74-111.

3 *Ibid,* pp.96-97.

4 *Ibid,* p.87.

2.6 Officers from the Department were also questioned on the break-up of ATSIS, the way in which services would now be provided to indigenous persons and communities and the role of the newly formed Office of Indigenous Policy Coordination (OIPC).[5]

Migration Review Tribunal and Refugee Review Tribunal (MRT & RRT)

2.7 The Committee sought information on the reasons for the decline in the number of cases coming before the RRT. Reasons referred to by officers included a reduced backlog of cases, declining numbers of undocumented boat arrivals and a significant drop in the number of unmeritorious applications for review being lodged.[6]

2.8 MRT officers were questioned about case completion targets and why not all members had reached their agreed individual case target. The Committee heard that reasons for the shortfall included illness, the complexity of various cases, and varying levels of experience within the Tribunal's membership. Officers advised that, despite individual members failing to reach their agreed productivity targets, the MRT had achieved its best case completion rate of 10,022 decisions over the year.[7]

Migration Agents Registration Authority (MARA)

2.9 The Committee questioned officers about the slow down in the growth of newly registered migration agents over the 2003-04 year. Questions were also asked about the failure rate of applicants undertaking MARA recently introduced prescribed examination.

2.10 Officers informed the Committee that there had been a reduction in initial applicants of 30 per cent over the last eight months. The Committee heard that the failure rate for the prescribed examination was approximately 66 per cent. Officers indicated that a reason for this failure rate was that the exam was intended to test more than simply knowledge of the *Migration Act 1958 (Cth)*.[8] As is explained to course providers, the exam is intended to test a range of abilities and skills, including planning and organisational skills.

Senator Marise Payne

Chair

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5 *Proof Committee Hansard,* 18 February 2005, pp.3-9.

6 *Proof Committee Hansard,* 15 February 2005, pp.62-63.

7 *Ibid,* pp.70-71.

8 *Proof Committee Hansard,* 18 February 2005, pp.22-24.