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SENATE

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

ESTIMATES

(Budget Estimates)

THURSDAY, 28 MAY 2009

CANBERRA

BY AUTHORITY OF THE SENATE

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SENATE LEGAL AND CONSTITUTIONAL AFFAIRS

LEGISLATION COMMITTEE

Thursday, 28 May 2009

Members: Senator Crossin (*Chair*), Senator Barnett (*Deputy Chair*), Senators Feeney, Fisher, Ludlam and Marshall

Participating members: Senators Abetz, Adams, Back, Bernardi, Bilyk, Birmingham, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Eggleston, Farrell, Ferguson, Fielding, Fierravanti-Wells, Fifield, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Mason, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Stephens, Sterle, Troeth, Williams, Wortley and Xenophon

Senators in attendance: Senators Barnett, Bishop, Collins, Crossin, Feeney, Fierravanti-Wells, Fisher, Hanson-Young, Marshall, Pratt and Trood

Committee met at 9.01 am

IMMIGRATION AND CITIZENSHIP PORTFOLIO

Consideration resumed from 27 May 2009

In Attendance

Senator Chris Evans, Minister for Immigration and Citizenship

Senator Nick Sherry, Minister for Superannuation and Corporate Law

Department of Immigration and Citizenship

Executive

Mr Andrew Metcalfe, Secretary

Mr Bob Correll PSM, Deputy Secretary

Mr Peter Hughes PSM, Deputy Secretary

Ms Felicity Hand, Deputy Secretary

Internal Products: - Enabling divisions that provide services and support to the delivery of all programs

Ms Marilyn Prothero, First Assistant Secretary, Financial Strategy and Services Division

Ms Robyn Bicket, Chief Lawyer, Legal Division

Mr Nico Padovan, Acting First Assistant Secretary, Business Transformation Services Division

Mr Peter McKeon, First Assistant Secretary, Systems Division

Ms Kate Pope, First Assistant Secretary, People and Governance Division

Mr Craig Farrell, Assistant Secretary, People Services Branch

Mr James Fox, First Assistant Secretary, Client Services and Network Performance Division

Mr Sandi Logan, Manager, National Communications Branch

Ms Rebecca Irwin, First Assistant Secretary, Policy Innovation and Research Unit

Mr Simon Schiwy, Assistant Secretary, Ministerial and Executive Services Branch

Outcome 1 – Managed migration through visas granted for permanent settlement, work, study, tourism, working holidays or other specialised activities in Australia, regulation, research and migration policy advice and program design.

Program 1.1 – Visa and Migration

Mr Peter Vardos PSM, First Assistant Secretary, Migration and Visa Policy Division

Mr Kruno Kukoc, Principal Advisor, Migration Strategies Branch

Outcome 2 – Protection, resettlement and temporary safe haven for refugees and people in humanitarian need through partnering with international agencies; assessing humanitarian visa applications; and refugee and humanitarian policy advice and program design.

Program 2.1 – Refugee and Humanitarian Assistance

Ms Arja Keski-Nummi, First Assistant Secretary, Refugee, Humanitarian and International Division

Outcome 3 – Lawful entry of people to Australia through border management services involving bona fide traveller facilitation; identity management; document verification; intelligence analysis; partnerships with international and domestic agencies; and border policy advice and program design.

Program 3.1 - Border Management

Mr Todd Frew, First Assistant Secretary, Border Security Division

Mr Lance Thomas, Acting Assistant Secretary, Border Intelligence Branch

Mr Nhan Vo-Van, Assistant Secretary, Border Policy Branch

Outcome 4 – Lawful stay of visa holders and access to citizenship rights for eligible people through promotion of visa compliance responsibilities, status resolution, citizenship acquisition integrity, case management, removal and detention, and policy advice and program design.

Program 4.1 – Visa Compliance and Status Resolution

Ms Alison Larkins, First Assistant Secretary, Compliance and Case Resolution Division

Ms Lynne Gillam, Assistant Secretary, Compliance Resolution Branch

Mr Peter Richards, Assistant Secretary, Compliance and Integrity Support Branch

Mr Robert Illingworth, Assistant Secretary, Compliance and Integrity Policy Branch

Program 4.2 – Onshore Detention Network

Ms Jackie Wilson, First Assistant Secretary, Community and Detention Services Division

Ms Lucy Bitmead, Assistant Secretary, Unauthorised Boat Arrivals Branch

Ms Fiona Lynch-Magor, Assistant Secretary, Services Management Branch

Program 4.3 – Offshore Asylum Seeker Management

Ms Jackie Wilson, First Assistant Secretary, Community and Detention Services Division

Ms Lucy Bitmead, Assistant Secretary, Unauthorised Boat Arrivals Branch

Ms Fiona Lynch-Magor, Assistant Secretary, Services Management Branch

Program 4.4 – Illegal Foreign Fishers

Ms Jackie Wilson, First Assistant Secretary, Community and Detention Services Division

Outcome 5 – Equitable economic and social participation of migrants and refugees, supported where necessary, through settlement services, including English language training; refugee services; case coordination; interpreting and translation services; and settlement policy advice and program design. Program 5.1 – AMEP and Settlement Services for Migrants and Refugees

Mr Daniel Boyer, Acting First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Mr Peter Templeton, Assistant Secretary, Settlement Branch

Mr Vincent Giuca, Assistant Secretary, Refugee Support Branch

Outcome 6 – A cohesive, multicultural Australian society through promotion of cultural diversity and a unifying citizenship, decisions on citizenship status, and multicultural and citizenship policy advice and program design.

Program 6.1 – Multicultural and Citizenship Services

Mr Daniel Boyer, Acting First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Ms Renelle Forster, Assistant Secretary, Citizenship Branch

Mr Stewart Foster, Acting Assistant Secretary, Multicultural Affairs Branch

Migration Review Tribunal and Refugee Review Tribunal

Mr Denis O'Brien, Principal Member, Migration Review Tribunal and Refugee Review Tribunal

Mrs Mary Urquhart, Deputy Principal Member, Refugee Review Tribunal

Mr John Lynch, Registrar, Migration Review Tribunal and Refugee Review Tribunal

Mr Rhys Jones, Deputy Registrar, Migration Review Tribunal and Refugee Review Tribunal

Migration Agents Registration Authority

Mr Brian Jones, President, MIA

Ms Maurene Horder, Chief Executive Officer

CHAIR (Senator Crossin)—I declare open this public hearing of the Legal and Constitutional Affairs Legislation Committee. The committee will now continue examination of the Immigration and Citizenship Portfolio. I remind you that under standing order 26 the committee must take all evidence in public session. This includes answers to questions on notice. Officers and senators are familiar with the rules of the Senate governing estimates hearings. I want to particularly draw the attention of witnesses to an order of the Senate that was passed on 13 May 2009 specifying the process by which a claim of public interest immunity should be raised—I ask people to have a close look at that—which I have incorporated in *Hansard* this week a number of times. I understand we are starting this morning with outcome 3.

Mr Metcalfe—Chair, I have two areas of my evidence yesterday in which to provide clarification or to make a small change. I am happy to do that now or at your convenience.

CHAIR—Now would be a good time.

Mr Metcalfe—Yesterday in the discussion in answering questions from Senator Fierravanti-Wells I mentioned that in our region only Australia, Papua New Guinea and New

Zealand are signatories to the refugee convention. I should correct that and indicate that East Timor and Cambodia are also signatories to the convention.

In conversation in answering questions from Senator Fierravanti-Wells about the well-known section 6(A)(1)(e) of the Migration Act as it existed in the early eighties—I have a copy of that section in front of me—I was relying a bit too much on my memory. I tried to describe the various grounds for change of status. Just to make it clear: subparagraph (a) related to persons who had been granted territorial asylum; subparagraph (b) related to the spouse, children or aged parents of an Australian citizen or permanent resident; subparagraph (c) related to a person who had been determined to be a refugee; subparagraph (d) related to persons who were basically authorised to work in Australia; and subparagraph (e) related to the matter we were discussing which is where there were strong compassionate or humanitarian grounds. Chair, I have a copy of that and I will table that so we have it.

CHAIR—Senator Fierravanti-Wells, before we go to you this morning, I have a question to ask about 410 retirement visas. That is actually outcome 1, is it not? We have moved past that I suspect.

Mr Metcalfe—Yes, it is.

Senator Chris Evans—It will only take us two minutes I am sure, if you want to do it now.

Senator FIERRAVANTI-WELLS—Senator Crossin, it has been all different. I did not want to go there. I have one question in outcome 2.

Senator Chris Evans—You have been very generous, so I feel like being generous in return. Fire away.

CHAIR—I want to follow up on a question that Senator Kirk asked last year. The British ex-pat retirees have asked me to provide an update. Last year in estimates, as recorded in the *Hansard*, Minister, you made it clear that you would be looking at the procedures for permanent residency for these people in the context of the budget. I was hoping that you might be able to provide us with an update on the issue.

Senator Chris Evans—There is a budget measure which is beneficial to 410 visa holders in two respects. It provides for an extension for their period of visa from four years to 10 years and it provides for them to be able to access work rights in excess of 20 hours. Mr Hughes or someone can give you more detail if you want. But, effectively, the government took a decision to respond to their concerns that they had made their lives here and were looking to live permanently. There was insecurity, particularly among older people: the four-year visa had them in fear of having to go home. Cases were raised with me whereby, say, an elderly woman in her 80s might have lost her husband and was then fearful that she might have to return home when, short of criminal activity, there is almost an automatic rollover right. So we provided an extension to 10 years to try to provide some reassurance to those people—that they were welcome to stay in Australia, obviously subject to character issues.

We also met the concern they had about being able to do more than 20 hours other paid work or volunteer work. A number of them do more than 20 hours of volunteer work and technically were in breach of their visa. Clearly if they are going to put in 40 hours a week to

help the Red Cross we do not want to be stopping them or have them feeling that they are somehow doing something illegal. So we removed that restriction as well. But I made it clear to them that, while I am sympathetic to their case, the government would consider pathways to permanency in light of budgetary considerations, and the cabinet in the budget this year did not look to make any changes in relation to providing a pathway to permanent residency. But we did try to provide that reassurance in those two measures.

We also increased the number of parent visas available, and a number of 410 visa holders are able to qualify to access parent visas—not all of them but a selection of them. We have some evidence that some of them are taking that pathway to permanent residency. I have met with the retirees association on a number of occasions. I think it is fair to say that I have been well briefed by them. I have also arranged to have a meeting between them and Treasury. I said I would lock them in a room and see who came out on top in terms of the argument about the costs of them moving to permanent residency. I will engineer that and ask the department to referee the fight.

Mr Metcalfe—With great pleasure, Minister.

CHAIR—Do you have an idea how many people are on a 410 visa?

Senator Chris Evans—Mr Hughes, I am sure, will be able to help you.

Mr Hughes—I think it is about 8,000 people. If the figure turns out to be any different from that, I will correct it later.

CHAIR—Is there a continuing path to permanency?

Senator Chris Evans—No. They are on temporary retirement visas. If they do not qualify for another visa in Australia, which many of them do not, effectively if they want to stay they continue to be temporary. Many of them want permanent residency. They have made their homes here. They have made their lives here. It is about trying to find a pathway for them. As I say, effectively from my point of view, the barrier at the moment is the cost because people then access Centrelink and health care. Many of them are quite well-to-do. They are established in private health insurance. There is a range of issues. I think they would say that we have made a bit of progress and we are certainly engaged with them on the issues.

CHAIR—Thank you, Minister, and thanks, Mr Hughes. Senator Barnett, we will move to outcome 3.

[9.10 am]

Senator BARNETT—I will address this to the minister to start with. We had a couple of interactions yesterday, Minister, and there may or may not be a misunderstanding of the matter before us. I would like you to reconsider the matter we discussed yesterday regarding the MRT appointments. I was advised by the officers before us that they were looking to recruit 39 members—they were concluding at the end of June—out of the 90. They had advertised and they had received 517 applications and they had gone to a four-person panel. They then made a short list of 89. They were to consider them and then put a further short list to the minister. I asked how many were on that second short list which was to be sent to the minister.

At that time you interjected and indicated that you would refuse to provide that answer. That is my understanding of the conversation we had yesterday. So I am again asking you to take on notice whether you would like to provide an answer rather than refuse to answer. I draw your attention to answers by the Attorney-General's Department where it has not been uncommon for them to answer equivalent and similar questions regarding the appointment of judges. I am wondering why we are taking a different approach here. Secondly, I do not agree with your observation that it is a cabinet deliberation. This is a matter which obviously will need to be deliberated in cabinet. However, this is a question to the officer in terms of the short list provided to the minister and the number of people on that short list. I have taken advice from various people within the Senate, including advice from the secretary of this committee.

Senator Chris Evans—Let me just be clear to you. What the department has provided me with is a submission which is to be taken to cabinet. It will be a cabinet document. Will I be releasing it to you? No. Will I be discussing its contents? No. I have been very clear about this. You may not like the answer and you may get advice that says I should. This will be a cabinet document and a cabinet decision. You raise the public interest criteria defence and the Senate's motion in relation to that. I am not claiming the public interest defence. I am making it clear to you that it is a cabinet document. Neither I nor any other ministers, I suggest, will be releasing or discussing the contents of advice to the cabinet.

There is not actually any issue here. I think you will find that, for the first time for a very long time, this process has been done on the basis of merit, without political interference, by an independent board. I am happy to defend the process and the decisions with you when they are made, but this is a document that has been provided as advice to cabinet for decision and appointment by cabinet. I will not have officers discussing the content of that—not the numbers, who is recommended, what states they are from. It is a submission to cabinet. I do not, quite frankly, care what the Attorney-General's Department does. I will not, and my officers will not, be discussing submissions to cabinet at estimates. Under the previous government they would not have, either.

Senator BARNETT—Minister, I fully understand that you will not be revealing deliberations of cabinet. That is fully accepted and acknowledged. However, I have asked you for a number and you have refused to provide that number.

Senator Chris Evans—But it goes to the detail of the submission.

Senator BARNETT—I have asked you for that number and you are refusing to provide that number. I am not asking you for deliberations of cabinet. I have asked you for the number of people on the short list which has been provided by the department to your office.

Senator Chris Evans—Which is contained in a document which is to go to cabinet.

Senator BARNETT—We will take it further, Minister. I appreciate your feedback. You have provided that. I have asked you to take it on notice. You have simply refused.

Senator Chris Evans—Yes.

Senator BARNETT—That is the end of it here. We will pursue it in other venues.

Senator Chris Evans—Senator, I could take it on notice and you would get an answer in a month saying no. I am trying to be upfront with you. The answer is no and will stay no. By the time you would have got an answer on notice we would have publicly announced the results of the selection process and you would be in a much better place. The appointment is to start on 1 July.

Senator BARNETT—Sure, and that is why it is a principle we need to have clarified and that is why I am raising it, so that we know exactly where we stand.

Senator Chris Evans—Just to be clear, I am not claiming public interest criteria and defence; I am telling you that it is a cabinet document.

Senator BARNETT—We will move on to the movement alert list. We were discussing that last night, Mr Metcalfe, and thank you for your introductory comments. We have an Auditor-General's report. It has made some very concerning and significant observations regarding the use of the alert list. The concern I have is whether there is a system error in the use of the movement alert list. We need to drill down. There was acceptance last night that it is not exact, that perhaps you are stopping too many people from getting through. But on the other hand, the big concern that I have and I think many others have is: how many aren't you stopping who are getting through? Whether these people are criminals, terrorists or other people who put the security of our nation at risk, this is a major concern. Do we have a system error? If we do not, let us see if you can prove that. Mr Correll, do you want to make any opening statements to follow up the questions I had last night and then we can drill down to some of the detail?

Mr Correll—Yes, I do. I think we need to set some context here for the ANAO report. In 2004 the Wheen report at the time, which was a fairly definitive report looking at the issue of MAL, raised the need for significant improvements, particularly in areas like name-checking software and the quality and nature of the checking processes involved. That is where the whole development of the CMAL solution for that came into development. In early 2007—and this is referenced in a couple of spots in the ANAO report—there was a joint DIAC-ASIO review of security-checking arrangements. That reiterated that CMAL was the way to go and that it was critical to complete implementation of CMAL to address the effectiveness of the watch list arrangements. It also highlighted weaknesses in data communications between the department and ASIO. That, in turn, spawned another activity which was called the Security Referral Service, or SRS for short.

Senator BARNETT—When was that?

Mr Correll—That was initiated later in 2007, around mid-2007. CMAL and SRS have now both been successfully implemented. They have established a completely new and better business model. They have substantially improved the effectiveness of name matching, which is now far more sophisticated than it was under the original MAL system. Australia's border security has been enhanced significantly by those developments. The ANAO report raises a few things. It raises questions of data quality. But MAL is not a client database; it is a listing of names, aliases and documents of concern. Often the records are not complete. As the secretary indicated last night, the ANAO report acknowledges that point—that many records do in fact have to be incomplete by their nature.

Senator BARNETT—In fact, Mr Correll, the ANAO report actually says that there is no substantial edit checking at data entry to ensure the quality of the information that is entered and DIAC needs to resolve who is responsible for the integrity of its MAL data. How do you respond to those concerns?

Mr Correll—I would respond to that by saying that under CMAL and its implementation the quality of remote data entry has substantially been improved and strengthened. The notion that there are not data quality controls and data updates applied is not a valid notion to draw from that comment. This financial year to date there have been 50,000 deletions from the watch list.

Senator BARNETT—Fifty thousand deletions from the watch list, which is some 700,000; is that right?

Mr Correll—Yes. There have been 140,965 creations and 125,816 record updates up until the end of April. That is not a database that is being ignored and left.

Senator BARNETT—No. Out of how many?

Mr Correll—As at end of April, 697,716 records. Does this mean that the nation's border security has in any way been put at risk? Absolutely not. You can invest many millions of dollars in focusing on data quality. The question is: what is the risk exposure in this area? This is not an underpinning client database for the organisation.

Senator BARNETT—I know other senators have questions so I will try to get to the nub of it. Who is responsible for the data? Who owns the data and who is the 'alert reason' owner?

Mr Correll—The overall system and data is managed within our border security division. The data is input from a range of different sources. Most of the data that goes into the MAL system comes from national security sources.

Senator BARNETT—Let us go through it. Who is responsible, though, for the data on the list? Are you taking responsibility for it?

Mr Correll—Yes, I would take—

Senator BARNETT—Can the department take responsibility and are you taking responsibility?

Mr Correll—Yes, ultimately the department, of course, would take responsibility for the quality of data within the system.

Senator BARNETT—Right. So we have that answer. Where do you get the data from? Can you advise the committee?

Mr Correll—Multiple sources.

Senator BARNETT—Can you advise specifically?

Mr Correll—Specifically, staff within the department, direct entry from security agencies like ASIO.

Senator BARNETT—Can you list the security agencies?

Mr Correll—It is effectively ASIO that is the key security agency for entry of data on the watch list.

Senator BARNETT—Are there any other security agencies?

Mr Correll—No, it is purely ASIO.

Senator BARNETT—Where would they access their information from? You may not know. You can say you do not know.

Mr Correll—I do not know.

Senator BARNETT—So you get it from ASIO and then you are responsible for the data and, as a result of that, for example, in the last financial year you have done 50,000 deletions, 140,000-odd creations and 125,000 amendments. Is that based on information received from ASIO?

Mr Correll—It can be based on that information. Normally, if ASIO has raised a security record listing to go in, then we would rely on information coming through from ASIO to make the amendment, or deletion, or creation of further records.

Senator BARNETT—So you rely on your key source for the information?

Mr Correll—Sure.

Senator BARNETT—But you would also be relying on your own effort and your own sources, I assume, within the department so there is not an overlap—a duplication—and you can ensure the integrity of the data.

Mr Correll—Yes, and there is an ongoing process within the department, within the border security division, to monitor the overall quality of the data.

Senator BARNETT—Who is responsible within the department? Have you got a division that is responsible for this?

Mr Correll—It comes through to me. It is within the border security division's area of responsibility.

Senator BARNETT—You must have people all around Australia, I assume, inputting the data, doing the amendments; is that right? Or do you do it all in an office in Canberra? How does it work?

Mr Correll—With the introduction of CMAL, the business model was changed so that it all comes through a central point, which is our CMAL operations area, and that has been part of the process, as I mentioned earlier, of the improved rigour established through the introduction of CMAL. The centralisation of that processing has been a key part of improving that rigour.

Senator BARNETT—But one of the issues that the Auditor-General raises is that there are people in different parts of Australia inputting the data and being responsible for the data. They say:

... much depends on the soundness of the original data entry by any of several thousand staff.

Then they say there is:

... no substantial edit-checking at data entry to ensure the quality of the information that is entered.

That does not occur?

Mr Correll—Yes.

Senator BARNETT—That is a serious observation.

Mr Correll—Yes, it is. Under CMAL, the CMAL team within the border security division is the absolute gatekeeper for any of that data coming through. So they control the quality of the data going into the system and act as that gatekeeper for its entry. That has been a key feature of the introduction of the CMAL system. If the auditors were looking at the pre-CMAL position, that is when there were very much more remote and decentralised data entry without the same level of controls.

Senator BARNETT—The Auditor-General's report you have obviously looked at very carefully and responded to it. They say:

DIAC is well aware of the deficiencies in its own MAL data.

What deficiencies are they referring to?

Mr Correll—We would recognise that you do not have in many cases complete fields with data records, but we would also, I think, say very strongly that—

Senator BARNETT—What complete fields? Be specific.

Mr Correll—In some cases, name records may be quite limited. They may well have come through to us from ASIO based on a limited amount of knowledge that ASIO might have about that particular name record. In that case, I am sure the national security view and our view would be we are better having a record, even if it is incomplete, there on that watch list than to not have the record listed at all. By not recording it, that is opening up a risk exposure.

Senator BARNETT—Yes, I can understand that we are building from what you might consider a lower base and you are trying to improve the system. The concern that I have, and I am sure others have, is how secure is this system? How secure are our borders from criminals, terrorists and others who perhaps are of concern to the security of the nation? So that is where we are coming from. That is why I am trying to get more specific in terms of the inadequacies with the system, and be specific in your answer to that question.

Mr Metcalfe—I absolutely agree with the sentiment you are sharing. The whole basis for MAL is that it is there to provide for the security of Australia, both in relation to national security issues as well as immigration compliance and related law enforcement issues. As I said last night, therefore, by its very nature, it is intended to be a wide net. We accept that at times the data that we are provided or that we have is incomplete, but it is better, as the Audit Office has said, to have incomplete data, or scarce data, than no data. Say we said, 'We will only accept entries on this database if we have the complete name, correct spelling, full date of birth and nationality.' Then it is very possible that a person who is of concern, who was not a precise match, is not identified and is therefore able to leave Australia.

Senator BARNETT—Yes, I am across that. I appreciate that.

Mr Metcalfe—It is for that reason that we err on the side of more rather than less. We absolutely accept that the data we have we should try to improve and to increase the chances. The system does not rely upon an exact match. For example, were it Andrew Metcalfe, born 1959, with a typographical error in Metcalfe—which sadly happens; a lot of people leave the 'e' off—then MAL would pick it up, because the name matching algorithms that apply do not

rely on a precise match. They will pick up a spread of names that may be a possible match as an alert system. Hence, while I can understand fully the auditor's recommendations that we should improve data quality and, as Mr Correll has indicated, roughly one-third, from my calculation, of the 700,000 or so records were changed or altered in some way in the last period.

Senator BARNETT—In the last financial year?

Mr Metcalfe—I think he mentioned about 50,000-plus being deleted, 100,000-plus being amended out of the total of about 700,000. So there is a very substantial data maintenance process underway.

Senator BARNETT—There were about 50,000 deletions, 140,900 creations and 125,000 amendments.

Mr Metcalfe—That is right. So my point is that clearly an active process is underway. But ultimately, as the secretary of the department responsible for maintaining the system, my very clear mission is to ensure the system will identify the person of concern, even if we do not have their precise details. If I am forced to make a judgement between precise data quality as opposed to having someone on there where it may provide a match and therefore the opportunity to make an informed decision as opposed to simply having someone pass through the system, I know where I will come out every time. I will come out on the side of national security.

Senator BARNETT—Of course, Mr Metcalfe, and we did have that overview last night. I appreciate your concern. But, Mr Correll, you were talking about the deficiencies and you talked about the name records. Now can we go on? Can you be more specific?

Mr Correll—I think the area that the ANAO report has specifically focused on is the fact that, with the remote entry of name data from the centre, there had been a need for stronger quality control over that remote entry. But the key point is that—and it commenced from—

Senator BARNETT—Remote entry as in within your department?

Mr Correll—Or, for that matter, it—

Senator BARNETT—Or from ASIO?

Mr Correll—From ASIO as well—any form outside the MAL operations area data was coming into the system. But from March this year the new remote input function has been fully implemented which assures that level of centralised quality control through our entry operations centre. We believe that that has very much addressed the question of the remote entry of data and quality control over that, consistent with the recommendations that came originally from the Wheen review and reinforced in early 2007 by the joint ASIO-DIAC review.

Senator BARNETT—Mr Correll, thank you. How often do you get an update from ASIO? Is it weekly, monthly, daily, hourly?

Mr Frew—The precise detail of data transfers of that nature I think would probably best not be discussed in this arena and I would offer a private briefing perhaps with other colleagues.

Senator BARNETT—No, I appreciate that. Thanks for that, Mr Frew. What other specific deficiencies was the Auditor-General referring to when he made that statement about the deficiencies in the system? We have got the name records. Is that the major concern deficiency? What are the other deficiencies? In terms of remote entry of name data, is that the second key deficiency? What are the main deficiencies he was referring to?

Mr Frew—If I may briefly echo the comments of my senior colleagues about whether it is better to have a record of any kind than no record at all, but I would then go on to say—

Senator BARNETT—I have got that message. We have all got that message. We have heard it last night; we have heard it this morning. I am trying to ask specific questions to get specific answers. What are the deficiencies that the Auditor-General is referring to when he says that there are deficiencies in the system?

Mr Correll—The Auditor-General has referred to a period of outage of the MAL system in its connection into what is called the Customs PACE System and referred to that as a point of concern in the report. I would absolutely say in response to that that, yes, I would not have liked that outage to be there and I would have liked us to have spotted that faster.

Senator BARNETT—How long was the outage for?

Mr Correll—It occurred for several months.

Senator BARNETT—Several months?

Mr Correll—Yes. But can I say—

Senator BARNETT—What—off and on over several months?

Mr Correll—No, it occurred for several months where there was a particular outage within the PACE System. But the point I would make is that MAL operates at multiple points in Australia's border control systems—at the initial visa point, at the advanced passenger processing point, at the border point, at all stages through. So each individual who may be attempting to come into Australia is passing through a series of MAL checks. The fact that one of those points was experiencing an outage for a period of time—

Senator BARNETT—Which point?

Mr Correll—That was at the Customs point.

Senator BARNETT—And what period of time? From when till when?

Mr Correll—It is referred to in the report, but it was for several months. Also referred to in the report was the fact that that did not in any way have any negative impact on any checking or referral from a national security point of view. It did not have any impact because a loss of one component for that period of time represented a minimal risk exposure during that period of time.

Senator BARNETT—What period of time, Mr Correll?

Mr Correll—I would need to check the precise amount within the body of the report.

Senator BARNETT—All right. So there was a system failure at least to that degree where you have an outage where it did not work; the system was malfunctioning vis-a-vis the Customs entry level?

Mr Correll—Yes, recognising that that is just one of multiple levels in the control system.

Senator BARNETT—Yes. How could it have occurred for several months? I am puzzled. Was there no system alert which says, ‘There’s an outage here. It needs to be fixed’?

Mr Correll—No, it is more a case that this is—

Senator BARNETT—Why are you unaware?

Mr Correll—It is information that goes into largely, if you like, a black box component within other agency systems. For there to be a problem or issue identified, it needs to be spotted. In this particular case, because that particular point in the process was outside the department, it was less easy and less observable to spot. When it was spotted, it was picked up very quickly.

Senator BARNETT—All right, but it must have taken a good long time—several months—to spot.

Mr Correll—It did.

Senator BARNETT—That must be concerning and that is why you have addressed that deficiency.

Mr Correll—Indeed. The third point made in the report related to the use of names of deceased persons on the watch list and raises that as a potential concern. It needs to be remembered, though, that the very nature of MAL and now CMAL is that it is a watch list of names and aliases of concern. The fact that a name of a deceased person is on that watch list does not in any way present a risk exposure to the overall national security. Indeed—

Senator BARNETT—I understand that, Mr Correll, and I appreciate that. How many deceased names were identified? You can take it on notice.

Mr Correll—A small number. We would need to take that on notice.

Senator BARNETT—You can take that on notice. I appreciate that you have used additional or overlapping border protection measures, but that is one element of it. How many people got in who should not have got in? How many people got through the system, whether they be criminals, terrorists—unwanted people who should not have got in? Have you made an assessment of that?

Mr Correll—The answer we believe is none, but I will ask—

Senator BARNETT—But you cannot be very confident of that if the system is deficient.

Mr Frew—In the events that Mr Correll has described, we did a post event reconciliation. Noting that these folk had been checked on MAL, there was a component point at which the check did not occur. So it is more one of timing validity than whether or not a check occurred. But we did a post event reconciliation and there was no-one who passed through who should not have.

Senator BARNETT—And what evidence have you got to support that?

Mr Frew—We went through the names of every individual who arrived during the period and retrofitted a check, if you will, again noting that they had also been checked against

another component of MAL at visa load. So in the post event reconciliation, we satisfied ourselves that no-one passed in who should not have.

Senator BARNETT—But nevertheless, you have undertaken 125,000 amendments in the last 10 months.

Mr Frew—Indeed.

Senator BARNETT—So that would suggest that those names were not accurate and they obviously may not have done their job. That is the concern that we would have.

Mr Frew—I guess arguably, Senator, doing a post-event reconciliation means that you are running the names against the most current data—indeed, even more current than it was perhaps when they arrived, because of the updates and validations et cetera.

Senator BARNETT—I do not have time now to pursue it further, unfortunately, but it is a very important area that we need to keep under consideration. I wonder if you could take on notice the number of deletions, creations and amendments for the last three years and advise the committee of those.

Mr Frew—Yes.

Senator BARNETT—Thank you.

Mr Metcalfe—Can I just echo an offer made by Mr Frew before. This is a critical area of our operations and, as I said last night, we welcome the auditor's scrutiny and report because we are committed to ensuring it works as well as it possibly can. Any very complex system like this will always need care, attention and improvement, but I think that, on an international level we can be very proud of what we have. If you, or indeed other members of the committee, would like to come over to the department and actually see the system and the people and get some more detailed briefings on some issues that we probably would not want to discuss in public, we would be very happy to arrange that.

Senator BARNETT—Sure. I have a final question on notice to do with No. 19 of the report, where it says:

DIAC's policy on the inclusion of Australians on MAL is not currently coherent or complete. It has not fully clarified its reasons for wanting to list Australians on MAL ...

Do you have a short answer now? Otherwise I am happy for you to take that on notice.

Mr Frew—It is a very small number of Australians and a declining percentage as the size of the database goes.

Senator BARNETT—How many are on the list?

Mr Frew—I could take that particular number on notice.

Senator BARNETT—Why are they on the list?

Mr Frew—There are certain reasons to list Australians. One is in fact that Australian passport numbers are listed on the Document Alert List if there is a view or a concern that that particular document may be used improperly, most specifically in the area of people-smuggling. Australian passports are only placed on the DAL with a level of senior clearance. In fact, I personally have to authorise such an addition to the Document Alert List. In respect

of the Person Alert List, there are a number of names of Australian citizens where there is a suspicion that they are involved in people-smuggling. There are some others who go closer to the national security issue. It is also notable that people quite often have more than one passport, nationality or identity.

Senator BARNETT—Are we talking dozens of names or hundreds of names?

Mr Frew—Hundreds, but I will come back with a specific number.

Mr Correll—As at February this year, out of the total database we know of with nearly 700,000 records, the number of Australian nationals listed was 0.08 per cent of the database.

Senator BARNETT—Do you have a figure for that?

Mr Correll—What is 0.08 per cent of 700,000? I think it works out at either 56 or 560.

Mr Metcalfe—I reckon 56.

Senator BARNETT—We will have to pull out our calculators. So these people are identified as possible or probable people-smugglers. Is that right?

Mr Frew—In an alert list, it is fair to say that people are put on when there is a concern or when they are of interest.

Senator BARNETT—And that information has obviously come from ASIO or your own sources?

Mr Frew—Correct.

Mr Metcalfe—Or the Federal Police.

Senator BARNETT—Earlier we heard from Mr Correll that the information comes directly from ASIO and not from the Australian Federal Police.

Mr Metcalfe—No, I think you were talking about the intelligence community and he referred to ASIO.

Senator BARNETT—Yes, he did.

Mr Metcalfe—But we should have made it clear, if we have not, that organisations like the Federal Police would also provide input to us as well.

Senator BARNETT—Well, I did ask for a list and Mr Correll said that ASIO was the entity that provides the border security information for the MAL. I did ask for a list of that earlier, Mr Correll.

Mr Correll—Senator, I was responding to the question of which security agencies were listed, and I saw ASIO as the only security agency. The Australian Federal Police certainly does make entries as well.

Senator BARNETT—I am sure there was no misleading there, Mr Correll. Could you provide us with a list of the law enforcement agencies, security agencies or any other agencies from whom you obtain the information?

Mr Frew—Yes.

Senator BARNETT—In terms of the 0.08 per cent of the 700,000, have they been identified by a variety of law enforcement agencies or only AFP?

Mr Frew—It is generally AFP as a Commonwealth agency that is the source of law enforcement material. It is not unheard of that information comes to the department from another agency in the same way that people in the department gather information from a range of open and classified sources.

Senator BARNETT—I am advised that, as at February this year, the figure is 560 who are on that list. Are they necessarily criminals?

Mr Frew—No. It is an alert list which provides information to DIAC officers about movements et cetera. It is clear that there is no capacity for us as the department of immigration to refuse the entry or uplift of Australian citizens, so it is an information tool rather than a factor of decision making.

Senator BARNETT—I would have thought that could inject a level of fear into the Australian community generally knowing there are 560 Australians—I presume that they are residents, that they are Australian citizens living in this country—who are on that list who have either possible or probable links to people-smuggling and criminal activity.

Mr Metcalfe—I would firmly reject that. The information is there to ensure the security of our borders. Were we to say that no Australian citizen should be listed on an immigration alert list, which is a tool for information for not only us but other agencies, it would mean that you were operating with one hand tied behind your back. It is a matter of record that Australian passports are stolen and lost and recycled and used to smuggle people to Australia. Why would we not list those passport numbers as documents of concern? It is well known that some Australians are involved in people-smuggling. Why would you not identify the fact that they were travelling so that their entry to Australia and who they were in the company of could be the subject of some examination?

Senator BARNETT—I can understand that, Mr Metcalfe, but the number of 560 is a very high number. If we were talking dozens, then indeed it would be different, but 0.08 as at February this year is 560 Australians on that list.

Senator Chris Evans—But it is not just people-smuggling. I suspect it would be potential drug traffickers, people who might be of concern to security agencies in relation to extremist views et cetera.

Mr Metcalfe—Terrorism.

Senator Chris Evans—Yes. If you go through the list, I could probably find 500 names I would want to have on the list out of my own personal experience—half of the members of parliament!

Senator BARNETT—In your little black book.

Senator Chris Evans—If you think about it. Also, I think Mr Frew explained that they are not necessarily persons in the sense that they include aliases et cetera. Mr Frew might want to be clear about that.

Mr Frew—As the minister said, and as we said earlier today, there are names, identities, aliases et cetera so I would not say that it represents 560 people.

Senator BARNETT—How many would it represent?

Mr Frew—I would not know.

Senator Chris Evans—That is the point about aliases.

Senator BARNETT—I know, but how many would it represent? You must know that.

Mr Frew—No, I am sorry. Without going through record after record, I could not come up with a precise number.

Senator BARNETT—But that is a fair estimate, is it?

Mr Frew—I am sorry?

Senator BARNETT—The 560.

Mr Frew—The 560—

Senator BARNETT—Out of that proportion, how many would be aliases?

Mr Frew—I do not know without going through each individual record.

Senator BARNETT—Can you take that on notice?

Mr Frew—Yes, I can.

Senator BARNETT—Thank you.

Senator HANSON-YOUNG—In relation to the money that is allocated to border security, how much of that is directed specifically to managing unauthorised arrivals and people-smuggling? What is the percentage?

Mr Metcalfe—Let me just clarify the question. We have substantial resourcing in relation to efforts to combat people smuggling. That is appropriately dealt with in this outcome. We also expend substantial sums of money in relation to persons who have arrived here—irregular migrants, unauthorised arrivals—and those resources would fit into both outcome 4, which relates to immigration and detention issues, and outcome 2, which relates to status resolution.

Senator HANSON-YOUNG—If you want to be like that about it, that is fine. Can you give me the percentage of the money that would be directed specifically to combating people smuggling?

Mr Metcalfe—I was not trying to be unhelpful. I was trying to actually assist you with our new outcome structure. We could certainly take you through the measures and initiatives in relation to border security and people smuggling. There are a number of measures in the budget, and a number of other agencies—customs, Foreign Affairs and others—were provided with resources. Our resources in this area tend largely to relate to resourcing in our posts in the region to work with local authorities. I mentioned yesterday that we have been provided with an additional five staff to deploy to Jakarta, Colombo, Kuala Lumpur, Dubai and Vietnam; money to work with international organisations such as the UN Office on Drugs and Crime, UNHCR and IOM; funds to improve work in the region through the Bali process; and funds to work with and support the work of the IOM and UNHCR in Indonesia in their management of irregular migrants who have been located in Indonesia, as well as in areas of cooperation between us and other countries, whether it is the provision of training or something else. We provide training on document examination and immigration information

gathering as well as some particular initiatives, such as strengthening Indonesia's border system. There is a whole range of things we do. If you would like, I am sure that one of my colleagues could perhaps work through some of the funds associated with that because that was the original question.

Senator HANSON-YOUNG—I am interested in the funds and the percentage that is specifically targeted towards those people-smuggling projects.

Senator Chris Evans—If I could put what the secretary was saying a bit more bluntly, we will take you through any of the measures, any of the expenditure, but part of it might be a bit of a definitional issue. Is our training of Indonesian imigrasi officers in English a border protection measure?

Senator HANSON-YOUNG—That is a question for you.

Senator Chris Evans—I would say yes and no, in the sense that we see increasing their capacity in their immigration controls as being in our national interest as well as theirs and the whole region's. But many people would not think it was. If they have better English skills they are better able to deal with people coming through their borders et cetera. So they are capacity things. Maybe we can go through the budget measures in this output and then you can explore those with the officers.

Senator HANSON-YOUNG—Sure.

Mr Correll—In short summary, the portfolio budget statements on pages 19, 20 and 21 list the various border protection measures. To reinforce the comments by the secretary and the minister, you would see that programs against which those border protection measures cover span outcomes 4, 2 and 3. That is why it is so very difficult to give, in any way, a quick answer to your earlier question. We can say overall that the department's funding for border security in programs will increase to a figure of almost \$222 million in 2009-10. That, again, is documented on pages 56 and 76 of the portfolio budget statements. I might ask my colleague to work through the range of measures that are then in the budget. There are quite a number of them there addressing border protection.

Mr Metcalfe—To be completely clear, these are new measures and new initiatives. There is base funding sitting underneath this as well. So a comprehensive response to you goes beyond the new measures identified in this PBS and goes to existing underlying measures. We would be happy to provide that on notice if you wanted us to do that.

Senator HANSON-YOUNG—That would be great.

Senator Chris Evans—If you like, we can go through the budget measures now, but we can give you on notice the full suite that we currently administer that go to the border security function.

Senator HANSON-YOUNG—That would be helpful. I acknowledge what you are saying, in that while some programs might be doing other things they are also part of the broader efforts to combat people smuggling. I can understand that. It would be good to have some indication of what programs you think help in that way.

Senator Chris Evans—We are happy to do that. I suppose the key point is that we do not get into the law enforcement side of it or capacity building in particular programs. Mr Frew, you might want to go through the budget measures. That might be the easiest.

Mr Frew—I have a range of information here which I can table at the end but will go through in the short term. This is not the simplest table to read, because I have it broken down by year. Let me give you the headings and I will table a more comprehensive document. Because it is across programs, Ms Keski-Nummi might deal with some of them and I will deal with some.

Ms Keski-Nummi—I guess there are two elements to the budget measures. One is strengthening our work in cooperation with Indonesia. There is some additional funding to IOM for the care and maintenance of people who have been intercepted in Indonesia. Around \$4 million will go to IOM to support people who have been intercepted and are now in the care of IOM. We have seen registrations going up in terms of people in Indonesia who require that support and assistance. That is an important measure in terms of making sure that people are safe and have their claims assessed in Indonesia. I think we talked a bit about that last night as well.

Senator HANSON-YOUNG—In terms of what the IOM would use that money for, have we got an agreement with them over that, or does it just go into general coffers?

Ms Keski-Nummi—It is specifically for assistance with housing and accommodation, for a little income support and for medical expenses, so it is for making sure that people are well taken care of while they are waiting for their claims to be assessed. There is some additional funding also to IOM in relation to support for the detention centre in terms of the training of staff and providing care and maintenance assistance for people who might be in detention and who are unlawfully in Indonesia, and it is also to expand the accommodation availability for people who have been intercepted.

Senator HANSON-YOUNG—What detention facilities are they?

Ms Keski-Nummi—There is one in Jakarta and Tanjung Pinang.

Senator HANSON-YOUNG—So both of them.

Ms Keski-Nummi—They are the key areas in Indonesia. I do not know whether Mr Frew wants to deal with the other Indonesian ones before we go to the broader framework issues as well.

Mr Frew—We have a program which again goes, as the minister said, to capacity building for Indonesian officials. We will be doing some work with them to deliver a skill in facial comparison, because the Indonesian government is moving towards biometrics for its border processes. We have some experience in that area. We will be doing some specialist training over a number of years for Indonesian staff in the broad in Indonesia, but we are training the trainer for a number of Indonesian officials.

Senator HANSON-YOUNG—What types of officials are we talking about?

Mr Frew—Imigrasi officials, the chief interlocutor of this department.

Ms Keski-Nummi—More broadly, we are looking at some regional framework agreements. This is a long-term measure working with governments, UNHCR, IOM and source, transit and destination countries to look at what sort of regional frameworks we can get up in relation to assessing and providing protection to people in the region. To put it in a very shorthand way, we could characterise it as a mini-CPA, if you are aware of the comprehensive plan of action for the Vietnamese and South-East Asian outflows of past wars.

Senator HANSON-YOUNG—What do you expect the outcomes of that to be?

Ms Keski-Nummi—I think it is a very long term measure that we are looking at, but what we would be looking at is a comprehensive set of measures around supporting people to have their claims properly assessed for resettlement if they are indeed refugees and, if they are not, for return arrangements—but return arrangements with dignity. We are also looking at alternative migration pathways and capacity building with in-source countries in terms of ensuring that people who do return return safely, return with dignity and have access to livelihoods and so forth when they return home.

Senator HANSON-YOUNG—Does that include encouraging countries that have not signed the convention—

Ms Keski-Nummi—There is another measure there to support countries to become signatories to the refugee convention. We would be looking at working very closely with UNHCR, possibly around areas such as training and what practical protection means. That then supports countries in considering signing up to the refugee convention. Again, I would have to add that that is a very long term measure and that we really need to work in a very structured and supportive way with countries in terms of those particular measures.

Senator HANSON-YOUNG—Has the department actually identified that as an aspirational outcome?

Ms Keski-Nummi—We have always had it as an aspirational outcome, putting a bit more effort through the training and advocacy work that we can undertake with the additional measures in the budget.

Senator HANSON-YOUNG—And how much money are we putting towards this framework?

Ms Keski-Nummi—The total will be just—I am just adding it all up—it will be just slightly over \$1 million.

Senator HANSON-YOUNG—Okay.

Ms Keski-Nummi—I am very bad at adding up. I will give you the precise number in a minute.

Senator HANSON-YOUNG—Sure.

Ms Keski-Nummi—The final area that I will talk about is how we will put some additional capacity-building measures in in-source countries, particularly in Kabul and Quetta, probably working with the UNODC around issues in relation to document fraud, identity fraud and so forth that we believe is something that we need to seriously address in

those regions. Clearly, the best way we can do that is by partnering with international organisations, and the UNODC has a strong presence in those areas as well.

Senator HANSON-YOUNG—Sorry, what are you calling that? Capacity building?

Ms Keski-Nummi—That comes under our capacity-building measures.

Senator HANSON-YOUNG—Okay. Thank you.

Mr Frew—I was just going to add that, whilst it is not in this budget, there is from the last budget a body of work going on, again between ourselves and imigrasi, in which we are assisting them with the enhancement and further development of their immigration systems. It is known as CEKAL. We have done a range of work over a number of years already. We got money in the last budget to do a couple more years work, which involves us very closely working with them in a business and systems architectural sense. It is not a matter of giving them software or whatever; it is helping them with business operating models and devising better systems to make the Indonesian border stronger for routine travel. This, I think, is a very positive arrangement.

Senator HANSON-YOUNG—Okay.

Ms Keski-Nummi—Can I just add that, in terms of these measures, they are part of a whole-of-government package, but also they build on work that we have already been doing, particularly around capacity- building areas, so it strengthens some of that work and builds on the work that has been done in the past as well.

Senator HANSON-YOUNG—So just to clarify, these are new things?

Ms Keski-Nummi—That is correct.

Senator HANSON-YOUNG—These are building on the base-level support that is already there?

Ms Keski-Nummi—That is correct, yes.

Senator HANSON-YOUNG—Do we have any figures around what those base-level measures are costing us at the moment?

Ms Keski-Nummi—Sorry?

Senator HANSON-YOUNG—What are the figures? You have just outlined new things and things that we are striving to work towards. What is the amount of resources that we are putting in consistently—that is, the base level support?

Ms Keski-Nummi—We have a fairly active program of capacity-building work in the region that we already do in Vietnam, in Cambodia, in Thailand, in Malaysia and in Manila. For instance, under the Bali process, we have a number of workshops that we run over the year around issues such as identity and intelligence training, document examination training and protection support. For instance, recently there was a workshop that we ran in Manila for protection, decision making and refugee status assessments and so forth. Those are the sorts of things that we have been doing. It also builds on our Displaced Persons Program, which we are particularly targeting as we analyse where people are going, their motivations for movement and what more we can do in those particular regions. That would support people remaining where they are, whether it is in alternative livelihoods, whether it is through access

to education or whether it is around practical measures such as accommodation support for individuals. I can give you the figures, but I have left them behind. But it builds on that. The Displaced Persons Program is around \$6.5 million and the capacity-building program is around \$10 million that we spend in terms of providing that sort of support.

Senator HANSON-YOUNG—Yes.

Mr Metcalfe—Senator, I can give a global figure for border security, given that border security encompasses not only all of these measures but measures such as the movement alert list that we were talking about or whatever. The figure I have is that our overall funding for border security programs will be around \$221.9 million next year.

Senator HANSON-YOUNG—Thank you.

Senator FEENEY—Has the department ever had more money?

Mr Metcalfe—Not in my lifetime, Senator.

Senator Chris Evans—And as we heard yesterday, that goes back a very long way!

Mr Metcalfe—Thank you for that, Minister. I should have thought of that response.

Senator Chris Evans—You keep feeding the lines, I will take them.

Mr Metcalfe—\$221.9 million next year, up from an estimated \$216.7 million this year. So it is at a higher level and it has increased—

Senator FIERRAVANTI-WELLS—You can tell that by the grey hairs on his head.

Mr Metcalfe—Grecian 2000 is looking more and more attractive, I must say!

Senator HANSON-YOUNG—In terms of the programs, whether they are strictly focused on combating people smuggling or whether they are intertwined with broader capacity-building programs, what research has the department engaged in to formulate these programs? Have you invested in these programs or taken a policy position? What have you done?

Senator Chris Evans—I will just make a general comment. I must admit when I took over the portfolio I was surprised at the lack of research capability within the department. It is not a criticism of the officers, but it had effectively been defunded; in a whole range of areas where we could do with good information, we did not have it. We have made a conscious effort to rebuild the research capacity inside the department with the appointment of—what is the title?

Mr Metcalfe—Head of the Policy, Innovation and Research Group.

Senator Chris Evans—Head of the policy and research group. Effectively, we have tried to put more resources into research not just for this area but in the skilled area as well, because it has been a weakness. The department was effectively defunded over years for that sort of role. We partner a lot with the international organisations in a lot of the activity in this sort of area. So Ms Keski-Nummi can probably take you through—

Ms Keski-Nummi—In relation to the work that is done in this particular area, we source information in a number of different ways. One is we work very closely with international organisations, and particularly the IOM and the UNHCR in terms of the research that they undertake. We have a look and undertake an analysis of that in relation to a particular region, the issues that we face here and what more we can do.

For instance, in the Displaced Persons Program, annually we have roundtable discussions with a number of organisations. IOM, UNHCR, UNICEF, Austcare and others are active in terms of where we are seeing people movements occurring, as you heard yesterday about population movements—what is happening in this particular region in terms of movements, what more can we do in providing support and assistance for measures that might stabilise populations. That is an important part of the work we do.

Clearly there is some analysis done in relation to people who have arrived in Australia—their motivations and taking into account those things in targeting some of the work and where we might want to put additional resources, whether it is in transit countries or in source countries, and how we might practically do that. They are important ways of gathering information, then doing analysis around that to determine where is best and where are the hot spots that we need to focus on.

Senator HANSON-YOUNG—That was going to be my next question: exactly what research and evidence have you collected that suggests why people choose certain pathways? Does somebody choose to come to Australia via people smuggling as opposed to another pathway? Have we looked at that? Have we researched that?

Mr Correll—Senator, what you are referring to is more what I would describe as how we have drawn together intelligence information, you might say, on aspects of irregular people movements within the region and the causes for those movements. There are multiple potential sources for that, both through information in discussions with people who have arrived here, with local communities and also information from other countries and transit countries as well. That information is drawn together to support the development of appropriate overall approaches to enable the appropriate intervention. So the sorts of things that were outlined by Mr Frew and Ms Keski-Nummi earlier were in response to an understanding of that intelligence-sourced information. The location of additional officers and various other aspects is all geared to that source. So, when we say research, it is really drawing together that range of different information which comes from multiple sources and is drawn together across multiple agencies as well.

Senator HANSON-YOUNG—How do you draw it together? How do you direct, prioritise, evaluate? Is it done through this policy—what was the position called, Minister?

Senator Chris Evans—I will get the secretary to remind me of the title of the person. I know who it is and what she does.

Mr Metcalfe—First Assistant Secretary, Policy, Innovation and Research.

Senator Chris Evans—There was a specific budget measure to improve our capacity in that regard.

Mr Metcalfe—One of the measures that we were funded for in this budget was within the department to in fact increase our own capability to do research in this area. According to figures I have in front of me, we were funded to the tune of about \$810,000 to strengthen our capabilities in this particular area. On top of that, we obviously work closely with UNHCR and IOM and the intergovernmental consultations and others on a regional and international basis as well, but there certainly is a recognition that we as an organisation need to strengthen our own capabilities in this area.

Senator HANSON-YOUNG—I was going to say, \$810,000 to formulate and strengthen the decisions and the processes for how we are combating what everyone recognises is a growing problem—because, you know, more people are moving around the world seeking refuge—I am astounded that it is that low. Taking the point that I understand that evidence and research gathered in other places is central—

Mr Metcalfe—That is a new and additional capability, Senator. I would not want to leave you with the impression that that is all we do. None of these measures would have occurred without a business case being developed and accepted by government. I can assure you of the rigour associated with the budget process in the department of finance and the national security processes in developing these sorts of ideas and initiatives. We had a long discussion yesterday with Senator Fierravanti-Wells—I don't think you were here—about global population movements and what is happening.

Certainly Australia is seeing an increase in irregular migration coming to Australia. Certainly our region is seeing an increase. That is nothing compared to what is being seen in North America and Europe. But on a whole range of levels, the fact that we have a full-time position at the UN in Geneva working on these issues and engaged in these discussions, the fact that we regularly have senior officers from Australia participating in international meetings and conferences on these issues, all goes to establishing the evidence base and devising ways in which we can operate a system in which people in need of international protection are able to access that protection, but to do so in a way that does not involve them accessing people smugglers or risking their lives on what can be, you know, perilous journeys across the seas to Australia.

So we certainly are increasing our evidence capability here, but this is on top of a very substantial infrastructure that exists to develop business cases, to understand the nature of the problem, to look at ways of responding to it and, of course, it then goes into our wider international efforts in relation to the resettlement of refugees, the provision of durable solutions for refugees and, indeed, extends beyond our department into funding decisions by AusAID and other organisations, as well as diplomatic efforts. So it is a very significant capability that is brought together and we are talking about some quite specific aspects of it, but it has got to be seen as part of a much bigger picture.

Senator Chris Evans—There is a certain amount of information about what is occurring in our region but it is not as comprehensive as it should be. One of the reasons is that the Bali process had faltered a bit and the Australian Government and the Indonesian Government led a push to reinvigorate the Bali process. That has occurred. The meeting was in March or April—

Ms Keski-Nummi—April.

Senator Chris Evans—where we worked through a whole range of issues that affect the region and one of those was this question of a better understanding of what was happening in our region, and there was commitment to—

Ms Keski-Nummi—That's correct.

Senator Chris Evans—more research and sharing of information. Ms Keski-Nummi can probably take you through the detail.

Ms Keski-Nummi—Yes. The discussions centred around the fact that there are pockets of knowledge across the region but there is not a strong sense of all types of movements and how they are occurring. We have committed to additional funding through the capacity-building projects to undertake that research. It will be a long-term project, probably over the next couple of years, which brings together all of the countries in the Bali process, working with them to understand all of the flows of populations. Much of it is also mixed migratory flows—there are migrants who are lawfully moving within the region, there is trafficking, people smuggling—and it will link all of that together. That is a fairly long-term commitment and a long-term project. There was a commitment out of the Bali ministerial for that to occur and we are currently in the process of working through how we would undertake that research and the extent of it as well.

Senator HANSON-YOUNG—How much money are we putting towards that?

Ms Keski-Nummi—I will have to go back and look at my figures.

Mr Metcalfe—Just while we are checking on that, can I add to an answer I gave you earlier. I gave you the figure of \$221.9 million. I should clarify that that is only in the category of what is called departmental funding. In addition to that there is administrative funding for border security programs, which is increasing to an estimated \$39.9 million. That covers some of the initiatives that Mr Correll mentioned before in relation to CEKAL and other things. That is reported on pages 56 and 76 of the portfolio budget statement.

In research and information on the broad aspect of population flows and people movements, there are other lines of work that have been underway as well. For example, I recall at an annual meeting that we had with the New Zealand Government Immigration Service last year we received a paper prepared by, from memory, Professor Graham Hugo of the University of Adelaide. It was quite a fascinating insight into population movements and pressures across the South-East Asian and Pacific regions—the very significant movement, for example, of workers from Indonesia to Malaysia, of movements of people from Burma to Bangladesh to Malaysia. There is an extraordinary web of movement of people occurring. Much of it is self-contained within the Asian region but occasionally, such as we saw with the very difficult issues with the Rohingyas of Thailand who enter Indonesia, it does have the capacity to impact on several countries where it is irregular or unauthorised.

Something the minister and I observed when we were in Kuala Lumpur last year was the large numbers of workers being brought through Kuala Lumpur Airport and coming into the jobs in Malaysia. One aspect of the economic downturn is going to be the aspect and the role of migrant workers in some of those communities as well. We tend, of course, to focus on what is coming towards Australia and we have certainly seen an increase in recent times in people from beyond the region coming through the region into Australia, but there is also a quite extraordinary amount of travel and interchange to the north of us as well.

Senator HANSON-YOUNG—Looking specifically at the issue of people smuggling and people coming to Australia via boat as opposed to via plane and therefore through, I assume, Indonesia or wherever else, what research and evidence collection is occurring here in Australia to discover why people choose to do that and, if they had been given another option,

would they have taken that? In terms of what the federal government is resourcing, can somebody give me some details on that?

Mr Correll—Mr Frew may have mentioned earlier that, as part of the new policy initiatives, there are a number of evidence based researchers or analysts, if you like, included as part of the initiative. That is to really be looking from the immigration perspective at getting a stronger handle on the irregular immigration movements. In addition, on a whole-of-government basis there is a body established that draws together—not in this portfolio—information from multiple agencies. We contribute to that.

Senator HANSON-YOUNG—Where is that at now?

Mr Correll—That is located in Customs and Border Protection Service.

Senator HANSON-YOUNG—So you cannot give me any figures of resources that the immigration department puts towards that particular project?

Senator Chris Evans—There are two types of information. One is more on the intelligence-gathering end of the market, which goes to the AFP interviewing of arrivals and those sorts of things, and of course our interviewing and information that is shared between IOM, UNHCR and what have you. What we have been trying to do is develop information on a broader scale, which is the sort of thing that Ms Keski-Nummi was taking us through. We have a very inward-looking debate about this stuff in Australia. The point I try to make is that this is an international problem. I did not know until recently how many Indonesians were moving into Malaysia and back and forth as economic migrants taking jobs, but the numbers are huge. I did not realise what an impact the economic downturn is going to have on Vietnam as hundreds of thousands of Vietnamese workers have to go home because they have lost their jobs, going to an economy that does not have jobs for them.

The social impacts of both legal and unlawful migration—at the Bali conference a lot of the focus from countries like the Philippines was about access to labour markets. It was the same with Vietnam; their main concern was about capacity for their people to move into labour markets. They had a slightly different perspective on people movement; people movement was necessary in order to generate income to come back into their own economies. A number of other countries' main focus was on trafficking women and children to places like Thailand. They had a huge focus on that being much more of a problem for them.

As well as dealing with the intelligence issues that impact on us directly as a country in terms of unlawful movement, we are trying to get a much better handle on the regional issues and have a better understanding of what is happening. For instance, the movement of the Rohingyas arriving—almost being washed up—on the shores of Indonesia made Indonesia even more aware of the fact that they could suddenly see large numbers of people arriving in Indonesia and not, if you like, in a way of looking for great economic opportunity—just looking for safety.

Senator HANSON-YOUNG—Minister, I take the point about the issues with intelligence gathering and how that helps to formulate policy and those things, and I understand the issues of trying to understand where we fit in the broader context. There has been a lot of debate lately about different measures that Australia should take, could take and has taken in the past and what impact that has had on the flows of unauthorised arrivals. Has the department

looked at that and said, 'We have looked at this, we have researched it and these things didn't make a difference,' or, 'They did make a difference,' or, 'They didn't make a difference in the best way and we should be focusing our efforts in other areas in terms of combatting that,' particularly that dangerous trip that people are taking?

Senator Chris Evans—You are not suggesting we have an evidence based debate in Australia on unlawful migration, are you?

Senator HANSON-YOUNG—I think having a discussion about evidence based policy would be wonderful.

Senator Chris Evans—That is a very novel approach and not one that has been adopted before in Australian debate on these issues.

Senator FIERRAVANTI-WELLS—Come on, Minister.

Senator Chris Evans—We would much rather have heat than light, but I am sure the secretary will give you a good answer to that.

Mr Metcalfe—In a discussion I had with Senator Fierravanti-Wells yesterday, which would be in the transcript—

Senator HANSON-YOUNG—I did catch some of that.

Mr Metcalfe—We had quite a long discussion about arrivals of people by sea in Australia over the last 30 years or so—the various waves that we have seen. We talked about how what we are seeing at the moment, which is certainly an increase in numbers from what we had seen in the last couple of years, compares internationally with the sort of growth in numbers that is occurring. The point I was making was that there was a range of policy measures undertaken in the period 1999 to 2001-02. At the same time, in late 2001 through to 2003 there was a substantial drop in the number of people in need of international protection, particularly those people who had shown a preponderance or a tendency to move to Western countries—namely, Afghans living in Pakistan, where some five million people returned from overseas to Afghanistan, and Iraq, of course, given the American led downfall of the Saddam Hussein regime. Now, at the end of the decade, we of course see much improved conditions fortunately in Iraq but, sadly, the situation in Afghanistan and in Pakistan has become much more difficult, particularly for some ethnicities. We are seeing an increase in the travel of people again.

I was at pains yesterday to say that there has been, of course, one constant in Australian policy since at least 1951—and that has been that we are a signatory to the refugees convention—and that successive Australian governments have given effect to our obligations under that treaty. So if a person arrives in Australia and is in need of protection then they have been granted protection. Nothing has changed through that period. What we are now seeing is an increase in the number of people who are displaced, of irregular movement. Australia is seeing some of that, but proportionately less than other developed Western countries. We are very concerned about the risks that people undertake in the sea voyage to Australia, and we of course have seen tragedies over the years, including the tragedy quite recently in which five people died and people were terribly burnt.

Having said all of that, we are at pains to ensure that whatever work we do internationally in countries of first asylum, countries of transit or countries of final departure, such as Indonesia, is aimed at giving people who need access to protection the access to that protection. It is for that very reason that the arrangements in Indonesia that have been in place now for many years provide that the case loads that are intercepted by Immigration officials or law enforcement officials in Indonesia are given care and support by the International Organisation for Migration, funded by Australia, and given access to UNHCR processes. They are not summarily expelled and refouled.

So a concert of Australian policy has been to find ways to support people in situations of first asylum through aid funding and support for local governments and to prevent people from travelling, and particularly from placing their lives at risk in the voyage to Australia. At the same time, Australia has of course, as we discussed last night, a very proud record in relation to the resettlement of refugees through our refugee program.

Proceedings suspended from 10.34 am to 10.53 am

CHAIR—The committee will reconvene. We will finish with Senator Hanson-Young's questions in outcome 3.

Senator HANSON-YOUNG—I think I was mid-sentence. I acknowledge that we need to keep a watching brief on what is going on in the rest of the world. My question was specifically in relation to what research or evidence based conclusions we have come to and what type of resourcing there has been towards that to look at what encourages people to reach or deters people from reaching Australia by the various means.

Mr Metcalfe—We have spoken a fair bit about the research that has occurred and is occurring. We had quite a long discussion yesterday under outcome 2 with Senator Feeney in relation to, for example, temporary protection visas and what happened as a result of that policy measure. We had quite a discussion with Senator Fierravanti-Wells in relation to some of the other measures that occurred and I provided some views—that is, in my view the push factors and general instability were the driving factors.

Senator HANSON-YOUNG—I am not interested in your views of what the push factors or the pull factors are. What I want to know is: where has the department invested in that research to come to that position to inform your opinion?

Mr Metcalfe—Ms Keski-Nummi might be able to go through what we have done ourselves, but I think our greatest investment over the years has been working in multilateral and other forums to exchange information and to understand the dynamics of what is occurring. One particularly useful organisation that we are a member of is the intergovernmental committee on refugees and asylum seekers, and there is a wealth of information there about what is occurring and why it is occurring. Ms Keski-Nummi attends that meeting every year or so and she might be able to provide a more direct answer to your questions.

Senator Chris Evans—Senator, we look like we are giving you the run-around and we are not trying to. The answer really is that we do a lot. But if you are asking about the motivation of refugees, most of that comes from the UNHCR and the other international forums. We do not have people on the ground in Pakistan analysing why the Hazaras are on the move out of

Pakistan, but you do not have to be too smart to work out that the place has gone bad and they are a persecuted minority anyway. A lot of them settled in Pakistan and it has gone bad and they are on the move. Ms Keski-Nummi might be able to give you some of the figures and we have a few maps et cetera, but 96 per cent of them I think have gone to Europe and four per cent have come here. If you asked me, 'Why did 96 per cent go to Europe and four per cent to Australia?' I would simply say it is a very complex thing. From what we have seen, it depends on what opportunities people take. If a people smuggler says, 'I can get you to Australia if you've got US\$5,000,' they will probably take that. We know that when some people originally left they did not know where they were going. Maybe Ms Keski-Nummi can give you a bit more detail. I am just not quite sure we have a handle on what exactly you are after.

Senator HANSON-YOUNG—Is the department resourcing—and I heard about the \$850,000 and I am still flabbergasted at that—

Mr Metcalfe—That is one new measure.

Senator HANSON-YOUNG—That is one new measure?

Mr Metcalfe—Yes. Do not take that as a totality. It is one new measure.

Senator HANSON-YOUNG—Is the department resourcing—and, if so, where is the department resourcing—the collation and analysis of this information when it is collected via different departmental officials going to different meetings and doing their round tables? Where is there a dedicated spot within the department where you can pull these things together and say, 'Okay, this is where we need to go and where our money needs to be directed,' to ensure that we do take an evidence based approach, particularly when we are dealing with how we are treating people who are fleeing for their lives?

Senator Chris Evans—It is a good point, and I think I have made the point that we have not had enough investment in that in the past and we are trying to improve it. If you asked me for the simple answer to that, I would say that the corporate knowledge of Ms Keski-Nummi would be the best place to start. But she might tell you what structural arrangements—

Senator HANSON-YOUNG—Do you want some support there?

Senator Chris Evans—You might ask what structural arrangements support the fact that most of it is in her head.

Ms Keski-Nummi—There is a bit in my head. I think I will go first of all to the structural issues. There is a branch in the division called the International Cooperation Branch, which has targeted areas of responsibility in terms of multilateral engagement and how we work with the various multilateral fora, whether it be the Bali process, the UNHCR, IOM or other organisations. We also have specific areas that focus on Indonesia and South-East Asia, the Middle East and the Pacific. There is a lot of work undertaken through those particular areas. One is analysis of research and reports. Some is commissioning some of that research like, as I said, the evidence based project that we are looking at coming out of the Bali ministerial. By the way, that is \$500,000 over two years. I did not have that figure in front of me.

Senator HANSON-YOUNG—Thank you.

Ms Keski-Nummi—It is in those particular areas where we concentrate in doing that analysis. We pull information from a lot of different open source reporting. For instance,

UNHCR recently published on the website the asylum trends for 2008. That is an important source document for us in addition to the work that we do with UNHCR through the various standing committees and forums that the high commissioner and others host. For instance, the annual tripartite consultations on resettlement will take place in early July. An officer from the humanitarian branch will be there as part of those tripartite consultations. Australian NGOs also take part in those consultations. That gives us a wealth of evidence in terms of what is happening elsewhere in the world and what the resettlement needs are.

In addition, the Standing Committee on International Protection will take place at the end of June. Again, that is an area where, with the high commissioner's office, we look at the international protection trends and what more we can and should be doing in that area. Similarly, IOM have a very strong research capacity, some of which we actually provide some funding to in terms of their annual world surveys on migration and things like that. So we pull together a lot of that data and information.

In addition, clearly we undertake our own analysis, working through our posts, of the information that is coming through in terms of transit or UNHCR registrations—for instance, what UNHCR is saying about the situation in Pakistan, Afghanistan or particular provincial areas. We use the UNHCR advisories on particular countries. The pulling together of that is done within those areas of the International Cooperation Branch for us to be able to then look at where we target our resources, what sorts of projects we should be targeting and what sort of evaluation we then do after that.

With regard to the Displaced Persons Program, there was an additional \$10 million for measures in Syria and Jordan. We have been funding a number of projects around that. It is always difficult to draw all of the conclusions about how successful it is but, at the same time, last year was the first year we saw a decrease in asylum trends for Iraqis. The research that has been undertaken in Syria and Jordan by UNHCR, some of which we have funded, and also by other NGOs shows that Iraqis' preference would be not to move from Syria and Jordan. They are waiting for some stability and some peace and the capacity to return home, but only when it is safe. I would say that the work we do is only one small element of an international community effort to stabilise the populations, but it probably is contributing to that sort of stabilisation.

Senator HANSON-YOUNG—Do you support the comments of the minister in suggesting that perhaps there is scope there for an enhancement of the abilities to collate and to analyse?

Ms Keski-Nummi—Quite frankly, we can always do better. Of course I am going to support the minister.

Senator Chris Evans—I made a joke that she had better!

Senator FIERRAVANTI-WELLS—If your staff do not laugh at your jokes, you have a problem!

Senator Chris Evans—They don't actually!

Senator HANSON-YOUNG—I might leave it there. There are a number of things that I have put on notice throughout that questioning.

Ms Keski-Nummi—We have been looking at the way that people are moving at the moment. If you are interested, we have some maps of where Australia stands in terms of some of the key movements with, for instance, the Afghans, Iraqis, Somalis and Chinese. If you are interested in them, I am happy to table them.

Senator HANSON-YOUNG—That would be great. In terms of understanding that there is an increased movement of people around the world—displaced people—all you need to do is watch SBS News to figure that out. If there is more that we can get into, that would be great.

Mr Metcalfe—We will table those.

Senator HANSON-YOUNG—Lovely.

Senator FIERRAVANTI-WELLS—Since Senator Brandis has arrived and he was present the other day when we questioned both the AFP and Customs in relation to the establishment of, if I can put it this way, the new regime of dealing with border protection, I will ask some questions. We heard evidence about the Border Protection Committee of cabinet which, Minister Evans, we finally worked out has been set up under your umbrella. Is that the case? They certainly told us to ask you.

Senator Chris Evans—It is not a state secret. I think there was a press release to the effect that I chair the cabinet committee.

Senator FIERRAVANTI-WELLS—Under that there is the People Smuggling Task Force, which I understand is chaired by the national security adviser, which has representatives from the department.

Mr Metcalfe—That is right.

Mr Correll—There is the Border Protection Committee of cabinet. Underneath that is the Border Protection Task Force.

Senator BRANDIS—Without asking you to reveal any content of these intelligence reports, would I be right in imagining that you as the chairman of that cabinet subcommittee would have access to and would receive AFP intelligence reports concerning people smuggling?

Senator Chris Evans—There are some new arrangements in place in terms of intelligence reporting which will see me begin to receive more in my new capacity than I received previously. I have not traditionally received AFP reporting. It obviously reports to its minister. The AFP will obviously be contributing to intelligence reporting that goes to the cabinet committee.

Senator BRANDIS—When was this new committee established, Senator Evans?

Senator Chris Evans—About a month ago. I will get you the exact date.

Senator BRANDIS—My understanding of your answer is that with the new arrangements you expect to receive more AFP intelligence reporting that will be circulated to this cabinet subcommittee than you had received before the subcommittee was established.

Senator Chris Evans—I did not receive AFP reporting. What the new committee will get is combined product, if you like. I do not want to go into the detail of it. One of the things we are trying to do is make sure there is better coordination between agencies and better sharing

of information. If you like, the cabinet committee is at the peak of that process. I think Customs took you through its new arrangements. That is all about making sure there is proper coordination. Part of that is proper sharing of intelligence among those agencies. I do not traditionally get AFP reporting as minister for immigration. We have put in place some new arrangements where I will receive more reporting from other agencies through that cabinet process than I would have perhaps traditionally.

Senator BRANDIS—Thank you.

Senator FIERRAVANTI-WELLS—We now have this new arrangement. How is this different to what we had before? This is using your corporate history, Mr Metcalfe.

Mr Metcalfe—It is getting tested.

Senator FIERRAVANTI-WELLS—Could you tell me specifically the areas where there has been a change?

Mr Metcalfe—Mr Correll will assist me on some areas of detail because in his role as deputy secretary he, in the last several years, has been involved in some of the key bodies. At the most senior level the National Security Committee of cabinet deals with any security issue.

Senator FIERRAVANTI-WELLS—It might be easier if you run through what the previous regime was and what factors you say have necessitated the change to the new arrangements, what the new arrangements are and where there are specific differences.

Mr Metcalfe—Previous from when to when?

Senator FIERRAVANTI-WELLS—Tell me what the committees were that were dealing with people smuggling under the Howard regime and then we will take it from there.

Mr Metcalfe—Under the previous government there was portfolio responsibility between several ministers in relation to people smuggling and border security issues. The immigration minister had aspects of responsibility, the Attorney-General and the minister for home affairs or justice and customs, I think the title was under the previous government, the defence minister and the Minister for Foreign Affairs all had a contribution. Of course, the Prime Minister had a contribution.

In terms of those issues being considered at the most senior levels of government, when those issues needed to be considered they came to the National Security Committee of cabinet. Interagency cooperation occurred primarily through the People Smuggling Task Force which was chaired by a deputy secretary at that stage in the Department of the Prime Minister and Cabinet. Over the years the chair of that committee alternated between PM&C and Immigration. Underneath the People Smuggling Task Force there would have been various interdepartmental committees and ad hoc arrangements in relation to information sharing, operational planning and so forth. Now we have a number of ministers with aspects of responsibility for the issue. The Prime Minister—

Senator FIERRAVANTI-WELLS—And that change occurred just recently?

Mr Metcalfe—What I will do is describe the most recent changes and Mr Correll will fill in some of the detail. The relevant ministers remain the Prime Minister, as head of

government; the immigration minister; the Minister for Home Affairs, given his responsibility for both police and customs issues; the Minister for Foreign Affairs, given his responsibility for foreign relations; and the defence minister. The National Security Committee of cabinet will continue to have a role in the issue, particularly if there are matters that go to resourcing decisions. However, to ensure regular ministerial coordination the Prime Minister and the National Security Committee recently agreed that there should be a Border Protection Committee of cabinet. That was announced in a media release associated with the budget. That committee has now met on two occasions.

That committee is basically designed to ensure regular focused discussion on people-smuggling issues, and our minister, Senator Evans, is the chair of that committee. Similarly to the National Security Committee of cabinet, a number of officials would routinely attend the Border Protection Committee meeting: National Security Adviser Duncan Lewis, the head of the Customs and Border Protection Service, the secretary of the Department of Foreign Affairs and Trade, the secretary of the Attorney-General's Department, the head of the Office of National Assessments, the commissioner or deputy commissioner of the AFP and I.

Senator FIERRAVANTI-WELLS—So it is departmental heads—

Mr Metcalfe—It is a similar format to the National Security Committee of cabinet, which comprises ministers but where senior officials attend, participate in the discussion and then allow ministers to deliberate on policy arrangements. Supporting the Border Protection Committee is the Border Protection Task Force, chaired by the National Security Adviser, which comprises at deputy secretary level a number of agencies. I will pause at this moment and Mr Correll might be able to provide a bit more detail about that, together with the supporting group within the Department of the Prime Minister and Cabinet—which is a full-time group under the leadership of a division head and which is there to provide coordination and expert support to the committee as well as the agencies in their coordination efforts. For example, we have seconded an SES officer to one of the deputy positions in that particular group within PM&C to ensure that the strongest possible coordination occurs.

The final point I would make before handing over to Mr Correll is that, of course, we now have the Australian Customs and Border Protection Service, which has a significant mandate in relation to strategic policy direction on maritime people smuggling, analysis of intelligence on maritime people smuggling, coordinating surveillance and on-water responses and also— together with us, the department of foreign affairs, the police and others—engaging internationally to comprehensively address and deter people smuggling. So that is a significant enhancement to the role of the Customs Service. That was announced in the national security statement last year. We are obviously in very close cooperation with Customs and those other agencies. But Mr Correll might add a little more detail.

Mr Correll—To understand the hierarchy, the Border Protection Committee of cabinet is at the peak in that picture. The Border Protection Task Force, chaired by the National Security Adviser, has deputy secretary-level representation from agencies including us. Other agencies, such as the Federal Police, the Customs and Border Protection Service, Foreign Affairs, intelligence agencies and Defence, are represented on the Border Protection Task Force. The Border Protection Working Group actions things coming out of the task force. It resides within the Department of the Prime Minister and Cabinet. It is chaired at the first assistant

secretary level and a number of people are co-opted on to that working group from various agencies. We have co-opted one of our officers on to that working group. When there is a particular incident that occurs such as a boat arrival, then immediately there is what is called a maritime incident management group, MIMG, which is formed. That group is chaired by the Border Protection Command.

Senator FIERRAVANTI-WELLS—Rear Admiral du Toit gave evidence the other day, Mr Correll, and took us through that. So that group meets on an ad hoc basis?

Mr Correll—Correct.

Senator FIERRAVANTI-WELLS—And it meets quite regularly now, I am told. So to come back to you, Mr Metcalfe, do I read into that that, whereas previously it was more concentrated with a smaller group of ministers, now we have a broader group of ministers and perhaps an expansion through different committees?

Mr Metcalfe—No, I would not quite characterise it that way. Comparing the position at the end of the Howard government, as we have discussed in detail, there was a degree of activity in relation to irregular migration in this area, but clearly in the last few months we have seen an increase in arrivals in Australia. There has obviously been a comprehensive review to ensure that the strongest possible coordination occurs, in terms of both the government's very significant package of measures that was put together in the budget across a range of departments and the ongoing management of the operational responsibilities—the web of relationships that occur domestically and internationally. I would argue that the establishment of the Border Protection Committee in fact provides a very strong focal point. Its sole purpose is to deal with border protection issues, whereas the National Security Committee is obviously a very significant committee of cabinet which deals with a whole range of defence, foreign affairs, intelligence and national security issues.

The support mechanisms below the Border Protection Committee may have been renamed but basically involve the same agencies at the same level. The old people-smuggling task force was chaired by a deputy secretary in PM&C and involved deputy secretaries or very senior officers from other agencies, and that is exactly what the new arrangement is, except that the National Security Adviser is now a more senior position than associate secretary. So it has arguably been upgraded. PM&C now has greater resourcing than it has had in the past, even during the very, very busy days back in 2000 and 2001. That, I think, is a reflection of the commitment to ensuring the strongest possible response and the best possible coordination both in Australia and overseas.

The other thing I should say for the sake of completeness is that we focus very much on the Canberra arrangements—the joining up of ministers, senior officials and agencies. The other key aspect of our work, of course, exists in those countries overseas where we are engaging: in Indonesia, Malaysia, Thailand, Sri Lanka—and the list goes on. The arrangements that have been in place now for many years and which continue to be in place have a very strong focus within each Australian embassy or high commission on people-smuggling issues.

The model that was established, which was colloquially called or known as the Jakarta model because it was established in the Australian embassy in Jakarta, involved the ambassador or deputy ambassador meeting on a very regular basis—I am talking at least

weekly, if not more often—with senior representatives of key agencies, such as police, Customs, Immigration and Defence, to ensure that the embassy effort, which is the key focal point of engagement with the host government and, in the case of Indonesia, with a range of authorities such as the police, immigration, defence and foreign affairs, is focused. I think we can be quite proud of the work that our colleagues do in our missions overseas. I have seen firsthand in many different places the intense focus—the very high level of collegiality and focus on the mission. That has remained unchanged, really, for the last 10 years, and it has been a major contributing point to the way we have gone about this work.

Senator FIERRAVANTI-WELLS—Commissioner Keelty the other day gave us an outline of the on-the-ground efforts of the AFP. Mr Metcalfe, suffice it to say that our relationship with Indonesia has been a longstanding one on this issue and, as you correctly said, it goes back to the previous government. From what you are saying, it is a relationship that, when it comes to the nitty-gritty of the issue of people smuggling, is almost a day-to-day relationship.

Mr Metcalfe—I would say it is an hour-to-hour relationship.

Senator FIERRAVANTI-WELLS—Thank you. Therefore, when Indonesia's ambassador makes comments or suggests that people smugglers were using the policy changes in Australia as a way of drumming up business, one would assume, given this long history, that he and his government have had the opportunity to observe policy changes over a long time and are in quite an authoritative position to make those sorts of assertions. When the Indonesian ambassador says, and I quote from an article, 'I think maybe the traffickers use this as a trial to organise more of flowing of the refugees, because they get the money for that,' is he correct in his assessment that, in effect, the changes are being used as a way of drumming up business?

Mr Metcalfe—Senator, I offered you an opinion last night or yesterday in relation to my assessment of the reasons why people travel. I do not think it is appropriate for me to get into a discussion with you about comments made by a foreign government official.

Senator FIERRAVANTI-WELLS—Well, Mr Metcalfe, I have sat and listened to Commissioner Keelty and I have listened particularly yesterday and today about our so-called very close relationship with Indonesia on this matter and, therefore, when their ambassador makes these sorts of comments, I think it is appropriate for me to ask whether you agree with them or not.

Mr Metcalfe—Senator, I would prefer not to answer that question for reasons of international relations. I just do not want to get into a running commentary about what he may have said. I do not know the context of what he said, I do not know the question and what was said. What I can say is that people smugglers will tell anyone anything. The fact that they say this, that or the other basically means nothing. People smugglers told people that they would go to Nauru and then come to Australia. Did that mean that people came to Australia to go to Nauru to come to Australia? I do not know, but I think it is just an argument as to who says what and all that sort of thing. We had a long discussion yesterday about why people move, about the constants in Australian legal policy of adherence to the refugee convention, of the global population pressures—

Senator FIERRAVANTI-WELLS—Mr Metcalfe, we will not go on—

Mr Metcalfe—And I just do not think it is appropriate for me—

Senator FIERRAVANTI-WELLS—I accept your comments. It is just that if the Indonesian ambassador to Australia makes these sorts of comments and they are reported and not denied, then my question, perhaps to you, Minister, is whether you agree with the comments that were reported in the *Australian*, which state that the ambassador ‘dated the start of the increase at September last year, the same time the Rudd Government announced a series of policy changes aimed at softening Australia’s treatment of refugees’? My point is that the ambassador has made certain comments. I would like to know from you, Minister, whether you agree with these comments that the ambassador has been quoted as saying in the *Australian*. If you do not, can you perhaps point me to why the ambassador is wrong or where the ambassador has been misquoted?

Senator Chris Evans—Well, I have got no idea whether the ambassador was misquoted or not and I have got no idea whether the reports of what he said are accurate or not. In fact, I have not got the article before me. But I have met with the Indonesian ambassador and we have discussed issues of mutual interest, including people smuggling.

I would say that the comments in that paper are factually wrong. They are factually wrong in the same way that the assertions you keep making are factually wrong. I am happy to take you through each of the measures that the Rudd Labor government has made in relation to people-smuggling measures if you want and the dates that occurred. There were no changes announced in September and there was no softening of border protection policies, so the whole assumption of the comments you make is not right and I would dispute it.

If you are asking me about the closure of offshore processing at Nauru, I can tell you that I announced that in December 2007 in accordance with Labor Party policy. I think the last of the people came off the island in January or February at the latest in 2008. That policy was announced and the Liberal Party did not say at the time it would reintroduce Nauru or offshore processing, and subsequently your spokesman on behalf of the Liberal Party has said that there is now no longer any need for offshore processing because Christmas Island is available.

The second thing we did was we announced the abolition of TPVs. That announcement was made in the budget in May 2008. I think it was on the 14th, on my birthday; if not then, it may have been a day or so different from that, but it was made in May 2008. That was to abolish the TPV regime of the former government. That was done by regulation. That regulation was brought into the parliament. It was subject to being disallowed. The Liberal Party took the decision not to seek to disallow the resolution which abolished TPVs. You had the opportunity in the parliament to state your case if you wanted to retain TPVs and to move a disallowance. You did not do so. You accepted the abolition of TPVs. You refuse to argue for their reintroduction now and I congratulate you for that because they did not work, they unnecessarily punished people and they were ineffective in stopping people coming. We know that Liberal ministers had to intervene to alleviate the worst suffering of about 150 of the TPV holders because they could not stomach the harm and distress it was causing to those people. It is a great credit to them that they intervened; they should have intervened more. So you had

your own ministers actually overriding the conditions of the TPV because of the impacts on mental health, on family reunion, on people's capacities to live normal lives.

The third change we made was the change to detention practices when we announced new principles in detention, which I think was at the end of July—in fact, 27 July. Again, that sought to reflect new principles. It took further the principle changes that the Liberal government made in 2005 but effectively gave voice to many of them. I saw it as an extension of the policy direction that the previous government had started making in 2005, and I gave credit to that former government for those changes. Those principles include principles such as children should not be detained in detention centres. I have not heard the Liberal Party argue since that we should go back to detaining children in detention centres.

Senator FIERRAVANTI-WELLS—We made the change.

Senator Chris Evans—You did not, actually; you said to the extent possible. The other principles go to things like treating people humanely and respecting their human dignity. Again, I have not heard the Liberal Party oppose those principles, nor would I expect them to.

Senator FIERRAVANTI-WELLS—Minister—

Senator Chris Evans—Just let me finish, because this is important.

Senator FIERRAVANTI-WELLS—I asked you a simple question as to whether you agree with the ambassador's—

Senator Chris Evans—No, but I am giving you—

Senator FIERRAVANTI-WELLS—Yes or no. It is a simple yes or no.

CHAIR—Order!

Senator Chris Evans—Senator, you may not like it but this—

Senator FIERRAVANTI-WELLS—I am happy to give you—

CHAIR—Senator! Minister! I have called for order. Senator Fierravanti-Wells, I will give you a chance to respond when the minister has finished.

Senator Chris Evans—The third change was the detention principles announced by this government. Those principles are being rolled out and implemented, and I am happy to have a debate with the Liberal Party about any of those principles. As I said, they go to treating people with human dignity and to only detaining them for the time necessary to ensure they are not a threat to the Australian community. If you want to debate those principles, fine. But to then try to describe those measures as soft is false. They certainly do not undermine border security, which is how we receive and process people who come to this country unlawfully. I am happy to argue with you and debate you anywhere on those three measures—none of which were implemented in September; I have given you the dates of the three measures—and I am happy to have a debate about those public policy principles.

But, Senator, you have not argued against any of them. You have had the opportunity in the parliament to oppose them or to argue against them. You have not done so. You are in search of a policy to justify your position that says we have softened border security. As I understand it, you have now seized on the abolition of detention debt as your one policy difference with this government, despite the shadow minister and others signing up to the abolition of

detention debt in the migration committee report and despite the fact that I understood she took to the shadow cabinet a recommendation that they support it and she got rolled.

Now you are in search of a policy, because effectively you have endorsed or refused to argue for the rescission of our policies. They are appropriate public policy responses. I am happy to defend them. They are in no way a softening of our border protection measures. We have an increased commitment to border protection in the budget. We are absolutely determined to mandatorily detain unlawful arrivals and ensure appropriate health, security and identity checks are done.

So I reject the assertion that we have weakened our border protection. We have not. In fact, we have strengthened it. I reject the allegation that somehow we have gone soft. We have not. What we have done is continue with the reforms started in 2005 by the Howard government that said: 'We can't go on treating people like this. We can't go on locking up kids and seeing people sewing up their lips and jumping off buildings because of the way we treat them.' And Australia is better for those changes.

If you want to argue—and this is a minor point—that our policies have led to increased boat arrivals, you have to bear the blame, because the arrivals started after the 2005 changes by the Howard government. The arrivals started in 2006 and 2007. Sure they have gone up recently, but if you want to make that argument and if you follow the line on policy changes and results, you would have to accept that the 2005 reforms of the Howard government resulted in more boat arrivals. I think that is nonsense but, if you want to argue the case you have been, you have to argue that as well.

The other thing I say to you is: if you did not think people were going to arrive in future, why would you spend \$400 million of taxpayers' money building an 800-bed facility on Christmas Island which did not come online until 2008? If you did not think they were going to come, if you did not think there was any ongoing risk of unauthorised boat arrivals, why did you waste \$400 million of taxpayers' money building an 800-bed facility? Because you knew they were going to arrive, you knew we have had this problem for 30 years and you knew we were going to continue to have it. Indeed, we have had arrivals in, I think, 23 out of last 30 years. It is a public policy challenge we will continue to have. We work very hard to combat it. We work very hard to drive the people smugglers out. We work very hard to stop people leaving on leaky boats and putting their lives at risk. But to pretend that there is some magic solution to these worldwide pressures is nonsense.

We will drive good public policy and, to be frank, you have not sought to oppose or reverse those policy changes. If you want to make the accusations about softening, you have to articulate what your alternatives are. If you are going to argue for Nauru again, argue it. If you are going to argue for locking up kids again, argue it. If you are going to argue for TPVs, argue for it. But you are not prepared to, because all three policies, rightly, have been consigned to the dustbin of history, where they should be.

So I do not accept the accusations made. I do not accept the basis of the question. I am happy to discuss any question you want to put to me, but I am not going to comment on what the ambassador allegedly said. I have had regular contact with the Indonesians. I know what their views are. I do not think, for instance, they would say that the 400 Rohingyas who

turned up in Indonesia recently were the result of soft policies by the Indonesian government. It is a reality of the global world we live in, the reality of regular migration, and they, like us, are dealing with it.

Senator FIERRAVANTI-WELLS—I take it that, after 10 minutes, you are not prepared to comment and you neither agree nor disagree. I still do not know whether you agree or disagree. You have just refused to answer the question. Look, there have been wide reports—

Senator Chris Evans—What proposition do you want me to put—

Senator FIERRAVANTI-WELLS—There have been wide reports in the media that the Indonesian ambassador has made these comments. My simple question to you is: do you agree with these reports or do you disagree? Do you say they are right? Do you say they are wrong? That is my question. I just want a simple answer.

Senator Chris Evans—I have told you my view on these arguments about pull factors. I do not know—

Senator FIERRAVANTI-WELLS—It is a quite simple answer. I do not want the 10-minute diatribe. Do you agree or do you disagree with the comments that are attributed, even though they are in quotation marks, to the Indonesian ambassador? A simple yes or no will do.

Senator Chris Evans—The answer is no, if that is what he said.

Senator FIERRAVANTI-WELLS—Thank you. That is fine.

Senator Chris Evans—That is not what has been articulated by the Indonesian government to me. I told what my position is and what the position of the Labor government is.

Senator FIERRAVANTI-WELLS—There were certain reports. I have just asked you whether you believe they were true or not true.

Senator Chris Evans—I have no idea whether the reports are true.

Senator FIERRAVANTI-WELLS—I would have thought you would keep an eye on these things.

Senator Chris Evans—You are asking me whether the report in the *Australian* is true. I do not know.

Senator FIERRAVANTI-WELLS—You have not read it?

Senator Chris Evans—No, you asked me whether it was true or not.

Senator FEENEY—Journalists are not infallible.

Senator FIERRAVANTI-WELLS—Can I keep going?

CHAIR—Yes, continue with the questioning.

Senator FIERRAVANTI-WELLS—There was a report on *AM*. At that same time as these reports were raised about comments about the Indonesian ambassador, some asylum seekers were interviewed by the *AM* program. I think about eight of them were interviewed. Are you aware of that? This was on 24 April.

Senator Chris Evans—I do not pretend to remember the actual *AM* broadcast on 24 April. If you want to put a proposition or a question to me, I am happy to respond to it. But, no, I do not remember what was on 24 April, or what they said. If you want to ask to me if I agree with something someone said and you want to quote them, I will respond to that. But, as I say, in terms of the attitudes of unlawful arrivals in Australia, I think we referred yesterday to the academic study where someone interviewed them. I met the woman the other night—Dr Roslyn Richardson. She was on that *Insight* program with me. She has done an academic study about their understanding and she rejects the suggestion that they had any detailed knowledge of Australian immigration laws or changes in policy. As we saw with the TPV evidence, the fact is that, despite the introduction of the TPVs, people came in record numbers afterwards and they all stayed, or the vast majority of them stayed.

I would concede that people get told by people smugglers all sorts of things. We had a Sri Lankan who turned up here who had been sold a ticket to Canada. He must have got a shock when he arrived at Shark Bay, although it was a much better choice of destination. They will tell them anything. Some of them arrive thinking they are going to get a car, a house and a well-paid job. I do not doubt that people smugglers sell them all sorts of messages. But if you ask me whether I think that is influential in their decision to come to Australia—that internal Australian immigration policies or settlement policies are central to their decision—I think the answer is clearly no.

Senator FIERRAVANTI-WELLS—On a more positive note, I would like to follow on from the sort of commentary that Mr Metcalfe gave this morning about the work, and I will come to some of the more on-the-ground programs. What efforts do we make on the ground to explain what our immigration framework is in Australia? What efforts do we make on the ground in a direct manner with people to inform them of what the situation is in Australia?

Mr Metcalfe—Senator, let me just say one thing. Just because a people smuggler says something, that does not mean it is right. The people smugglers who were promising people jobs for the Olympics were peddling a lie. They will say whatever they need to say.

Senator FIERRAVANTI-WELLS—I appreciate that.

Mr Metcalfe—Your question is: what does the Australian government do to correctly inform people?

Senator FIERRAVANTI-WELLS—Taking into account security issues, what efforts are being made—and this was really the gist of my questioning yesterday—about personnel on the ground? I am interested in what efforts we are making in countries, and obviously in Indonesia, to get the accurate message across to people directly about what our immigration framework is here in Australia so that they get the correct information, as opposed to the version from the people smugglers?

Mr Metcalfe—I will ask Ms Keski-Nummi to outline some of the detail, acknowledging that the responsibility for much of that work is now with the Australian Customs and Border Protection Service and that, indeed, they have some funding in this area.

Senator FIERRAVANTI-WELLS—Right.

Mr Metcalfe—But, as I said yesterday, we do have a significant capability in key places such as Jakarta, through our public affairs officers in the embassy through to the media, to communicate information about Australia's commitment to border protection. I think I also mentioned that international agencies such as the International Organisation for Migration, which we fund, has a network of officers through Indonesia—acknowledging it is a very big country—and they work with people, with officials, with police, down to village leaders, to inform them about the fact that Australia does not wish people to travel unlawfully to Australia. It informs people about the very significant criminal offence that is associated with people smuggling. Of course, the parliament passed legislation some years ago providing very, very lengthy jail terms, including minimum sentences and mandatory sentencing, for people involved in people smuggling. A number of Indonesians are being prosecuted for that purpose right now. That clearly has a major demonstration effect. But Ms Keski-Nummi might be able to provide some more information about some of the programs.

Ms Keski-Nummi—I think the secretary has probably covered quite a lot of it, because in the key areas—and this is not just in Indonesia but also elsewhere—our officers work very closely with both IOM and UNHCR. At times they also will meet with people who have been intercepted on their way to Australia and provide information to individuals themselves about Australia's migration programs and, if they wish to migrate to Australia, how they should apply for migration. In Indonesia, as the secretary mentioned, we have, through IOM, a network of outreach officers who work very closely with Indonesian imigrasi and also with UNHCR to provide accurate information to people about Australia's migration policies. In addition to that, when they are in the field and if they are visiting any of the areas where IOM provides care and maintenance for intercepted people, that information is also provided directly by our own immigration officers.

Senator FIERRAVANTI-WELLS—Can I just take you, then, to our protocol. In terms of people, we obviously collect intelligence. I assume we interview asylum seekers, the people who arrive into Australia. Can you tell me what procedures you employ in terms of doing that—at what point you actually get to speak to them, the process you undertake, the debriefing process? I do not want to go into anything that you may not be able to tell us, but at least give me an outline of the sort of questioning that you undertake.

Mr Correll—Senator, there is a series of interviews that are undertaken with people who have arrived unauthorised by boat. The first will be one that involves really an orientation type discussion with individuals, to give them an understanding of what the system is and what processes will be followed. That is followed by ensuring they have access, if they wish, to local consulate persons if they request it. There are then health checks that are followed with the individual. There are then what we call an initial entry interview discussion, which is undertaken by immigration staff.

Senator FIERRAVANTI-WELLS—What do you ask?

Mr Correll—It is asking questions just trying to find out basic information, supporting information about their identity. Who is the individual? What is their background? How did they get to there? One of the critical issues is to attempt to establish identity of the individuals, age and circumstances. There are also then interviews undertaken by the Federal Police.

Senator FIERRAVANTI-WELLS—Let me take you back and drill down a little bit more into your interview. Do you ask them who arranged their trip? Do you ask them how much they paid to come to Australia?

Mr Correll—I would need to check the precision of that. There is sort of a structure to that interview.

Senator FIERRAVANTI-WELLS—You mean there is an established protocol, some outline, guidelines, to interviewing asylum seekers?

Mr Correll—Yes. Can I say that these are things that are happening before we are getting to the point of the actual assessment of the claims of an asylum seeker which Ms Keski-Nummi will comment on further. But in relation to this, there is initial information being picked up to attempt to establish whether the individual should be essentially considered to be screened in from the point of view of having potential claims for refugee status or screened out, and it goes through a set of structured questions. In terms of the specific questions you raised, I would need to check whether they are in that protocol, but if they are not covered there they would certainly be covered through the Federal Police's questions.

Senator FIERRAVANTI-WELLS—Could we get a copy of that? I assume that is a document within the department. Just a blank one of those would be—

Mr Correll—I would need to take some advice, but can I take that question on notice?

Senator FIERRAVANTI-WELLS—Yes, please. I will ask you the sorts of questions that I assume Immigration would want to know the answers to. If you are gathering intelligence on people-smuggling operations—and after everything I have heard this morning I would have thought that is the gist of it—I assume you would want to know who arranged the trip so that we find out potentially who some of the people smugglers are that Senator Barnett was asking about in relation to aliases or whatever. I mean, I would have thought you would want to know who arranged their trip, how it was arranged, how much they paid for it, how long they had been in Indonesia, what sort of information they were given, where they stayed.

Mr Correll—Senator, this is an area where I think it would be perhaps more productive, with the minister's agreement, if we were to provide you with more of an in camera sort of briefing of the processes involved rather than some of this material going on the public record.

Senator BARNETT—Mr Correll, with the greatest respect, I hope that is not an indication of an unwillingness to answer the senator's question and an effort to hide information that should be and legitimately is allowed to be on the public record. There is a request that has been made and, frankly, I cannot see any reason why that information should not be in the public interest revealed and disclosed to this committee.

Mr Metcalfe—Senator, I think there is a very strong public interest as to why in public evidence before this committee we would not disclose operational methods designed to combat people smuggling. Otherwise people who are engaged in people smuggling will look at what we do and devise countermeasures. What is very clear from many years of practice in this area is that people smugglers are smart criminals; they alter their tactics to respond to Australian and international measures. They have successfully increasingly devised

operational security, making it more difficult to intercept them. More recent initiatives, such as we have seen and I am sure the police and others have talked to you about, have been the way that they have broken up their passengers into much smaller groups and gone to far more remote locations. One would think that is a direct response to some of our countermeasures. Indeed, some of the acts of sabotage that occurred on vessels a decade ago were a direct response to some of the practices at the time of seeking to return vessels whence they had come. So we are dealing in an international criminal environment and it is not usual practice to disclose operational measures in a public forum. What Mr Correll has done is offered, with the agreement of the minister, to provide a confidential briefing and that would necessarily involve ourselves and, I suspect, the Federal Police.

Senator BARNETT—Mr Metcalfe, thanks for that and for the offer of further confidential briefings and further and better particulars. We need to know answers to questions that the senator has put, which I think are legitimate questions—that is, do you ask these people legitimate questions about whence they have come, their relationships with people smugglers, the cost of any people-smuggling operations and other related questions? Do you ask those questions?

Mr Metcalfe—We gather information from people on a wide range of issues in relation to both law enforcement aspects—obviously the Federal Police and ASIO are involved in interviewing people for law enforcement—and intelligence security purposes. We are involved in interviewing people to ascertain who they are, to establish their identity including their nationality and for some of the other measures that you have been describing. But beyond that—

Senator BARNETT—But what relationship do you have with the law enforcement officers in the acting out of your role?

Mr Metcalfe—There is a sequence of interviews that occurs for people who arrive. We are very conscious of ensuring that that sequencing of contact occurs properly so as to not disturb any evidence trail that may occur. The AFP is very focused on prosecutions in relation to people smuggling and to building their own information and evidence in relation to disruptions and dealing with people.

Senator BARNETT—Do you have a task force? Are you involved in the task force with the Australian Federal Police and the Attorney-General that was referred to in Tuesday's evidence?

Mr Metcalfe—We are. We briefed Senator Fierravanti-Wells about those arrangements earlier, so that will be in the transcript. There is a very well rehearsed operational response to arrivals that is not only aimed at the immigration perspectives of establishing identity and whether there are any claims in relation to entry to Australia. You would be well aware of that process of establishing whether there may be, *prima facie*, any aspects that go to our protection obligations. Other agencies are involved in the interviews for their proper purposes and there is close cooperation in relation to those agencies.

Senator BARNETT—Which other agencies?

Mr Metcalfe—The Australian Federal Police and the Australian Security Intelligence Organisation.

Senator BARNETT—Those two specifically?

Mr Metcalfe—That is correct.

Senator FIERRAVANTI-WELLS—Yesterday, Mr Metcalfe, we talked about the transiting, the statistics and those sorts of things. I assume that that is the sort of information—we talked about it yesterday—so I would assume you can tell me. Is that the sort of information that is also collected when we interview them?

Senator Chris Evans—Just as a general point—and Mr Metcalfe will obviously answer your question—I just wish to make the point that the operational interviewing procedures and techniques have not changed with the change of government. They are designed to gather all the information the Australian government would like to have from law enforcement, immigration and other aspects. There is close cooperation within the agencies and those processes as they are well established and are in place. Mr Metcalfe can help you in general terms. They are perfectly appropriate questions. We would just indicate that there is a point beyond which we do not particularly want to go. Those procedures are well established; they have been maintained over the years. Arrivals are interviewed by all the relevant agencies as part of that process. Mr Metcalfe, do you want to respond directly?

Mr Metcalfe—Senator, I think your question was about people transiting other countries.

Senator FIERRAVANTI-WELLS—I guess it is eliciting information—and this has been a protocol, if I can put it that way, that has been established. I would assume that, as new things happen, that protocol is added to or subtracted from in the sense that the sorts of questions that may perhaps need to be asked now are augmented, and I would assume it is—

Senator Chris Evans—As I was saying, the process is the same, but you are right; you would perhaps change the focus of questioning or what have you.

Mr Metcalfe—It is a process that is adapted but, as the minister says, it is the same process. Obviously we think about the sort of information we would like.

Senator FIERRAVANTI-WELLS—I think we will take you up on that offer to have a briefing. After we have had that it will put into context—certainly for the next estimates—further questioning in relation to what we pursue.

Mr Metcalfe—On the basis that it would be a confidential briefing.

Senator FIERRAVANTI-WELLS—I appreciate that.

Mr Metcalfe—Certainly we are happy to put as much as we can into the public domain because, as the minister has indicated, we take the most rigorous possible approach in relation to the law enforcement and border security aspects of that while at the same time taking a rigorous approach in relation to our obligations under the refugee convention. In providing a confidential briefing, which I suspect would also need to be with the agreement of the Commissioner of the Federal Police, I would not want that to then lead to further questions which would mean that I would say again, ‘Sorry, we are not going to talk about it.’

Senator FIERRAVANTI-WELLS—I meant it in the context of understanding the parameters within which we can ask questions next time and the parameters of those questions—

Mr Metcalfe—For sure. I am happy to do so.

Senator FIERRAVANTI-WELLS—and know the areas that it is most appropriate not to transgress. If we want to understand that we can look at a further confidential briefing. I will now go back to Mr Correll. You were talking about the initial information gathering, if we can put it that way, that Immigration does, which is basically the establishment of who they are, where they allege they have come from, presumably whether they have a passport or some sort of document identification—

Mr Metcalfe—Family relationships.

Senator FIERRAVANTI-WELLS—family relationships and whether that document is or appears to be a valid one. Is that where your language people come in as well in terms of—

Mr Correll—Yes, and of course we have interpreters involved through the interview processes. A range of other agencies are involved in interview processes as well. There is, as I mentioned, the process leading to a determination of a screening in or a screening out—that is, from the point of view of refugee status assessment. Also at that point with the screening in there is the potential for legal advice and assistance under the IAAAS scheme. When we get to a position where individuals are screened in, our refugee status assessment process is undertaken. A separate specialised team of people is engaged in that assessment process to determine that refugee status. Ms Keski-Nummi could comment a little further on that.

Ms Keski-Nummi—If a person has been found to at least raise prima facie claims, then they go into the RSA—refugee status assessment—process.

Senator FIERRAVANTI-WELLS—Is that all done at that one interview?

Ms Keski-Nummi—No, there is that preliminary interview. On the basis of issues that are raised there we would then say whether there have been prima facie issues raised that we need to look at more deeply and explore more closely in relation to whether there are conventional obligations or not. That is when we will undertake the refugee status assessment process. The individuals here—

Senator FIERRAVANTI-WELLS—Do you ask or do they tell you?

Ms Keski-Nummi—We ask.

Senator FIERRAVANTI-WELLS—So in other words you ask, ‘Do you want to claim?’

Ms Keski-Nummi—No. We try to explore with them in their own words what some of the reasons may be that they left their home country. On the basis of what they have said to us we will then make an assessment of whether there are issues there that we need to look at more closely. The individuals are then provided access through the Immigration Advice and Application Assistance Scheme for legal assistance. We will also put together a task force of trained decision makers who would go across to interview the individuals.

Senator FIERRAVANTI-WELLS—So you say to them, ‘Look, we can give you legal advice,’ or, ‘You are entitled to legal advice’?

Ms Keski-Nummi—Yes.

Senator FIERRAVANTI-WELLS—Can I ask whether they know these things beforehand? Do they have a general awareness of their rights before they get here?

Ms Keski-Nummi—Some do and some do not. Some have a better understanding of assistance and others clearly do not.

Senator FIERRAVANTI-WELLS—Do you detect that perhaps they have been schooled?

Ms Keski-Nummi—I could not comment on that. I would have to go back and have a look at some of it. I would not say they have been schooled. Some have a better understanding of asylum processes generally speaking and others do not. It is a mixture of people. I think I would leave it at that.

Senator FIERRAVANTI-WELLS—That is interesting, because they may have an understanding of asylum issues but they do not know that they have come to Australia. I am trying to ascertain the degree of understanding that these people may or may not have. Surely by now you would have gathered trends; you would have at least an understanding of the sort of appraisal that they have.

Ms Keski-Nummi—My impression of many of the interviews and decision records that I have looked at is that many people did not understand precisely how the asylum process works. They understand that there is an organisation such as UNHCR, for instance. Some of them may have been in contact with UNHCR in the past. But the detail and the nitty-gritty they are definitely not familiar with. There are always some individuals who will say that they want access to a lawyer. They know that Australia has a good human rights record. Some will know that but many will not.

Senator FIERRAVANTI-WELLS—Given the various programs that you have—this dovetails into the sort of question that Senator Hanson-Young was asking before—do you have analysts who look at this sort of information?

Ms Keski-Nummi—We are constantly reviewing the work that we do. We are constantly reviewing it for a number of different reasons. One is to ensure that we are probing and testing and asking the right questions. The other is to ensure that the way that the questions are being structured and framed will actually enable people, in their own words, to give the information that they need to give. It is a very difficult interview. It can be intimidating. Many people have been through fairly traumatic experiences. Our interviewers are trained in being able to elicit from individuals their claims and in being sensitive to the individuals themselves in relation to their previous experiences and background. From my perspective it is a very difficult interview and it can be quite intimidating for individuals.

Senator FIERRAVANTI-WELLS—Presumably this feeds into the sort of information that perhaps better helps Mr Metcalfe in the process of disseminating correct information on the ground. I would assume one assists the other.

Mr Metcalfe—It feeds back into the overall arrangements we have.

Senator FIERRAVANTI-WELLS—I think Senator Barnett had some issues he wanted to raise.

Senator BARNETT—We have had some developments regarding the payment of the tax bonus, which you would have seen in the media today. We have become aware from evidence from the federal Commissioner of Taxation in answer to a question on notice from me of some 27,552 Australians overseas who have received the tax bonus. What we are interested to

know is the number of non-Australians temporarily working in Australia on a temporary work visa of some sort. I would like to know those numbers for the 2007-08 period. The tax commissioner has said in his answer to question on notice 1a:

There are also people who come to Australia and work here temporarily that may meet the above criteria and are residents for tax purposes.

I want to drill down and ask you to confirm the figures which are set out in the Department of Immigration and Citizenship's figures published in 'Population Flows: Immigration Aspects 2007-08'. Can you confirm the figures for me of the number of those who are non-Australian who are working with a temporary work visa. I am thinking of international students, working holiday-makers, those on a 457 visa, business visa holders and retirement visa holders. There would be a list of them. I am asking you to confirm those numbers for me right now if you can possibly do that.

Mr Metcalfe—The officers with knowledge of that are not with us because we have sent them back. That was outcome 1. I will undertake to try to check that document to see whether we have any update. I would make the point that the figure that we would provide would be persons in Australia with work rights. As you said, that would include many hundreds of thousands of people—students who can work up to 20 hours a week, working holiday-makers, 457 holders and various other people with work rights. Whether they are regarded as residents for the purposes of tax law, we could not advise you. That is a matter for the tax commissioner. I think what you are asking is for confirmation of the figure that you have referred to and whether we have an updated figure.

Senator BARNETT—I would like an updated figure. I want confirmation of the tax year 2007-08. The document that I have in front of me, *Population flows: immigration aspects, 2007-08 edition*, says that there were 809,628 people in Australia on temporary entry visas at the end of June 2008. Of those, 178,118 were tourists without work rights. I am seeking confirmation of the figure for those with work rights. The way I worked that out, there are potentially 631,510 temporary visa holders with work rights. We need to confirm that. I do not know whether you know off the top of your head whether it is more than 500,000 or more than 600,000. The document says there are 631,510 temporary visa holders with work rights.

Mr Metcalfe—Can I check that? Over the lunch break I will be able to get information from the departmental officers. The figure I have had in my head is at least half a million people in Australia temporarily with work rights. I would point out that some of those people would be engaged in full-time employment—457 visa holders. Some would be here with incidental work rights, such as students who can work up to 20 hours per week and working holiday-makers who intend to alternate between periods of employment—usually casual employment—and periods of holiday. So we can certainly seek to confirm the figures that you are quoting from the departmental publication. I have no reason to believe that we would have any dispute with that. But I would just point out that the issue of who in fact is regarded as a resident for tax purposes is a matter for the tax commissioner.

Senator BARNETT—That is exactly right. That is why I read and quoted from the federal Commissioner of Taxation. This is now a public document. It has just been released. He says:

There are also people who come to Australia and work here temporarily that may meet the above criteria—

that is, the criteria to obtain the tax bonus. He goes on to say:

... and are residents for tax purposes.

They come here temporarily, they work here temporarily and at least some of them are eligible for the tax bonus. They then depart in due course for their overseas destinations from whence they came. No doubt that is the reason many in the community are concerned about the management or mismanagement of the economy as it stands today and the recklessness with which this money has been splashed out across the community. This is a real fear. Today we have learnt that 15,934 dead people have received this tax bonus on top of the 27,252 Australians living overseas who have received the tax bonus. It is a very serious problem.

Senator Chris Evans—You can make whatever political speeches you like, but if you want information from us what we have said to you is that we will get you the figures on the number of people in Australia with work rights, indicating of course that that does not mean that they are working. Secondly, there is a small group, like the 410 visa holders, who actually sometimes pay tax in their country of origin rather than here. The question of whether or not they are treated as residents for tax purposes is not information held in this portfolio. So we are not able to tell you how many of those persons who are in the country are treated as residents for taxation purposes.

The point we make is that if they are residents for taxation purposes they are paying tax here and we are benefiting from the tax payments that they make. But we will get you the figures that Immigration has regarding the number of visa holders who have work rights, noting that we cannot tell you whether they are working and we cannot tell you how they are treated in terms of tax arrangements because that is something the tax office would have to answer.

Senator BARNETT—This cuts to the quick. This really summarises it, and you have just nailed it there—that you cannot answer these questions.

Senator Chris Evans—No, because we are the immigration department.

Senator BARNETT—You cannot answer the questions that I am asking. In answer to this question, the tax commissioner says:

The Tax Office is unable to identify the number of Australians who have been paid the tax bonus who have subsequently become non-residents for tax purposes.

So even the tax commissioner does not know how many non-Australian citizens who are temporarily working in this country have received the tax bonus.

Senator Chris Evans—The quote you just read did not say that. That said Australians who are no longer resident, didn't it?

Senator BARNETT—That is part of the answer.

Senator Chris Evans—It would be misleading to put that to us, though. That is a very different group. You are referring to Australian citizens who are not resident.

Senator BARNETT—Yes, who become nonresidents.

Senator Chris Evans—That is not what you have asked us the question about, though.

Senator BARNETT—I have given you two quotes from the tax commissioner.

Senator Chris Evans—I am just saying that your question does not relate to the group you have asked us about.

Senator BARNETT—My question relates to this: if you do not know the answer and if the tax commissioner does not know exactly how many of those working temporarily in Australia are receiving the tax bonus, who does? It is the government that sets the criteria. The criteria have been set and the tax bonuses have been going out for several months, and they are still going out. So we still do not know how many will receive this tax bonus who work temporarily in Australia.

Senator Chris Evans—Evidently that is a question you obviously have to take up with the tax commissioner, because the fundamental basis of this is, as I understand it, they received the bonus if they lodged a tax return—that is, they were paying tax. It is this question about taxation. All I am saying to you is: we can help you with the immigration figures; we cannot help you with the taxation figures.

Senator BARNETT—I know. My point is that even the tax commissioner cannot seem to answer that question. But I am happy to follow it up with the tax commissioner and be assured we will.

Senator Chris Evans—I am just saying we cannot help you with that.

Senator BARNETT—I think it is a matter for the government, frankly, to know exactly where the tax bonuses went.

Senator Chris Evans—I am sure the Treasurer and the minister representing him appearing with the tax commissioner will give you those answers. But if you ask me as immigration minister how we can help you, we will answer the question you asked about those who have work rights and we will refer you to the tax commissioner about those who are registered and paying tax in Australia.

Senator FIERRAVANTI-WELLS—Which is why I asked the question yesterday about what approaches may have been made to Immigration to elicit from you whatever information you had which could gainfully have assisted other agencies in whatever they were doing to ensure that the people who were intended to get this money actually got it. That is the reason I asked the question yesterday.

Senator Chris Evans—I accept that. I think we took some of it on notice, but we made the point that at the end of the day the criterion was payment of tax in Australia, and that is not something the immigration department has visibility of.

Senator FIERRAVANTI-WELLS—I appreciate that, but the point was, if there was information available in Immigration through your various systems which could have assisted, then my part of the question went to—

Senator Chris Evans—Assist in what, though?

Senator BARNETT—The system to pay the tax bonus, the system to find the criteria.

Senator Chris Evans—What are you suggesting we could have done as the immigration department that would help—

Senator FIERRAVANTI-WELLS—I am not asking what you could have done. I was just trying to ascertain—

Senator Chris Evans—But you are suggesting someone should have asked us. Asked us what?

Senator FIERRAVANTI-WELLS—I am just ascertaining the information that you had about people who were in Australia and who are now residing overseas, having moved from Australia. We have all these people overseas getting this bonus. The intention of the bonus was to stimulate the economy in Australia, so why are we paying money to people who are overseas?

Senator Chris Evans—If you want to make speeches about the political issue, that is fine. I am just making the point that we will give you the information that the immigration department holds. It will not answer the question about who pays tax and who might have been eligible for the bonus, but we will tell you how many people are in the country who have work rights who may or may not be exercising those rights. That is all—

Senator BARNETT—Please do.

Senator FIERRAVANTI-WELLS—Who may no longer be in the country.

Senator Chris Evans—No, the question is about who is in the country. We have said we will answer that for you after lunch. That is all we will be able to answer for you.

Senator BARNETT—I appreciate your response, but I have a further question. The stimulus package was designed to stimulate the Australian economy. So what do you say to the fact that over 27,000 Australians living overseas have received the tax bonus?

Senator Chris Evans—I think the point has been made a number of times that the bonus was paid to those people who lodged tax returns, and that may well include some Australians who are temporarily overseas. But they are Australians who are paying tax here and they would receive any other tax bonus that was paid. They would also have to pay any other levies or taxes on their income.

Senator BARNETT—So was it appropriate?

Senator Chris Evans—As I say to you, that is the basis for the decision. Obviously you can go to—

Senator BARNETT—Do you agree with the decision?

Senator Chris Evans—I do agree with the decision, because our advice was to get money into the economy and to get it spent fast. All the evidence—

Senator BARNETT—But all this money has gone overseas.

Senator Chris Evans—The vast majority has been spent in Australia and there are a lot of people in work now who would not have been in work if it was not for that stimulus, and all of the consumer spending figures reflect that. I am happy to defend the stimulus package, but

if you are after information from us we can help you with the immigration matters. If you want to do political speeches or try to get a grab on TV, that is fine.

Senator BARNETT—Some 27,252 Australians overseas have received that money. That is an estimated \$24.5 million that has gone overseas. How has that stimulated the Australian economy? The second question is: of the payments that were sent overseas by cheque, the main destinations were the United Kingdom, 20 per cent; New Zealand, 19 per cent; Ireland, seven per cent; Canada, six per cent; Germany, five per cent; France, Korea, United States and Japan, four per cent each; Brazil, three per cent; and ‘other’, three per cent. How does that stimulate the Australian economy?

Senator Chris Evans—I have answered the question for you. The basis of the payments was payments to people who had paid tax in Australia. It was an entitlement based on taxpaying in Australia. People who had paid tax were entitled to the bonus. Therefore, they had been earning and paying tax in this country in that financial year. So that was their entitlement and the government took the decision to pay it on that basis because of the administrative issues involved and the capacity to stimulate the economy quickly, based on all of the best economic advice. We stand by that decision. We say it worked. You may not support it; that is your decision. You seemed to support it at the time. You now have a different position. If you want to inquire with the taxation commissioner and the relevant ministers about how those decisions were taken, who was paid, the numbers et cetera, I refer you to them. As the immigration minister, I am happy to take questions about the Immigration portfolio. We will get you the information we said we would get you, but we cannot get you the information as it relates to the numbers involved in terms of taxation.

Senator BARNETT—With respect, I thought you may have learnt from the fact that in the December cash splash some 69,000-odd pensioners living overseas received their pension bonus, and that was—

Senator Chris Evans—As they did under the Howard government bonuses. Exactly the same rules were applied. So do you now reject the Howard government bonuses to pensioners?

Senator BARNETT—The cash splash was designed to strengthen and—

Senator Chris Evans—You cannot have it both ways. You have to take a position. Do you support it under the Howard government and then not support it under the Rudd government?

Senator BARNETT—I am asking the questions.

Senator Chris Evans—No, you are not. You are making political speeches and I am going to respond in a political way.

Senator BARNETT—I have asked you a question—

Senator Chris Evans—Yes, you have asked me a political question: do I support the government’s policy? Absolutely.

Senator FIERRAVANTI-WELLS—Notwithstanding that you took a conscious decision for millions and millions of dollars to go overseas and to be paid to dead people just because you could not be bothered extracting those people from your lists. That is basically what you have done.

Senator Chris Evans—There is no question there. But the point I make is, in terms of the pension bonus raised by Senator Barnett, that was exactly the same method as I understand was employed under the previous government—

Senator FIERRAVANTI-WELLS—But millions and millions and millions of—

Senator Chris Evans—Well, you paid about \$300 a year, so I am happy to go and do the calculations and get back to you. But, again, that is a debate you would probably want to have with the taxation commissioner.

Senator BARNETT—That is an entirely different situation and you know it.

Senator Chris Evans—Why is it an entirely different situation?

Senator BARNETT—Your package was designed to stimulate the Australian economy and that money went straight overseas.

Senator Chris Evans—So what was your package designed for? You are not saying to me that was just designed as electoral bribes, are you?

CHAIR—Do we have questions, Senators? Let's go back to asking questions. There are five minutes till lunch.

Senator Chris Evans—I point out that I am here to answer questions about the Immigration portfolio. I am happy to debate political issues with senators at any time in the Senate chamber, but we have a lot of officers here to answer questions.

Senator BARNETT—They are very important questions and that is why they have been asked.

CHAIR—Let us go to questions then, please.

Senator FIERRAVANTI-WELLS—Minister, what is the current situation with our efforts to encourage the Indonesians to enact criminal prosecution in relation to people smuggling? Where are we with that?

Mr Metcalfe—That matter is primarily the carriage of the Attorney-General's Department.

Senator FIERRAVANTI-WELLS—So it does not fall into any—

Mr Metcalfe—We are certainly aware of the issue, but the interaction with the Indonesian justice officials and the parliament in relation to the legislating of people-smuggling offences has been carried forward by the Department of Foreign Affairs and Trade and particularly, I understand, by the Attorney-General's Department.

Senator FIERRAVANTI-WELLS—Minister, was this part of the discussions in terms of what happened in Bali? Was it raised in those terms in Bali?

Senator Chris Evans—Ms Keski-Nummi will advise you of the resolution or communique coming out of Bali. But one of those aspects was a commitment of all countries present to enact people-smuggling legislation. It has been a priority for this government, as it was for the previous government. We do see it as a central part of an attack on people smuggling—that each country has, if you like, consistent anti-people-smuggling legislation. But Ms Keski-Nummi might be able to refresh my memory and advise the committee of the resolution or the communique.

Ms Keski-Nummi—Yes, the communique did have in there a strong commitment for countries to criminalise people smuggling and to have people-smuggling legislation on their books. There had been quite some progress between the two ministerial conferences but more still could be done, and all countries recommitted to looking at criminalisation of people-smuggling legislation.

Senator FIERRAVANTI-WELLS—But as yet we do not have a commitment.

Ms Keski-Nummi—With Indonesia?

Senator Chris Evans—Indonesia is in the middle of its election period. I think progress on such matters is likely to be delayed until that is completed, in much the same way as such things are delayed during our election periods. Indonesia has committed to the communique. It and other countries in the region are looking to do what they can.

Ms Keski-Nummi—Indonesia is moving towards it. It is going through some of the ratification processes, but clearly with the elections coming up it will probably be after the elections before Indonesia goes through it. But it is best that the Attorney-General's Department give the precise details. I have not got them in front of me.

Senator FIERRAVANTI-WELLS—Ms Keski-Nummi, we were talking about this process with Mr Correll and we have had various interruptions. Mr Correll, you were telling me about the initial interview and then other agencies come in and have interviews. What are those other agencies? You mentioned the AFP.

Mr Correll—Yes, the Australian Federal Police and ASIO are involved as well.

Senator FIERRAVANTI-WELLS—So at what point does Immigration get to speak to them? Do you speak to them first? Rear Admiral du Toit took us through the series of protocols that exist in terms of what happens when there is a boat at sea. Take, for example, the vessel that just pulled up at Christmas Island. What would have happened in that case? Would somebody just go down and say 'Hello; welcome to Australia'? How does it work on the ground?

Mr Correll—No. There is a process of reception that occurs at the wharf. There are initial customs and quarantine checks that occur with the individuals. There are initial health-screening processes that occur as well. That leads through to the first formal points. There is an induction that is provided by the detention service provider on the island. There is a process of clearing and checking in property that occurs. There is a process that I mentioned earlier that Immigration undertakes, which is basically an induction arrangement which is about advising the individuals of what the overall processes are and the situation in terms of arrangements on Christmas Island. There is then the—

Senator FIERRAVANTI-WELLS—So, in other words, when the boat is picked up at sea and is brought in, effectively, you will have been notified through Border Protection Command through Rear Admiral du Toit's chain.

Mr Correll—Yes.

Senator FIERRAVANTI-WELLS—So you know that a boat is going to be towed in or arriving at a particular place, your officials are there waiting and that is how it works.

Mr Correll—Correct.

Senator FIERRAVANTI-WELLS—You have quarantine officials waiting there, you have a series of different departments waiting for the vessel to arrive and then you commence the series of checks according to the protocols that you have outlined.

Mr Correll—Correct.

Senator FIERRAVANTI-WELLS—Would it be a problem for you to provide, in general terms without going into the specifics—and I am not asking about what you may or may not ask—a checklist of the nature of each of those interactions? Do you know what I mean?

Mr Correll—I think we could do that happily. My concern is just the level of depth.

Senator FIERRAVANTI-WELLS—I am not asking for depth in that. I am simply asking for general headings and a general outline of gathering information or whatever. You know what I am trying to say, Mr Correll.

Mr Correll—I think we could set out a step-by-step chart and provide it to you on notice.

Senator FIERRAVANTI-WELLS—That would be good.

Proceedings suspended from 12.32 pm to 1.42 pm

CHAIR—I reconvene the public hearing of the Legal and Constitutional Senate Committee and welcome Minister Sherry, who is filling in for Senator Evans who has been called away unexpectedly. I think people at the table understand that this is not your normal portfolio and nor do you have responsibility for it, so I am sure people will be patient. Thank you for substituting for him at this time. Mr Metcalfe, I understand you were going to respond to a question from Senator Barnett.

Senator Sherry—Before we begin, could I thank you. I believe everyone understands the circumstances.

CHAIR—Yes.

Senator Sherry—I will not go into any detail, but it is a serious family matter.

Mr Metcalfe—Senator Barnett, I have just checked but I am still waiting for that information. It is being worked on. We will be able to bring it in shortly. As soon as I have that material I will respond to you.

Senator BARNETT—As I indicated before lunch, I was commenting on the government's administration of the tax bonus system and my view is that it is certainly reckless and a shocking waste of taxpayers' money. I also referred to the federal Commissioner of Taxation's answer to questions on notice. I have them with me and I would like to table those answers so they are easily accessible to you and they are on the public record. I seek leave to table those answers.

CHAIR—I do not think you need that.

Senator BARNETT—I need leave to table the document.

CHAIR—Leave is granted.

Senator BARNETT—How long do you think it will be, Mr Metcalfe?

Mr Metcalfe—I should have it in the next hour.

Senator FIERRAVANTI-WELLS—Meanwhile, I will keep us all amused.

CHAIR—We are still on outcome 3.

Senator FIERRAVANTI-WELLS—Mr Correll, I think you were going to put together a document that is basically an outline or framework sort of document specifying the various points at which DIAC intervenes, if I can put it that way. Within the parameters of what we discussed, could you give a brief outline of the sorts of things that happened at each point.

Mr Correll—Yes.

Senator FIERRAVANTI-WELLS—Admiral Du Toit talked about the maritime incident management group. Who in the department actually attends? Does Mr Correll?

Mr Metcalfe—No. I was just asking him to answer the question.

Mr Correll—Generally I do not always attend their meetings, although I will occasionally attend meetings depending on where a position is at. Normally we would have representatives, often from various parts of the department but particularly from our Border Security Division, Mr Frew's division. We would also potentially have a representative from our Refugee, Humanitarian and International Division and also potentially from our Community and Detention Services Division. Depending on where the particular circumstances are at on a boat arrival, it would normally be the first port of call, our Border Security Division, and then potentially with other participants as well.

Senator FIERRAVANTI-WELLS—We were told that notes are kept of these meetings, obviously by the head agency, which is border protection, but you record the outcomes that are pertinent to what DIAC is required to do. Is that right?

Mr Correll—There is only set of notes or outcomes from the meetings and they are distributed by the secretariat group.

Senator FIERRAVANTI-WELLS—Mr Metcalfe, earlier we went through the various committees. I assume that after each of those meetings there is a reporting process that happens both up and down the line to inform the minister. Other than the meetings the minister attends himself I assume there is a briefing up and down the line?

Mr Metcalfe—Generally speaking, yes. For example, the border protection task force that Mr Correll attends quite often is working to assist in the formulation of the agenda for the border protection committee. So there would be briefing to the minister from both PM&C and sometimes to me, given that I attend the meeting as well. The basic proposition that there are records kept and briefings provided as appropriate or action undertaken is a correct one.

Senator FIERRAVANTI-WELLS—The reason I asked the questions earlier was that it seemed from the evidence given a couple of days ago that we have basically had a division. The major difference that seems to be emerging now from what was done under the Howard government is that there has been a change to the way you do business in terms of border protection—that basically the operational and policy areas have been divided. Is that a fair summation?

Mr Metcalfe—No, I would not say that.

Senator FIERRAVANTI-WELLS—That is as it was described, so I thought I would ask you to clarify that.

Mr Metcalfe—My description of it is that the Australian Customs and Border Protection Service has been given an enhanced role. That was described in the national security statement. No doubt representatives from that agency have talked with you about their work earlier in the week. There is now a specialist committee of cabinet dealing with border protection matters rather than those issues being dealt with in the larger, more general National Security Committee of cabinet, with the exception that issues that go to resourcing—or, indeed, if the Prime Minister wanted to personally raise issues, then there is absolutely no reason why NSC would still not touch on border protection matters.

Senator FIERRAVANTI-WELLS—Suffice to say then the Border Protection Committee of cabinet covers the cross-spectrum rather than—

Mr Metcalfe—The intention is to ensure that there is the strongest possible coordination at the ministerial and agency level in relation to border protection matters.

Senator FIERRAVANTI-WELLS—In effect in this suite of committees, if I can put it that way, the operational one is really the maritime incident management group. Perhaps if I could just ask you to go back over the evidence given the other day and see if you would like to, from your perspective, augment or comment on any of that. Please take that on notice.

Mr Metcalfe—That was evidence given by whom?

Senator FIERRAVANTI-WELLS—That was evidence given by both the AFP and by Customs. Rather than me trawling you through it, if you could take that on notice, have a look at it and give me your commentary.

Mr Metcalfe—For sure.

Senator FIERRAVANTI-WELLS—And perhaps correct what I think is the perception that you have had a division of policy and operational. That was the impression that we were left with the other day.

Mr Metcalfe—We will certainly check carefully evidence given to the committee—we will do that on notice—to ensure that the committee is properly advised as to the operational arrangements. The point I am trying to make is that it is quite clear that both strategic policy and operational responsibility on the overall issue of maritime people-smuggling is the agency responsibility of the Australian Customs and Border Protection Service. They of course work in very close cooperation with Defence, through the fusion of the Border Protection Command arrangements. And they work very closely with departments such as ours and Foreign Affairs and the intelligence and federal police agencies. That is a lead role that Customs has, but that is an integral part of the responsibility of relevant ministers—particularly the Minister for Home Affairs. Those issues are brought together in what I would call a strategic policy manner in consideration by ministers in the Border Protection Committee. We will check the evidence and if we have anything further—

Senator FIERRAVANTI-WELLS—That did not seem to be the gist of evidence that was given. That is why we did not pursue the more strategic component of it because we were led

to believe that that was more under Minister Evans's responsibility and for that reason we did not pursue it there.

Mr Metcalfe—If we can assist the committee in reviewing the evidence of other agencies it is up to them as to whether they wish to add, but if there is anything that we can add on notice then I will do that.

Senator FIERRAVANTI-WELLS—I think it is important that this misconception be clarified. It seemed very clear from the evidence of Admiral Du Toit that basically 'We worry about operations and go to Minister Evans for the rest.' That was why we did not pursue other questions about strategic policy. The reason I ask about that is: is it felt that this is a more efficient way of doing business?

Mr Metcalfe—The first comment is that it is up to each government as to how it organises itself, so I would not want to make any comments about the previous government's arrangements or this government's arrangements, but clearly the minister spoke at length about this this morning. The minister is very focused on the most effective arrangements to ensure the strength of our border protection as well as our broader international response to irregular migration and our responsibilities to people who arrive and who are refugees. The government has clearly formed the view that this is the most efficient and strong way of managing the issues which fall across several portfolios. If there is anything I can assist you with, Senator, I will.

Senator FIERRAVANTI-WELLS—All right. There were some comments in the newspapers in April. We raised this with the commissioner the other day. For example, an article appeared in the *Daily Telegraph* of 18 April—'PM was warned'. You may or may not be aware of the article's existence.

Mr Metcalfe—I probably saw it at the time.

Senator FIERRAVANTI-WELLS—The article makes certain allegations about the AFP expressing reservations last year as to whether the Rudd government would back John Howard's tough approach. It basically goes to the issue of alleged AFP warnings to the government along the lines of the softening of its border security. You might remember the series of articles.

Mr Metcalfe—I hesitate to say this, Senator, but I was on leave that week and Mr Correll was acting secretary.

Senator FIERRAVANTI-WELLS—Lucky you, Mr Correll.

Mr Metcalfe—A lot seems to happen when I am leave, but I am aware of the issue you are describing.

Senator FIERRAVANTI-WELLS—For completeness, I ask: after that series of articles and allegations, did you make inquiries within the department as to whether any advice of that nature had been received from the Australian Federal Police?

Mr Metcalfe—I did not need to.

Senator FIERRAVANTI-WELLS—Is that a yes or a no? You did not do so?

Mr Metcalfe—I did not make any inquiries.

Senator FIERRAVANTI-WELLS—Mr Correll, you were acting at the time. After what I thought was a quite confronting front page, did you make any inquiries or did you think it appropriate to make any inquiries or you were not requested to?

Mr Correll—No, I did not make any inquiries.

Senator FIERRAVANTI-WELLS—Mr Metcalfe, has the department received any advice from the AFP that changes in border protection laws are making the country a magnet for people-smuggling?

Mr Metcalfe—We receive intelligence reports from a number of agencies including the Australian Federal Police. Some of those are seen at senior levels and some at more junior levels. It is not my practice, and it never has been my practice, to comment upon intelligence matters.

Senator FIERRAVANTI-WELLS—Okay. In the evidence given in answers to questions by Senator Brandis the other day which you will see when you look at the transcript, Senator Brandis makes specific reference to a report which has quite a long name. You will find it in the evidence. I would appreciate if you could also take on notice whether the department is aware of that report and, if you are aware, whether you received a copy of it.

Mr Metcalfe—Senator, I would prefer to respond as I did previously that we receive reports from a number of agencies including the Australian Federal Police. It has never been our practice to comment on the existence or otherwise of intelligence material or the subject of that material.

Senator FIERRAVANTI-WELLS—The point was that the AFP was not able to provide us with a categorisation, if I can put it that way, of the report. I would appreciate if you could at least undertake to review that evidence, have a look at it and just see—you may come back to me with the same answer but at least do me the courtesy of having a look at it.

Mr Metcalfe—On notice, I will arrange for us to examine the commissioner's evidence. In accordance with normal protocols about these issues, if there is anything we can add further to what I have said we will.

Senator FIERRAVANTI-WELLS—Thank you. Can I take you to some various questions. I have put them into a bundle here under 'border management'. I am hoping this is the right place for them to be asked. In the past, there were agreements with Indonesia to return boats that set off from that country, their territory. Do we still have those sorts of agreements?

Mr Metcalfe—I will see if any of my colleagues can assist, but my recollection was that there was never any agreement in relation to those matters. To add to that, there were, I think, four vessels that had arrived in the vicinity of Australian waters with irregular migrants on board that were taken under tow or otherwise escorted back to the vicinity of Indonesian waters, hence the term 'returned to the place from whence they had come.' Those vessels were then given the fuel and other supplies and advised as to the direction to reach safe harbour in Indonesia.

At the same time, the Indonesian authorities were advised that that had occurred, but I do not believe that agreement was asked for or sought. Arrangements were also made with the

International Organisation for Migration to be aware of the likely prospect of some irregular migrants returning to Indonesia and to be there to provide support for them, according to the arrangements relating to cooperation in Indonesia.

Senator FIERRAVANTI-WELLS—Is that the sort of action that you are contemplating again?

Mr Metcalfe—It is not appropriate for me to comment on policy matters. What I would note though is, of course, that particular action occurred with a number of boats that was then unable to recur due to Australian authorities finding that vessels were unable to make the passage back to Indonesia because they had been disabled or were unseaworthy. I spoke earlier about people smugglers responding to Australian tactics and measures, and that is an example I would submit of such a response.

Senator FIERRAVANTI-WELLS—In other words, the boats can become—and I am not asking you to comment—a bit ricketier, and then we have those international law obligations.

Mr Metcalfe—Most of them are not very seaworthy to start with.

Senator FIERRAVANTI-WELLS—In the absence of the minister, Minister Sherry, I will not pursue that one. But, in other words, Mr Metcalfe, action of this nature was taken in the past—similar action is available to this government or any future government to undertake—and it is an option that is potentially on the table as one measure that could be taken.

Mr Metcalfe—Your question had a sort of triple hypothesis, and I would prefer not to comment upon a hypothetical question or any policy matters.

Senator FIERRAVANTI-WELLS—I will leave it at that point.

Mr Metcalfe—In saying that, I am not ruling anything in or out. That is properly a matter for the government to attend to—

Senator FIERRAVANTI-WELLS—I accept that and that is really the point that I am making. Perhaps we might look at some staffing. If I could go to the portfolio budget statement at page 56. I am sorry that perhaps these are not in any particular order—

Mr Metcalfe—That is fine—we are all getting used to this new structure.

Senator FIERRAVANTI-WELLS—With the new situation, I just thought that I would bundle them all together and see how we went. The items under program 3.1, border management, are: combating people smuggling, border protection, combating people smuggling, Indonesian border management and capacity building partnership. What were the budgeted amounts in the previous years, or is this just new money next year?

Mr Metcalfe—What we are looking at here are administered items as opposed to departmental expenditure. I will just check with our chief finance officer, but I think these are new measures, not pre-existing measures. To give you the full picture of what is going on, there is a much bigger story to tell. We had a discussion with Senator Hanson-Young earlier about how the PBS essentially outlines in detail new measures. Elsewhere in the document you might find the underlying material. I gave the figure before—do not hold me to the precise figure—that roughly the department's annual expenditure on border protection measures is something of the order of \$250 million.

Senator FIERRAVANTI-WELLS—Do I read there that this funding is for two years only?

Mr Metcalfe—Those two measures—combating people-smuggling and Indonesia border management—have been agreed for two years. If you would like, we could give you a little bit more detail about what those particular measures will involve.

Senator FIERRAVANTI-WELLS—Yes, please. Given what is happening, why have you just put the two-year cap on it?

Mr Metcalfe—I think it is probably the proper pursuit by the Department of Finance for evidence based policy. A couple of those measures are actually specific projects that will be undertaken.

Senator FIERRAVANTI-WELLS—Okay, if you could provide me with that.

Mr Metcalfe—Perhaps Mr Correll can help me here.

Mr Correll—Firstly, in the working through of those new initiatives, the discussion Ms Keski-Nummi and Mr Frew went through earlier covered off in fact all of those initiatives. The two years for the initiatives was basically simply a reflection of those initiatives being decisions that were made based on two-year investments for those particular initiatives. It is simply reflected that way in the forward estimates.

Senator FIERRAVANTI-WELLS—Do I understand you are going to take on notice the more specifics of the projects?

Mr Correll—No—

Senator FIERRAVANTI-WELLS—I am sorry—they were the projects that were in answer to Senator Hanson-Young.

Mr Correll—Yes. Ms Keski-Nummi and Mr Frew went through those in some detail before the break.

Mr Metcalfe—Senator, just while you are looking for your next question, I am now in a position to answer Senator Barnett's question when you wish me to do so.

Senator FIERRAVANTI-WELLS—He might come back, if you want to wait until then. I think Mr Frew made some reference before to biometric information. How do we do it in the department?

Mr Frew—We take biometric information in a range of environs at the moment. We collect biometric information where people are in detention. Biometric information is taken from people who are detained as a part of the illegal fishers process. We are looking at, in the future, ways to expand biometric capture more usefully into the visa process.

Senator FIERRAVANTI-WELLS—What about exchange of information with international bodies? I assume that would be part of that as well.

Mr Frew—There is some exploratory work going on between us and a number of other nations on exchanging biometric data. As I say, it is exploratory work at the moment.

Senator FIERRAVANTI-WELLS—I understand that some legislation might have been introduced in the lower house in the last couple of days. Are you aware of that?

Mr Frew—That is correct. It is more of the nature of a technical amendment, if you will. There has been a sequence of legislative changes to provide for the collection of biometrics; and, in this most recent amendment that is going in, it is to more accurately prescribe what constitutes a biometric and the source from which it may come. A previous round of legislation overprescribed for what constituted a biometric when it was held by the department; that is to say, for example, a photograph taken by a departmental officer in a circumstance not necessarily to do with an identity was adjudged under the legislation to be covered by it. The rectifying legislation, of which this is the final part, one would hope, will prescribe that biometric information accepted from particular sources in respect of particular individuals is biometrics for the purposes of the legislation and, therefore, covered by the privacy arrangements et cetera.

Senator FIERRAVANTI-WELLS—So it enhances effectively the usage of it?

Mr Frew—Yes, and ensures that the privacy arrangements are enshrined.

Senator FIERRAVANTI-WELLS—Yes, I appreciate that. Could I take you back and, Mr Correll, I think this might dovetail into some of the questions we were asking before. I guess this is a general comment: are more people arriving without documentation? I have had some interesting experiences in the past in my previous life acting for DIAC where people come without documents. It must have been a spate at those times, Mr Metcalfe.

Mr Correll—In relation to people arriving by boat, the experience would be that very, very few have arrived with travel documentation. In relation to arrival by air in Australia, that is a bit of a different situation. I might ask Mr Frew to comment a little further on that side.

Senator FIERRAVANTI-WELLS—Thank you. I would be interested, and then we will come back to a question about those people who arrive by boats.

Mr Frew—I shall refine this as I go, but the numbers of arrivals in our systems where we code them as ‘undocumented arrivals’, ‘undocumented’ can cover a range of ills. It can be that the person actually has no passport and, in those cases, most normally they have destroyed the passport en route. But, at the other end of the extreme, it can just mean that they are incorrectly visaed for the purpose. So one needs to be careful that the data that I am about to give you—as soon as I can find it—does not purport to be a whole range of people turning up without a passport.

Mr Metcalfe—Senator, by definition someone coming by air, on a regular scheduled flight or on a charter flight, will have been required to present a travel document upon departure from their previous country, and we have talked at length in the past in this committee about the sort of arrangements we have in place with airlines and officers posted to some key hub airports in the region to reinforce the need for proper document checking and particularly passport-to-face checking, so that it is in fact the person, et cetera, before they get on the plane.

You would also be aware, I am sure, that there is an infringement notice and penalty scheme in relation to airlines who carry a person without documentation to Australia, and so there is a series of strong incentives for airlines to work in that way. As Mr Frew indicated, some people do then arrive in Australia without a passport or travel document, and this is in a situation where they have either passed that document to another person en route on the flight,

so it can be recycled, or destroyed it. So essentially they present. One of the reasons for that is if a person arrives and has no claims to stay in Australia, then our response is to return them on the next available flight. If there is no travel document then that obviously becomes an impossibility.

We also find people who do arrive with a document but where that document is found to be fraudulent or altered in some manner. What Mr Frew described is that there is a continuum of situations where a person arriving by air either does not have a document or has a fraudulent document, or they have a genuine document issued to someone who looks very much like them. There is a range of devices used by people and people smugglers in that respect, and we clearly put substantial efforts into dealing with that issue as well, at overseas airports and in working with airlines in other countries as well as at our own borders.

Mr Frew—This year to date we have had a 108 people arrive at Australian airports who were improperly documented. Last year it was 128. This year date, that figure represents 11 per cent of those folk who were refused immigration clearance at the border; and similarly last year it was also 11 per cent of those refused clearance at the border.

Senator FIERRAVANTI-WELLS—Could you break down those 108? As you said, Mr Metcalfe, that includes people who have got the wrong visa as well?

Mr Frew—The reason I opened up with the comment that it covers a range of things was to say that the coding is only in this fashion, I cannot disaggregate them into its parts.

Mr Metcalfe—I just cannot let this moment go past without saying that the top-rating television show, *Border Security*, on a commercial channel on 7.30 on Sunday nights—which won a Logie award at this year's Logies—does in fact highlight the work of our officers, the Customs Service and the quarantine service in border protection. It is a remarkably open show and it constantly amazes me how willing people are to have themselves filmed and photographed—because it is all done with consent. It does highlight some of the work that we actually do at our airports.

Senator FIERRAVANTI-WELLS—Yes, it might be like *Patrol Boat* and the instances when they pick up the people smugglers. Maybe somebody is watching that as well. That is good. What are some of the statistics in terms of our asylum seekers who arrive without proper documents? Is it all of them?

Mr Correll—These would be in terms of boat arrivals, unauthorised boat arrivals?

Senator FIERRAVANTI-WELLS—Yes.

Mr Correll—I am not sure that we have got a huge amount of data to hand in that area.

Mr Frew—The data that we have is not broken down, in the boat area, as to who had a document and who did not. I think Mr Correll said earlier that it is the absolute exception, and not the rule, for a person arriving on a boat to have a document or a passport.

Senator FIERRAVANTI-WELLS—In terms of identification of them, at what point are you satisfied? We talk constantly about identification et cetera. Take me through that identification process. They arrive without any documents—and again, Mr Metcalfe, this comes from my own experience in the past acting for the department and some of the difficulties that I encountered—so enlighten me on what you are now doing in this area.

Mr Correll—One of the things that is done in that process, the picture of which we will develop for you is, in fact, a biodata collection at the initial stage. With the biodata collection, which involves both face and fingerprint collection, that would be the first point of checking for identity purposes to determine whether there is any match with the existing records.

If there is no match with the existing records then through the process of interviewing and discussions with the individuals a picture is developed of the individual's details, which will give a sense or, if you like, a probability of identity. Until such a point at which identity can be specifically anchored in some way, it is quite possible that we can be dealing with a situation where 100 per cent confirmation of identity may take some time to achieve, if it is ever achieved in some cases. It is a process of using the best data that can be obtained in comparison with different sources, establishing whether there are relationships between individuals in a group that are coming forward and what those relationships might be to assist in the process of establishing identity. We have specialist resources and people within the department and a specialist identity management branch that focus on those types of specialist services.

Senator FIERRAVANTI-WELLS—It is really a question of risk analysis.

Mr Correll—Correct.

Senator FIERRAVANTI-WELLS—In other words, if I understand it correctly, are you saying to me that based on what the people on boats tell you and on other factors you think that the person is Mr X but you really do not know if he is Mr X, and that in the past certain actions were taken until you ascertained who Mr X was whereas now Mr X may go out into the community before you ascertain who he actually is?

Mr Correll—You reach a level of probability as to the identity of the individual. This would apply in all aspects of identity management. It is a standard practice and it is a standard practice internationally based, essentially, on all of the evidence sources available in basically establishing the identity. There are then some things that can be used as key anchors for identity. That is where biometrics comes in, particularly the use of fingerprints or iris represents a key, specific anchor of identity. Obviously for boat arrivals, the vast majority would not have any existing identity records recorded in our biometrics databases. It is a matter of establishing the probability that someone is who they say they are through biographic information and information from multiple interviews—whatever sources are possible—as well as health and medical examination aspects.

Senator FIERRAVANTI-WELLS—The reality is that there is quite a number of people who we do not know for certain who they are. Would you agree that, with more people being released into the community, we may or may not know who they are? We think we know but we really do not know.

Mr Correll—Yes, Senator. That is a comment you could make broadly about a much broader base of the population. The issue of establishing identity is a matter of using all the available sources of information to reach a conclusion of a very high probability of an individual being the same person that they are saying they are. The same process is undertaken in relation to arrivals by people in boats.

Senator FIERRAVANTI-WELLS—Do you have a level of probability—for example, you are 60 per cent sure who the person is? How does that work?

Mr Correll—In terms of the specific technical analysis of that identity, I would need to take that on notice and perhaps have our experts comment.

Senator FIERRAVANTI-WELLS—Bearing in mind the parameters that we put on this before, what facts and circumstances do you rely upon? You have said you talk to them and they tell you, and there might be family members. There must be a checklist—is there? Can you take on notice the various factors that you take into account to determine that the person who is sitting there is actually who they say they are.

Mr Correll—Again, I would take that on notice, noting that—

Senator FIERRAVANTI-WELLS—I am asking you to.

Mr Correll—if we cannot, for reasons of not wishing to put such material into the public domain, then we would pick that up in more of a private briefing situation.

Mr Metcalfe—Senator, I am sorry; I was just away from the table. I am sure that, if he had not already said it, Mr Correll was about to add that there is also a security checking element here, so it is not people being released purely on the strength of us having made an assessment as to their identity. It is not just us looking at that issue; ASIO are also involved in interviewing people to ensure that they are satisfied as to whether there are any issues that go to security, and that is a very careful and thorough process.

Senator FIERRAVANTI-WELLS—How many of the unauthorised arrivals since August last year who presented without documentation have been released into the Australian community, either on some form of visa or into community detention arrangements? Do we have a figure for those? I think you said it was almost all of them, so give me the figure.

Mr Metcalfe—We will just check the figure, Senator, As you are aware, the process is that, for people who prima facie engage our protection obligations, we then go through a refugee status determination process. Some people—I think it is over 100—who have arrived by boat in that period since August-September last year have been found to be refugees and, in accordance with our obligations under the refugees convention, they have been brought to the Australian mainland on permanent protection visas. The majority of the folks who have arrived, though, are still working through that process. But it is fair to say that the majority of people who have arrived have been found to prima facie engage our protection obligations, and so they are having access to refugee status procedures. A small number have been found not to engage our protection obligations or have volunteered to return home.

Senator FIERRAVANTI-WELLS—For those ones that we have engaged as you have described, did we eventually find out who they were?

Mr Metcalfe—We were satisfied as to their identity, and ASIO was satisfied on security grounds. Those are basic requirements for the grant of the visa.

Mr Correll—The three checks that have to be satisfied before there is any grant of the visa are the health, security and identity checks.

Senator FIERRAVANTI-WELLS—I know, but what if you cannot prove this person is who they say they are? How can you be certain? That is the point. I have had experience when people have come. In one instance it took me five years to find out who a person was, and then that person turned out to have a rather dubious history. That is the point that I am really getting at. People are arriving without documents. They say they are who they say they are. The community needs to be satisfied if, increasingly, there is going to be a policy of putting people out into the community. The Australian community has to be satisfied that the people going into that community are who they say they are and do not have some alias with a criminal record. Mr Metcalfe, I think that if you went through your records over many years then you would find the sort of cases I am referring to.

Mr Metcalfe—I am certainly familiar with the issues and I do not want to appear in any way dismissive because we are not; we treat this extremely seriously. Who a person really is can at times be a relatively straightforward process or a very complex process, particularly if that person is unwilling to cooperate with authorities. It is for that reason that Australian banks require multiple means of proving identity, why the Australian Passports Office requires multiple means of proving identity. We, as an organisation that deals with many people who may never have had documents, who have lost documents, who have destroyed documents or who have had documents stolen have had to establish over many years protocols for how we satisfy ourselves as to identity to the best of our ability. That is necessarily a risk based process. Mr Correll has described the methods of interviewing people, including checking with others; in some cases in the past using devices to measure claimed age through X-rays of hands or whatever, which indicate a person's age, whether they are an adult or a minor; and things such as linguistic testing to indicate whether or not they have come from a particular place or another place.

Senator FIERRAVANTI-WELLS—That is right.

Mr Metcalfe—There are a whole range of tools that are available to the department, but because in this world there is no unique identifier for every person, apart from a biometric—a fingerprint and iris scan, a DNA test or whatever—and because there is no sole source of identity in the world then you necessarily have to deal with a range of ways to satisfy yourself as to identity. That may be whether the person is of a certain age, of a certain name, of a certain nationality, is a person who has committed crimes or has not committed crimes and whatever.

It is for that reason that in situations where we find ourselves with people who do not have identity documents—bearing in mind that even if they had documents they may or may not be consistent with each other or genuinely obtained—we clearly have a series of arrangements and protocols as to how we satisfy ourselves to the best we possibly and humanly can. It is also of comfort that there is an additional checking arrangement, so that our colleagues in ASIO are similarly interviewing people and seeking to ascertain whether they raise concerns that would go to Australian national security.

Having said that, those arrangements are as good as humans can possibly make them. We have had well-known incidences over many years of people coming to Australia with false identity. Ronald Biggs stayed here for a while and then moved on. So this is not a new problem; it is an age-old problem. What we do have, though, is the ability, through modern

techniques such as those Mr Correll described before in relation to taking biometric measurements of people, to increasingly develop a database. Many countries are now establishing databases, including biometrics of asylum seekers or irregular migrants, and the ability to check and match those is something that has been developed, and Australia has done some work in that regard as well.

I suppose what I want to do is to assure that we do everything we possibly can but no-one can ever give an absolute, ironclad guarantee that, for instance, I am in fact Andrew Metcalfe and I am not someone else pretending to be Andrew Metcalfe. That is where you have to go back to base documents, discussions with people who have known you and all of those other measures that I have described.

There is another thing that we have to be practical about here. We have to apply resources to this in a sensible, risk managed way. If the proposition were 'until we had positively identified a person'—bearing in mind people have come from often refugee situations where they had no ability to register with local authorities, where they may have had documents seized or stolen or where the documents they travelled internationally on were forged or photo substituted—you would essentially be sentencing people to indefinite periods of detention, because you would never reach that 100 per cent state of satisfaction ever.

If the policy proposition is that you detain people forever, I think the parliament has made it clear that that is not the intention of the parliament and successive governments have made that plain. So, consistent with international best practice, we go about identifying people as well as we possibly can, and we do that in strong support with other agencies.

Senator Sherry—The processes that have been outlined have not changed in a number of years except to examine ways in which to add to them. That is a constant evaluation, not just here but around the world. Biometrics is a good example.

Senator FIERRAVANTI-WELLS—I agree, minister. The reason I am pursuing this is the fact that there is a greater focus on release into the community. The community would like to know that, if an increasing proportion of people are now being released into the community, appropriate checks are done. If you say to me that the best you can do is say that you are 80 per cent sure that Andrew Metcalfe is who he says he is, I think the community is entitled to know that. That is the context in which I ask the questions. I appreciate that over the years our ability has moved on certainly from previous times. It used to take ages to go back to some countries and get answers from their local police to the most basic of questions.

Mr Metcalfe—That still exists. That is an international fact, so I am in agreement with you. We would never suggest that the system could be perfect because the system can never be perfect. It is sadly for that reason that, after World War II, Australia accepted as migrants some people who were later found to be Nazi war criminals. It is for that reason that Australia accepted some people who were associated with the Afghan secret police. The aspect of refugee flows, including people who are entirely innocent and people who are desperately in need of international protection combined with people who may themselves have been the persecutors or people with criminal issues, is a very real one.

We work very closely with a number of countries—for example, with Canada. We have a Canadian officer, who is expert on these issues, who has been with us. We have had

exchanges. They have done a great deal of work in relation to international war crimes issues. We cooperate closely with The Hague processes relating to the former Yugoslavia. So an immigration checking system, whether it is accepting refugees from overseas for resettlement or whether it is dealing in accordance with our convention obligations at the border, we obviously do everything we possibly can. But I would agree with you that no system is ever going to be perfect. We need to constantly, as the minister says, look for ways to improve and refine that process—and that is a never-ending search.

Senator FIERRAVANTI-WELLS—I might pause there.

Senator BARNETT—The department has some answers that we have been waiting for. I was wondering if we could get those answers before we delay any further.

CHAIR—You might have a series of questions that come from the answers.

Senator FEENEY—How long will it take?

Mr Metcalfe—It depends if there are supplementary questions. I can give Senator Barnett the answer to his question right now, but it depends.

Senator BARNETT—I am happy to hold the supplementary questions. We asked this before lunch. I know you have been diligent in getting the answer.

CHAIR—We will take the answer and then we will go to Senator Feeney.

Mr Metcalfe—Senator Barnett asked me before lunch to confirm a figure contained in this document, *Population flows*, which is an annual document prepared by the department which explains the effects of movements of people into and out of Australia. This particular edition relates to the financial year 2007-08. It was published by the government in February this year. Senator Barnett referred me to the statement at page 63 of the document:

At 30 June 2008, there were an estimated 809 628 people (who arrived in the last 10 years) in Australia on Temporary Entry visas excluding New Zealand citizens.

Senator Barnett asked for a breakdown as to how many of those people would have had work rights. The advice I can give Senator Barnett is that of that figure of 809,628, the estimated number of people who had work rights is 540,921. As the minister and I said earlier, that does not mean all of those people were working or paying taxes, but they had the right to work. That included 134,238 457 visas. There were 317,897 overseas students. They have, typically, permission to work for up to 20 hours per week. There were 86,558 working holidaymakers. As you know, they are, as the name implies, people here for a holiday but with the ability to work for periods of time—usually casual work. The smaller group of 2,228 are work and holiday visas. They are the more limited programs where there are numerical limits—usually a couple of hundred people on a reciprocal basis between Australia and elsewhere.

That leaves, on our estimate, a balance of 269,842 people in Australia at that time without work rights. So the figures 540,921 and 269,842 should add up to the figure in *Population flows*. If you add those figures together, just to complicate things slightly, you end up with a figure of 810,763. The reason that we present the figure of 809,628 is due to rounding effects from the various categories. There is a difference of only 1,000.

Senator BARNETT—They do not add up. I am taking your word for it. I have done my own mental calculations and they do not add up.

Mr Metcalfe—That is right. That is due to a series of rounding, which cumulatively adds up to about 1,000 people, just in case you wondered why they do not add up. Just to repeat: our records indicate that, as at 30 June last year, the number of people in Australia with the right to work for at least part of the time was 540,921.

Senator BARNETT—That is the answer. I appreciate that being confirmed on the record.

Senator FEENEY—I wish to ask the department about a particular boat arrival and some of the circumstances around it. Despite all of my readings, this boat does not seem to have struck one of the usual names that occurs. This boat was detected in the Torres Strait on or around 16 March this year. It was widely reported in the press.

Mr Metcalfe—Was this the vessel with Sri Lankan nationals on board?

Senator FEENEY—Yes, correct. Has it in fact been confirmed that they were Sri Lankan nationals on board?

Mr Metcalfe—Yes.

Senator FEENEY—As a matter of interest, are you able to tell me whether they were Tamils or Singhalese?

Mr Metcalfe—I will get Ms Keski-Nummi, who seems to know everything about everything today, to join us again.

Senator FEENEY—She is showing off! Could you confirm how many persons were on board, and what you can tell me about their ethnicity and their nationality?

Ms Keski-Nummi—They were all Sri Lankans—41 Singhalese and nine Tamils were on board.

Senator FEENEY—As I understand it from the press cuttings I have seen, and this includes press in Sri Lanka, this vessel departed Sri Lanka and then was detected in the Torres Strait.

Ms Keski-Nummi—That is correct.

Senator FEENEY—It appears to me that a journey by sea from Sri Lanka to the Torres Strait is one truly extraordinary journey. I am wondering what you can tell me about the route that the vessel took and whether you can explain to me what it was doing in the Torres Strait rather than making for Christmas Island, the west coast of Australia or wherever.

Mr Metcalfe—As with many of our issues, I suspect that the answer is going to range between the heads of my Border Security Division, Mr Frew, and of my refugee division, Ms Keski-Nummi, so I will ask them to sit together and perhaps work together in responding to you.

Senator FEENEY—Certainly.

Ms Keski-Nummi—I told you we were joined at the hip here!

Senator FEENEY—It is no trouble at all. As I say, I am interested in hearing about the journey.

Mr Frew—It is perhaps more within the purview of the Border Protection Command to talk about the specifics of the maritime journey, I guess. My recollection is that it appeared to

have gone quite north from Sri Lanka and then to have followed the Indonesian Archipelago, almost within sight of it, until it got into the Torres Strait.

Senator FEENEY—I see. As I understand it, when it was first detected on or about 16 March—perhaps you can clarify that date for me—it was not clear that it was a vessel carrying illegal asylum seekers; it was thought to be just a fishing vessel. Can you illuminate that point at all?

Ms Keski-Nummi—Again, Customs and Border Protection intercepted the vessel and provided the passengers with some assistance. You would have to ask them about the details of that, but the passengers were clearly on their way to New Zealand.

Senator FEENEY—Let me come back to the New Zealand point but, firstly, let me deal with the proposition that was certainly advanced in the media: that the vessel became beached or stranded and that the vessel and those 50 persons remained stranded there for 50 days. There are headlines—for instance, if we talk about that magnificent paper of record the *West Australian*—such as ‘Asylum seekers stranded while Customs dithered’. I appreciate that you are not Customs, but what can you tell me about those four or five days, as they are differently reported, and what can you tell me about why those persons remained stranded on their craft?

Ms Keski-Nummi—We are currently in the middle of processing the individuals, but I can say that at the time of the interception they clearly indicated that they were on their way to New Zealand. When we talked to the individuals, they wished to continue on their journey to New Zealand.

Senator FEENEY—Were they in international waters or Australian waters?

Mr Frew—They were just outside Australian waters.

Ms Keski-Nummi—In discussions with the individuals, there were concerns about their safety in undertaking such a treacherous journey from Thursday Island down to New Zealand.

Senator FEENEY—Although they had already proven themselves legendary mariners!

Ms Keski-Nummi—They had proven themselves through—

Senator FEENEY—What was the nature of the threat? Was it weather? Was it food?

Ms Keski-Nummi—It was the weather. It was clear from the weather charts—and I am no mariner—

Senator FEENEY—Neither am I.

Ms Keski-Nummi—It was clear from the weather charts and the information that was provided to them that they were heading into very dangerous waters and seas. There was bad weather coming up. In addition to that, the people who understand the New Zealand coastline and where they were heading said that that was a notoriously—

Senator FEENEY—Who were those people?

Ms Keski-Nummi—The New Zealand Customs Service.

Senator FEENEY—So New Zealand Customs became involved?

Ms Keski-Nummi—At one stage, the passengers asked to talk to New Zealand authorities. They had raised concerns about remaining in Australia because they believed that Australia was very tough in its treatment of asylum seekers and they had heard that New Zealand accepted refugees.

Senator FEENEY—So the vessel was in international waters and, during the period that it was characterised as being stranded, it was in fact engaged in discussions with various Australian and New Zealand agencies? Is that right?

Ms Keski-Nummi—The New Zealand Customs Service.

Senator FEENEY—Only that one New Zealand agency?

Ms Keski-Nummi—Yes.

Senator FEENEY—What was the involvement of the department?

Ms Keski-Nummi—We were asked to be present and to talk to the individuals to explain to them what the Australian processes were and what they could expect in terms of their reception and their treatment if they were to remain in Australia to allow them to make a considered decision about whether they continue their journey or enter Australia and be processed in Australia.

Senator FEENEY—Essentially, these 50 persons decided to enter Australia and be detained in Australia rather than chase what they perceived to be a softer jurisdiction that would have risked their lives in getting there—is that right?

Ms Keski-Nummi—That would be fair to say, yes. In discussions with the group, we explained to them that they would be detained and their reasons for coming would be assessed; if they raised any protection claims, they would be thoroughly examined; if they were successful, the normal refugee status determination process and protection visa process would be undertaken; and if they were unsuccessful, they would be expected to return back to Sri Lanka. The full picture of how the processes work in Australia were explained to them and—

Senator FEENEY—Over four days?

Ms Keski-Nummi—Those discussions with them were over a couple of days.

Senator FEENEY—This boat was in international waters and during the period that the press characterised it as being ‘stranded’, you were in fact trying to persuade them to not risk their lives continuing to New Zealand?

Ms Keski-Nummi—We were assisting them to come to a decision on whether they should enter Australia and be processed in Australia rather than taking the onward journey, where there were very serious concerns about their safety.

Senator FEENEY—Can we go to the fact that they had resolved to travel by sea from Sri Lanka to New Zealand—perhaps the single greatest success of the New Zealand tourism’s ‘100% Pure New Zealand’ campaign! How is it that these persons came to form a view about New Zealand? Over the four days, you talked to them about their ambition to reach—

Ms Keski-Nummi—I talked to them over two days.

Senator FEENEY—For the two days that you were liaising with them, they were talking to you about their ambition to reach New Zealand. Can you tell us that story?

Ms Keski-Nummi—I really cannot say why they would have formed a view that New Zealand was more generous and more open, and why Australia was so tough.

Senator FEENEY—That is a part of the story. They had that perception of New Zealand.

Ms Keski-Nummi—That was the perception that they certainly carried with them.

Senator FEENEY—I see. Is it fair to say that the vessel was not stranded for four days?

Ms Keski-Nummi—You would really have to ask Customs that question. I really do not understand the intricacies of—

Senator FEENEY—the status of the vessel.

Ms Keski-Nummi—Yes.

Senator FEENEY—No further questions.

Senator TROOD—Was this boat at any time in Indonesian territorial waters during its journey?

Ms Keski-Nummi—I really do not know that.

Mr Frew—I do not know the answer. The Border Protection Command may have more information of that nature. I was advised informally that it had been within sight of the Indonesian archipelago at least for some part of its journey.

Senator FEENEY—From the route that would seem logical.

Senator TROOD—If that is the case then, presumably, it is almost certain to have been in Indonesian territorial waters.

Mr Frew—I could not state that as a fact, but I could assume that.

Senator TROOD—It is a reasonable assumption, is it not?

Mr Frew—Perhaps, yes.

Senator TROOD—Did the people on the boat say anything about whether they had any contact with Indonesians?

Ms Keski-Nummi—No, there was no mention of any contact with the Indonesians in the discussions that I had with them.

Senator TROOD—I see. Thank you. Mr Metcalfe, I want to ask about the border security arrangements around the Tiwi Islands and whether or not you have had any correspondence or contact from people living in the Tiwis about their concerns at the extent to which there is a measure of border protection for those who actually live on the islands. Can you tell us anything about that?

Mr Metcalfe—I cannot recall any contact with me and I do not recall having seen any letters to the department. I can check to see if we have had contact with the Australians on the Tiwi Islands. My expectation, though, would be that, if there were contact, it would normally be with Border Protection Command or the Australian Customs and Border Protection

Service, which has the operational responsibility for maritime and aerial surveillance in those waters.

Senator TROOD—I will pursue that if I have an opportunity. I refer to a newspaper report of 13 May, which rejoices in the headline ‘Save us from boatpeople, say Tiwi Islanders’. It is quite a long article about the concerns some people on the Tiwis have about the extent to which their islands are exposed to possible asylum seekers. It suggests that there is, in their view, a quite inadequate level of protective surveillance around those islands.

Mr Metcalfe—I may have seen the same article. As I said, I do not think we have had any contact and nor would I expect to. I will check and see if we have had any. The responsibility for surveillance aircraft—Coastwatch surveillance and the deployment of maritime assets, naval and Customs—is the responsibility of the Australian Customs and Border Protection Service. Of course, there were announcements made in the budget, on that very day in fact, about increased surveillance, additional flying hours and additional surface vessels. That was coincidental, I suspect, but there are clearly measures in the Attorney-General’s portfolio in the Customs service that to go to strengthening border protection capability.

Senator BARNETT—I would like to get some clarity, Mr Metcalfe, with regard to the document you tabled about unauthorised arrivals by sea. It gives a calendar year total, so I would like to get your figures on the financial year from 1 July 2008 up till now. Could you give us those figures. Also, the document you tabled says ‘2009, year to date’. I would like to know what date it is effective to.

Mr Metcalfe—I do not have a financial year 2008 figure with me but I can see if we can locate one. In terms of the words ‘to date’, I will check the date on which the document was prepared.

Mr Correll—Senator, I can help out on that. That document has been very recently updated and was effective as of 25 May. The 586 for 2009, year to date, picks up figures until 25 May.

Senator BARNETT—Is that from 1 January?

Mr Correll—Yes. It is on a calendar year basis, so 1 January till 25 May.

Senator BARNETT—Could you let us know the figures from 1 July 2008 to the latest date.

Mr Metcalfe—I will take that on notice. If I can bring that back in, I will.

Senator FIERRAVANTI-WELLS—We keep going backwards and forwards. You do everything on financial years but your unauthorised boat arrival figures all seem to be in calendar years. Is there any reason you cannot do them in financial years?

Mr Metcalfe—I think it is probably a matter of public record as to when boats have arrived. It is just for the ease of describing particular years. This document in particular was designed to indicate that we have been dealing with boat arrivals for at least the last 30 years and it was prepared in that particular way.

Senator BARNETT—Could you put the figures for boat arrivals from 1 July last year to date into a document for us? I am asking for information on the boat, the people on the boat, the nature of the incident and the location of the vessel?

Mr Metcalfe—We would have to prepare that document, so I will take that on notice.

Senator BARNETT—Thank you. These are unauthorised arrivals by sea. I presume there is no document of such arrivals by other means.

Mr Metcalfe—This includes maritime arrivals. To be absolutely precise, I do not think it would include the other possible form of sea arrival, which would be stowaways. We receive the occasional stowaway.

Mr Correll—We have a separate category of arrivals—by esky!

Senator BARNETT—How many on that list?

Mr Metcalfe—One esky, two people.

Senator BARNETT—From 1 July last year or in this financial year?

Mr Correll—January this year.

Mr Metcalfe—It was quite an extraordinary story. The figures for arrivals by sea will basically not change. Mr Correll makes a point about the type of vessel that people arrived on. In relation to unauthorised arrivals by air, that is a separate stream of reporting. We had a discussion with Mr Frew before as to precisely how you would define that, as to whether a person arrives without a document or with a document that is shown to be forged and is refused entry. We had quite a long discussion.

Senator BARNETT—Do you have a document on that?

Mr Metcalfe—No. We outlined how it is difficult to put that figure in a measurable way. It is quite easy to measure people who arrive by sea unauthorised. Because people arriving off an aircraft may or may not have a passport or may or may not have a forged passport, the description of ‘unauthorised’ becomes a little bit more complex.

Mr Frew—I spoke earlier about the use of our term ‘inappropriately documented’, which covers myriad ills, ranging from no passport at all to an incorrect visa. I explained to Senator Fierravanti-Wells that we cannot disaggregate that because of the way it is coded.

Senator BARNETT—Could you take on notice the numbers, even using that code?

Mr Frew—I read the numbers into the record earlier on.

Senator FIERRAVANTI-WELLS—Was it 108?

Mr Frew—Yes, 108 for this year to date.

Senator BARNETT—Could you provide it for the last five years, on notice?

Mr Frew—I could do it now if you wish.

Senator BARNETT—If you have the numbers, please do.

Mr Frew—The number of inappropriately documented arrivals at airports in 2007-08 was 128, in 2006-07 it was 173, in 2005-06 it was 188 and in 2004-05 it was 159.

Senator BARNETT—Thank you.

Senator FIERRAVANTI-WELLS—When we were talking about unauthorised arrivals I asked you to take on notice the number of arrivals since August 2008 who presented without documents and who have either been released into the community on a visa or put into community detention.

Mr Metcalfe—We have taken that on notice.

Senator FIERRAVANTI-WELLS—So all these authorised arrivals, if they are successful asylum seekers and are granted a visa, will count against the 13,500 figure for the year.

Mr Metcalfe—The figure is 13,750 for next year. It is 13,500 for this year. We will get Ms Keski-Nummi to come back.

Senator FIERRAVANTI-WELLS—I think she should just take a spot there next to you!

Ms Keski-Nummi—Yes, people who are granted a permanent protection visa will be counted against the program.

Senator FIERRAVANTI-WELLS—The figure of 13,550 is determined as part of our annual migration program?

Ms Keski-Nummi—The annual humanitarian program, yes.

Senator FIERRAVANTI-WELLS—That figure is determined at a particular point in the year and we communicate that figure to the United Nations High Commissioner for Refugees?

Ms Keski-Nummi—That is correct.

Senator FIERRAVANTI-WELLS—To put it into the context of months, the decision for the 2008-09 intake was made when?

Ms Keski-Nummi—The decision is usually made in the budget context and comes into effect on 1 July.

Senator FIERRAVANTI-WELLS—So it is 1 July and we communicate to the United Nations high commissioner. I am simplifying a little. The United Nations high commissioner determines according to its own procedures where those 13,550—

Ms Keski-Nummi—I may go back a little bit in terms of the planning for the program each year. As we start the planning process, which is usually around October or November of the previous year, we seek a submission from UNHCR about the major resettlement areas that we should be focusing on. They provide that. We also seek submissions from the Australian community. Usually the Refugee Council of Australia will hold a series of consultations across Australia about the humanitarian program. The minister normally will also write to state and territory premiers, seeking any comments or their views on the humanitarian program for the coming year. All of that forms part of an assessment of the program and a submission to government about the formulation for the program for the following year. Based on that, government will make decisions. This year, for instance, they have decided on a program of 13,750. Last year it was 13,500. Part of that was a one-off allocation of 500 for Iraqi refugees which was a response to an international appeal by UNHCR for resettlement countries to increase their places for the Iraqi program.

The program is divided into two parts: the refugee program, which is where we work very closely with UNHCR in resettlement and referrals; the other part is the Special Humanitarian Program. We are currently in conversation and discussion with UNHCR about where the major emphasis will be in next year's program. The United Nations High Commissioner for Refugees has asked for resettlement countries to focus particularly on protracted refugee situations. We have been doing that and we will continue to look at protracted refugee situations. Four of the five major protracted refugee situations are in this part of the world and we are resettling from them. I am testing myself at the moment. They include Afghans, Burundians in Tanzania, Eritreans in Ethiopia or Sudan—I would have to check that—and Burmese in Thailand. We have a program around all four of those. The fifth one is Bosnians and Croatians in Serbia, I understand. Europe is much more focused on resettlement of and seeking resolution for that particular population. The other part of the humanitarian program is the Special Humanitarian Program, where there is a person organisation that may propose people to be resettled under the humanitarian program. Within that allocation we have a planning level for the protection visas, and protection visas granted here come off that particular part of the program.

Senator FIERRAVANTI-WELLS—My question then is: at some point the UNHCR takes its action to locate and identify the 13,750 people. What happens in circumstances like this year, for example. At the rate we are going, we could have over 1,000 arrivals by the end of this financial year. That means 1,000 people from the UNHCR who may well have had expectations of coming out here. Say we have 1,000 unauthorised arrivals, and assuming that those 1,000 are found to be refugees. That means that, in effect, you are going to take only 12,750 from UNHCR.

Ms Keski-Nummi—I will make two observations. The refugee component of the program is not touched by any arrivals to Australia. That is the 6,000 and that is where UNHCR will concentrate in terms of referrals. Also, UNHCR strongly supports our asylum policies. It is law for us in relation to considering any asylum claims of people who reach Australia. When the high commissioner visited Australia in February this year, he certainly made observations about the way that Australia conducts itself in terms of meeting its international humanitarian obligations. That element of the program is counted against the other element, which is the SHP program, not the refugees component, which is where UNHCR are involved in referrals.

Senator FIERRAVANTI-WELLS—But all in all it is the one figure.

Ms Keski-Nummi—It is the one figure.

Senator FIERRAVANTI-WELLS—Okay. But there are a lot more people who have been waiting in refugee camps for many years.

Ms Keski-Nummi—We have a legal obligation to consider asylum claims in Australia, and we have to count them against the program. They are counted against the overall humanitarian program.

Senator FIERRAVANTI-WELLS—How many of the unauthorised arrivals who have come since August 2008 been granted permanent visas?

Ms Keski-Nummi—So far, 150 have been found to be refugees and have been resettled in Australia.

Senator FIERRAVANTI-WELLS—Could you take on notice how long it took to process—

Ms Keski-Nummi—Yes, I will. There will be variations in that from each cohort.

Senator FIERRAVANTI-WELLS—Is that figure that you gave me for permanent visas?

Ms Keski-Nummi—They are permanent visas, yes.

Senator FIERRAVANTI-WELLS—What about those on bridging visas or community detention?

Ms Keski-Nummi—Someone who is found to be a refugee is given a permanent visa while they are going through the processes.

Senator FIERRAVANTI-WELLS—Perhaps you might like to take on notice: since August 2008, what has been the result with them? How long did the process take? And where are they?

Mr Correll—We will take that on notice. That will just require some compilation of statistics.

Senator FIERRAVANTI-WELLS—I think at this stage, in view of the time, I will look at the ones that we will have you take on notice, and taking the average time of granting or reaching their conclusion. Have any returned?

Ms Keski-Nummi—There have been five persons who have voluntarily returned home.

Senator FIERRAVANTI-WELLS—Perhaps you might do a table which includes how many are appealing their primary decision and at what point the appeals process is. There was announcement made about a community panel or expert panel of some sort that would review negative decisions. Where is that at?

Ms Keski-Nummi—We have some interim arrangements in place. We expect on 1 July for the guidelines and the panel to be established. In the mean time, we have some interim arrangements in place and a small panel of people who we call upon if there is a need to undertake an independent merits review. Typically they are people who are former members of the RRT or the AAT.

Senator FIERRAVANTI-WELLS—Have any decisions yet been made on that?

Ms Keski-Nummi—The processes or the cases?

Senator FIERRAVANTI-WELLS—The cases.

Ms Keski-Nummi—There are several at the moment currently going through review processes but no decisions yet.

Senator FIERRAVANTI-WELLS—What mechanism are you using to assess that? The legislation about excision is still on foot.

Ms Keski-Nummi—This is a non-statutory framework. There are guidelines that have been developed, very similar to the way that the RRT would work. It has been modelled on the RRT, but it is not within a statutory framework.

Senator FIERRAVANTI-WELLS—I have a question with regard to the breakdown of the people who have arrived since August. I am not sure if this was picked up earlier in a request. Mr Correll, I think we were discussing that there is a mix of some who had been short transit and some who had spent some time in Indonesia. I assume that the ones who had spent time in Indonesia had they been under the care of IOM or assessed by UNHCR.

Ms Keski-Nummi—We would have to go back and look at those records and take that on notice.

Senator FIERRAVANTI-WELLS—I would be interested to see the breakdown of those arrivals since August and see how many of them—

Ms Keski-Nummi—Had been registered or—

Senator FIERRAVANTI-WELLS—That is right: how many of them had been under UNHCR. I think we covered the issues about funding and some of the arrangements and some of the programs and the moneys that we are spending in Indonesia in relation to assisting asylum seekers. Has the funding remained consistent over the past five years or has it dropped off and is now being increased?

Ms Keski-Nummi—To IOM?

Senator FIERRAVANTI-WELLS—Yes. Basically to keep refugees or assist them. I think it is the sort of funding that we were talking about earlier.

Ms Keski-Nummi—In the recent budget there was an increase to IOM for the care and maintenance of irregular migrants in Indonesia. In addition, we also have an additional budget to support UNHCR in terms of its refugee status determination processes.

Senator FIERRAVANTI-WELLS—On notice, could you also include how many of the unauthorised arrivals since August 2008 had previously been assessed by UNHCR and been found to be refugees and how many were not found to be refugees? In other words, we are really doing a bit of an analysis of the sort of history of those who have arrived since August 2008. Again, that will pick up any third-country transiting that that may have done. To go back a bit: the community panel has been established and it has two cases at the moment. Is that what you said?

Ms Keski-Nummi—There are four undergoing the non-statutory review at the moment.

Senator FIERRAVANTI-WELLS—Perhaps you might take on notice its establishment date, the cost, the framework and how that operates. That would be useful.

Ms Keski-Nummi—Certainly.

Senator FIERRAVANTI-WELLS—What about those asylum seekers who are still in Indonesia seeking a permanent outcome? Obviously through our various interactions with the Indonesians, we keep a fairly close eye on the numbers that are there.

Ms Keski-Nummi—We do keep a very close eye on the numbers that are there.

Senator FIERRAVANTI-WELLS—How many are there at the moment?

Ms Keski-Nummi—There are 1,009 people in the care of IOM. The latest figures that I have are that 1,286 people are registered with UNHCR. In addition to that, as I think the

minister and probably the secretary mentioned yesterday, we are resettling people from Indonesia. We have been working in particular on the protracted cases—people who have been there for more than five years and who have been found to be refugees in terms of resettlement. That is continuing at the moment.

Senator FIERRAVANTI-WELLS—And we know where they are located et cetera?

Ms Keski-Nummi—Yes.

Senator FIERRAVANTI-WELLS—Through our various intelligence avenues, we also have an understanding of where other people are perhaps waiting for the opportunity. Mr Metcalfe, I know that you do not want to give away things but I assume that we keep a watchful eye on other areas, particularly since they are now—

Mr Metcalfe—We get reports on many things.

Senator FIERRAVANTI-WELLS—You get reports on many things, I am sure. I am surprised we do not know the hotels they are staying at, Mr Metcalfe.

Mr Metcalfe—We get reports on many things, Senator.

Senator FIERRAVANTI-WELLS—Based on information that we may or may not receive, I trust that we also make sure that they receive information. But, again, it is a bit like ‘I can neither confirm nor deny’. Unless anybody else has questions on asylum seekers, I will move on to the Bali summit.

CHAIR—Is this still outcome 3?

Senator FIERRAVANTI-WELLS—Yes. I think we touched on the Bali summit yesterday. If I am not mistaken, the Bali summit is called the Bali Regional Ministerial Conference. Is that its formal title?

Ms Keski-Nummi—Yes, that is what it was called.

Senator FIERRAVANTI-WELLS—And it was established in 2003?

Ms Keski-Nummi—Mr Hughes has a better corporate memory of the pilot process than I have. I thought it was 2001.

Mr Hughes—Yes, it was established in 2001.

Senator FIERRAVANTI-WELLS—I understand that it had not met for six years.

Mr Hughes—There was a ministerial meeting in 2001 and another one in 2003. From 2003, the work went on through officials. But a new meeting was reconvened at the instigation of the Australian and Indonesian governments, and that was obviously held last month.

Senator FIERRAVANTI-WELLS—Given the very low number of arrivals during those years, it is not surprising that there was probably noneed for it to meet. Was it just a working group of its members?

Mr Hughes—Ms Keski-Nummi will talk about the activities conducted at official level, which were guided by a steering group but involved a series of specific-topic working group meetings.

Ms Keski-Nummi—There were a series of what we call Bali process workshops. The ones that I can comment on and talk about are those that were conducted by this department. The AFP was also closely involved in the Bali process and had conducted a series of workshops around different things that were much more in the law enforcement area. For instance, in April this year, we held a document examination workshop in Manila. There were 53 delegates from 24 countries to that particular workshop. It was about developing examination skills and techniques, particularly focusing on people-smuggling and anti people-smuggling measures and also on trafficking activities in the region. There was another workshop in June 2008—an annual workshop is held around this issue—in Malaysia. There were 64 delegates from 28 countries who participated in that workshop. It was a people-smuggling, threat assessment and risk analysis workshop to develop and enhance understanding of concepts of how to undertake threat assessments and risk analysis and how to compare the various immigration threat assessments in various countries and strategies that could promote greater cooperation in mitigation strategies around that area.

Similarly, again in June 2006, there was a workshop in Singapore to operationalise immigration intelligence training—I do not know whether Todd can talk more about that. It was about how information is gathered, analysed, used and shared across different countries. Those sorts of workshops continue to be programmed in. Next year we are looking at one and working closely with the Thai authorities on. It will be about immigration aspects of airport security. We expect that will probably be held in Bangkok in 2010.

Senator FIERRAVANTI-WELLS—The summit is co-chaired by the foreign ministers of the two countries.

Ms Keski-Nummi—Yes, that is correct. There is a senior official's steering group that is made up of Australia, Indonesia, Thailand, New Zealand, UNHCR and IOM. That too is co-chaired by the Department of Foreign Affairs and Trade and the Indonesian department of foreign affairs.

Senator FIERRAVANTI-WELLS—On this occasion, how many people were in the delegation from Australia?

Ms Keski-Nummi—Minister Smith was the co-chair to the Bali conference. Minister Evans led the Australian delegation, which included Minister Debus and then there were the officials.

Senator FIERRAVANTI-WELLS—How many all together?

Ms Keski-Nummi—I think that would be best taken on notice because I am not aware of the full representation from other portfolios.

Senator FIERRAVANTI-WELLS—I understood it was a figure of 43.

Ms Keski-Nummi—From Australia?

Senator FIERRAVANTI-WELLS—Correct me if I am wrong.

Ms Keski-Nummi—My intuitive feeling is that it was not that big. We will take it on notice.

Senator FIERRAVANTI-WELLS—I assume staff from three departments attended. Can you tell me what new initiatives or funding arose from the summit?

Ms Keski-Nummi—A communique was issued from the ministerial conference. I do not have a copy of it, but it is publicly available and I can certainly get a copy for you.

Senator FIERRAVANTI-WELLS—Can you give me a summary of the main points? What are we doing that is new?

Mr Hughes—The importance of the Bali process is getting the issue of people-smuggling, trafficking and transnational crime elevated on the regional agenda, getting governments in the region, near and far because there are governments quite some distance away from Australia, involved in this process and getting countries that are source transit and destination countries for regular movements to sit in the same room and come to a collective view of the priority to be given to what the anti-people-smuggling issues are and the kinds of actions that need to be taken. It is not a substitution for individual work by governments or for bilateral work, but it is something that complements those series of other activities.

I think the main things to come out of the most recent Bali meeting were, firstly, a recommitment to elevate the issue of anti-people-smuggling agendas on the regional agenda and, secondly, as has been previously mentioned, a recommitment criminalising of people-smuggling for those countries that have not yet done so. As a result of the commencement of the Bali process in 2001, there has been quite a bit of movement of criminalisation of people-smuggling in the region, probably more so criminalisation of people-trafficking. Other countries who have done perhaps just one but not the other still have initiatives in progress but have not completed the process. I think it was important that there was a recommitment to that at the Bali process.

In addition, there was a commitment to establish a forum and ad hoc groups to get interested and affected countries together to look at possible resolution of irregular movements through the region. Forums to address particular irregular movements in a multilateral way are something that we do not really have in the Asia-Pacific region, and the Bali process has set up a mechanism that offers a lot of promise in terms of tackling irregular movements of particular nationalities through the region.

Senator FIERRAVANTI-WELLS—So there has been lots of talk but nothing really concrete.

Mr Hughes—I think some of the things I mentioned are very concrete, but the nature of the process is also small steps. As I said, if you go back and look at the achievements of the Bali process since its inception, you see that it has certainly managed to get a significant amount of criminalisation of people smuggling and people trafficking. It has law enforcement agencies in the region working together in a much more cooperative way on these issues in a way that did not occur before the Bali process commenced.

Senator FIERRAVANTI-WELLS—Concrete evidence over the years was that there were very few boats arriving, so from our perspective there was not a need to elevate it to the point where we potentially had 43 officials from Australia going off to Bali for a conference. The need has re-arisen. Is that, perhaps, the basis for a recommitment?

Mr Hughes—The evidence that has been given yesterday and today is that, if we look at what has happened, we see that the reason it has re-arisen is the outflows into the region from Afghanistan and Sri Lanka and, more recently, with Rohingyas from Burma. I think the stimulus is, as has been discussed, instability in parts of the region that have caused more irregular movements.

Senator FIERRAVANTI-WELLS—Was there any discussion at the summit about various policy positions of countries and whether there had been any changes? Let me rephrase that. At the summit, was there any discussion of the programs in those various countries? Was there any reference to any alleged changes in programs in Australia?

Mr Hughes—Not that I recall. None of the analysis of the causes and solutions of irregular movements in the region involved particular reference to Australian policies. It was not about irregular movements to Australia; it was about irregular movements within the region. Of course, Australia is not particularly the key destination of irregular movements as a whole in the Asia-Pacific region.

Senator FIERRAVANTI-WELLS—There is persecution on various religious or other bases. If I recall some of the evidence that was given earlier, it is one of the factors that are taken into account—the reasons for persecution. While I appreciate that our neighbours are not all signatories to the convention, is there any reason why, perhaps, countries in our area with similar religions are not prepared to accept refugees—for example, why Muslim countries are not prepared to accept Muslim refugees? Is that the sort of thing that was discussed or raised?

Mr Hughes—Many countries in the region are hosting very, very large populations of refugees. In fact, for decades Pakistan and Iran have been—and, I think, possibly still are on the latest statistics—the countries that have hosted the largest populations of refugees and over the longest period. Closer to home, if you look at our regional neighbours then you see that Malaysia and Thailand host very significant numbers of refugees and asylum seekers. The issue that has been raised in earlier testimony by Mr Metcalfe is that not many countries in the region are signatories to the refugees convention. They host refugees as a matter of practice but are not signatories to the refugees convention, so they do not have formal processes for refugee recognition.

Senator FIERRAVANTI-WELLS—In terms of the Bali summit, are we seeing any movement towards some of the countries in the area being encouraged to be signatories to the refugees convention and perhaps to adopt a much more sympathetic attitude?

Mr Hughes—I think Ms Keski-Nummi might have mentioned in some of her earlier testimony that—

Senator FIERRAVANTI-WELLS—Are we encouraging it?

Mr Hughes—We are indeed encouraging other governments in the region to consider becoming signatories to the refugees convention. As I have said, many of them already host large populations of refugees and asylum seekers. For example, Thailand over the years has hosted hundreds of thousands of asylum seekers and refugees and in fact still hosts a population of over 100,000 from Burma. Many of our neighbours also work very cooperatively with UNHCR, provide protection space for people in their territories and allow

them to remain there and be supported while a durable solution is found for them. It is just that, at this stage, they have not been prepared to become signatories to the refugees convention.

Proceedings suspended from 3.37 pm to 3.55 pm

CHAIR—We are dealing with outcome 3 so we will continue with questions in that area.

Mr Metcalfe—Earlier Senator Fierravanti-Wells referred to a figure of 43 Australian officials at the Bali meeting in April. I want to put on the record that we at Immigration and Citizenship had four officials at the meeting. I have suggested that we contact the Ambassador for People Smuggling Issues and provide some advice in the appropriate way as to the number of Australian officials there. Certainly, with a large international meeting and given the range of interested and responsible portfolios, there would have been a reasonable number of officials there for good reason. The police were clearly there; Customs; the department of foreign affairs; and AusAID, given the development assistance aspects. Of course, because Australia was co-hosting the meeting, the Department of Foreign Affairs and Trade would have been there not only in support of the Australian delegation. Minister Smith was the co-chair of the meeting and we would have been involved with the immigration and foreign affairs department, DEPLU, in relation to the logistics of the meeting as well. So I want to put on the record that we do not have any information as to whether 43 is the figure. We think it is probably a substantially smaller number. But the reason that officials were there was to very much strengthen the arrangements that are in place and to build the operational and policy arrangements to strengthen border security throughout the region.

CHAIR—Thank you.

Senator FIERRAVANTI-WELLS—I think Mr Hughes was telling me about the Bali summit. Have there been any working documents or those sorts of things? I am interested in those people who are refugees or alleging to be refugees because of religious persecution. To some extent one of the things that is important to them is resettlement, I would assume, in a country. If they are Muslims claiming persecution, one would think they would be more comfortable resettled in a Muslim country. I wonder whether there is any work in relation to that and whether there have been any working documents prepared in relation to that. More to the point, has there been any expression of views in relation to those sorts of matters by those in that group? Mr Hughes, please take that on notice because it is quite a wide request.

Mr Hughes—I can actually answer that right now, Senator. There have been no working documents of that kind prepared. The document, as has been mentioned before, that issued from the Bali process was the communique of the Bali process.

Senator FIERRAVANTI-WELLS—In the six years that the summit did not convene there were just these workshops. How many meetings, I suppose, had occurred under the umbrella of the summit in that intervening period?

Ms Keski-Nummi—We would have to take that on notice, Senator.

Senator FIERRAVANTI-WELLS—Absolutely.

Ms Keski-Nummi—As I said, I can only talk about what we have done through the immigration portfolio.

Senator FIERRAVANTI-WELLS—I appreciate that.

Ms Keski-Nummi—Other portfolios would also be doing work around that.

Senator FIERRAVANTI-WELLS—I will go to other portfolios as well. Let us then look at new initiatives, programs or funding which arise out of the Bali conference. Nothing financial has arisen out of it? No spending measures? You are really only continuing the spending measures of the previous government?

Ms Keski-Nummi—Previously, an answer to a question from Senator Hanson-Young mentioned that one of the discussions at the Bali ministerial conference was in terms of developing a better evidence base in relation to regional movements. We have committed \$500,000 over a two-year period to research developing that evidence base and having a better sense of what all the population movements are in the region, not only irregular but also regular movements, to give us a broader picture in relation to those type of movements—the reasons for them in the region. That is a two-year project. It is not in those papers. It is out of our capacity building funding. I think the evidence base project that is in the portfolio budget statement is some of the new policy measures that were announced in the budget.

Senator FIERRAVANTI-WELLS—Out of concrete spending initiatives out of Bali, we are really only talking half a million dollars towards this population movement study?

Ms Keski-Nummi—I would have to take the rest of that on notice because I am not sure if other measures have come up from other portfolios. That is the one I know about in terms of this portfolio.

Senator FIERRAVANTI-WELLS—In doing so, perhaps you can take into account whether existing programs from the previous government were extended—which ones and which ones have been discontinued. Perhaps you could give me a bit of a snapshot there. The minister made a decision in relation to the end of the Pacific Solution, if I can put it that way, in his press release of 8 February. Do the Migration Amendment (Excision From Migration Zone) Act 2001 and the Migration Amendment (Excision From Migration Zone) (Consequential Provisions) Act 2001 remain in force? Have those acts been repealed?

Mr Metcalfe—I am not certain that they do remain in force, Senator. I will ask our chief lawyer to let me know if they do not. Essentially, excision remains in place, as the minister has explained previously, in relation to the excised offshore places.

Senator FIERRAVANTI-WELLS—For example, those provisions provide for unlawful arrivals from excised places to be processed offshore. It remains in force, but have there been some changes?

Mr Metcalfe—Not to my knowledge, Senator. I will correct that if I am wrong. I am advised that the answer is yes. The legislation—the act and the regulations—essentially provides for the network of islands and offshore resource installations, such as the one used during the evacuation of the group of people who had been burnt in the SIEV36 tragedy, the *Front Puffin* installation. They remain excised. That essentially means that if a person arrives without a visa at one of those places, they are prevented from making an application for a visa unless the minister allows them to do so using a non-compellable power. That is the basis for the current management in which unauthorised arrivals are taken to Christmas Island and are

assessed as to whether they do raise any claims which may prima facie engage our protection obligations. If they do, they are then the subject of a refugee status determination. Ms Keski-Nummi earlier indicated that some people who have arrived recently have now been through that full process, have been found to be refugees, have met identity, health, character and security requirements and have been granted permanent protection visas, the minister having lifted the bar and allowed that to occur. So essentially that remains unchanged from the past.

Senator FIERRAVANTI-WELLS—You can say it is a stay in place, but the minister can then effectively exercise his discretion and allow that to be waived.

Mr Metcalfe—That has always been the case.

Senator FIERRAVANTI-WELLS—Perhaps you can give me the rate of waiver and whether that has changed or how many we waive per annum.

Mr Metcalfe—Essentially nothing has changed, Senator. We gave some figures before of the people who had been granted protection visas. They would have been following a waiver having occurred. The reason the waiver exists, of course, is that if there was no pathway to a visa in Australia, essentially Australia would be in breach of its international obligations relating to refugees. So the legislation was developed in 2001. It means that people do not have access to the same processes that people who are onshore have access to but that if in fact a person is a refugee then it does provide for Australia to fulfil its obligations under the convention.

Senator FIERRAVANTI-WELLS—On page 50, under ‘initiatives to address the situation of displaced persons and promote sustainable returns’, it seems to have dropped down from \$16 million to \$6 million. Can you explain that?

Ms Keski-Nummi—Yes. I can explain that. That is the Displaced Persons Program. The additional \$10 million last year, I think I mentioned earlier, was for a one-off allocation to address the situation of displaced Iraqis. It was part of the international response to supporting the humanitarian situation of Iraqis who had been displaced in Syria and Jordan. That was a one-off allocation. It has gone back to what has been the normal allocation of around \$6½ million for the Displaced Persons Program.

Senator FIERRAVANTI-WELLS—Did that include any of the assistance that was given to displaced Christians, some of them Syrians, or was that a separate program?

Ms Keski-Nummi—With the \$10 million, we funded UNHCR and IOM. I would have to check what other agencies may have been funded under that particular program in Syria and in Jordan. It was to provide support and assistance. The various projects were targeted for women and children. I think there were some registration projects there for UNHCR to register people in Syria and Jordan who had been displaced. There was some funding for shelter and for access to accommodation. In relation to the individuals, it was for people who were in need and assessed by UNHCR or IOM to be in need of support and assistance. The key aim of the Displaced Persons Program is to have people remain in their countries of first asylum and not move on until people have been assessed. It also supports populations. As I think I said earlier this morning, some of the research certainly has shown that many of the Iraqis did not want to move on. They wanted to remain in Syria and Jordan but needed to feel that they were safe where they were. The funding was for that.

Senator FIERRAVANTI-WELLS—I might just put this question on notice and forewarn you. It is really about some funding that was distributed in particular to help humanitarian assistance in the Nineveh province—in particular in the Assyrian region—of about \$3 million. I guess just as a corollary to that and some of the comments that you have made, are we supporting efforts for an autonomous region in that area?

Ms Keski-Nummi—I think you would have to—

Senator FIERRAVANTI-WELLS—I appreciate that.

Ms Keski-Nummi—I am not really able to answer that.

Senator FIERRAVANTI-WELLS—Thank you. My question goes to the sorts of moneys that we are giving to these organisations. What sorts of checks and balances do we have? What sort of assurances in terms of spending on the ground? Do we have any feedback in terms of how those moneys are spent? I might put some more detailed questions on notice.

Ms Keski-Nummi—Yes. I will take it on notice because there is a very rigorous process in terms of monitoring expenditure. I can give you those details.

Senator FIERRAVANTI-WELLS—I would appreciate that. I have one last question on the situation in Sri Lanka. What is the government's strategy in relation to responding to any international requests for assistance with the Sri Lankan humanitarian crisis? Is that something that is appropriately asked here?

Ms Keski-Nummi—You would have to ask DFAT that question.

Senator FIERRAVANTI-WELLS—I want to ask one last question. What is the state of the inquiry into the SIEV 36? I appreciate, Mr Metcalfe, that there are parameters, obviously, to answering this question, but it was very clear at the time that this would be done as expeditiously as possible. Where are we with that?

Mr Metcalfe—Is this the Northern Territory coronial inquiry, Senator?

Senator FIERRAVANTI-WELLS—Yes.

Mr Metcalfe—I do not have any information about that. Our involvement has been limited. We are obviously caring for the people on board, some of whom were obviously very, very badly injured. Given that we are the authority responsible for their status, the involvement we have had with the police and the inquiry has been in relation to access to them for the purpose of being interviewed.

Senator FIERRAVANTI-WELLS—So you have had access to some of them?

Mr Metcalfe—We have certainly had contact with the folks in the various hospitals. Some are now in some of our facilities. But in relation to your question about the inquiry the only insight we have had has been to facilitate contact between the police and the people to allow them to be interviewed. Some, of course, are still not able to be interviewed.

Senator FIERRAVANTI-WELLS—Well, in the question that I asked before about the breakdown of the arrivals since August, I included that whole boat.

Mr Metcalfe—We would take SIEV 36 as being one of those vessels.

Senator FIERRAVANTI-WELLS—That is why I have not particularly asked in that respect. If there are some that are still in that category where there has been no contact for obvious reasons, perhaps you could just note that in the response to that answer.

Mr Metcalfe—We will. Thanks, Senator.

Senator FIERRAVANTI-WELLS—In terms of the inquiries about what actually happened on board, is the department aware of or has there been a briefing about what happened on board?

Mr Metcalfe—No, Senator.

Senator FIERRAVANTI-WELLS—So you are not in any position to tell me whether those on board were told they were going to Christmas Island or not?

Mr Metcalfe—No, Senator. As you know, we do not have officers attached to either the Customs vessels or the naval vessels that were responding to the arrival of the boat. Any questions on that are matters for those authorities. Obviously, they are caught up in the wider inquiry as to the tragic events.

Senator FIERRAVANTI-WELLS—Thank you. That completes my questions on outcome 3.

[4.14 pm]

CHAIR—We will move to outcome 4, which is Lawful stay of visa holders and access to citizenship rights for eligible people through promotion of visa compliance responsibilities, status resolution, citizenship acquisition integrity, case management, removal and detention, and policy advice and program design..

Senator FIERRAVANTI-WELLS—Mr Metcalfe, I have a question about overall average staff levels. They have gone down in that program area. Can you point me to specifically where in this program that decrease has occurred?

Mr Metcalfe—This is a very broad program. Mr Hughes and Ms Larkins might be able to provide some more detail. As I indicated probably about 24 hours ago when we were first talking in general questions, the department's current average staffing level figure for this year is around 7,500. We expect it to drop to about 7,100 average staffing level as a total organisation for the next financial year. That requires us to make savings across the organisation to achieve those efficiencies and reductions. That is an estimate, though. The reason I say it is an estimate is that it is based on the best information at the time of the preparation of the budget papers. As you know, our budget is made up of elements that are responsive to changes in workload and activity levels. That is why I would hesitate in saying, 'This is what the staffing numbers are going to be precisely in this area,' but we obviously are looking for efficiencies in all of our programs, and this program is not exempt from that. Having made those contextual remarks, I will see if Mr Hughes or Ms Larkins want to add anything.

Ms Prothero—In relation to the staffing numbers, as the secretary mentioned, it is an estimate of the staffing levels applied to the resources of this particular outcome. I should mention that the numbers are more in relation to an attribution about the total expenses provided to each outcome. So it includes staff involved in direct service delivery as well as

staff involved in the overhead functions, such as the finance team, HR and IT. So, in relation to savings measures across the department, they have been attributed across all of this. So it is a little difficult at this stage to say exactly where we are going through the work in relation to identifying where specific saving measures will be delivered across the department. That will have a further impact on where actual staff will be lost. I also note that one of the outcomes is offshore detention, which is a function in which the costs are fully funded as they are incurred. Basically, those numbers could go up and down depending on what actually happens.

Senator FIERRAVANTI-WELLS—We might just move to overstayers. Are overstayers who have been located and removed in 2008-09 part of the snapshot?

Mr Metcalfe—The current annual report scores for 2007-08 will be in the annual report that is currently being prepared. I am not sure whether we do a midyear update or forecast in that respect.

Mr Hughes—For the first three-quarters of this financial year—that is, July 2008 to the end of March 2009—there were 5,160 compliance related departures.

Senator FIERRAVANTI-WELLS—How does that compare with previous years?

Mr Hughes—Looking at the trends for what we expect the full year figure to be, it is pretty consistent with earlier trends, with one big exception—that is, the number of illegal foreign fishers who have been required to depart Australia is much lower in 2008-09. Obviously we hope that it remains that way for the balance of 2008-09. Therefore, the number of compliance related departures should be lower in 2008-09 than the previous year.

Senator FIERRAVANTI-WELLS—How are costs of location and removing unlawful residents trending? Have the costs for giving effect to that program basically remained the same, or is it becoming more expensive?

Mr Hughes—I would answer that question in a slightly different way from the way you are asking it. We are making a big transition in the way that we do the work, from using detention very much as a compliance tool, which has been the situation in the past, to the early intervention and status resolution of people in the community. So the resources and the early work that has been done on that through the status resolution service and their community care pilot has shown that we have been able to assist with the departures of people, including some protracted overstayers, in a much more timely way. As part of one of the major budget initiatives for 2009-2010, we are moving resources from the detention programs into status resolution and services that will allow us to achieve the departure of people from the community rather than through detention as a default.

Senator FIERRAVANTI-WELLS—So you know what the cost is of using the detention option. You are able to work out the cost and how the trend has been using the stick method; now you are moving to the carrot and stick, but we do not know if that is working as effectively or, alternatively, how much that is actually costing.

Mr Metcalfe—We do know it is working effectively. As I mentioned yesterday, the approach established by the previous government in the 2006 budget under Senator Vanstone as minister—the community care pilot within the community status resolution trial—allowed

us to look at early intervention models. We are moving from a model of essentially having an intense effort on locating people who are illegal in the community and detaining them and then trying to resolve their detention to a model of intervening with people very soon after they may have become illegal, providing incentives for them to remain legal—we had a discussion about that yesterday—and then working with them and providing them with support and advice, including independent advice, as to their prospects of remaining in Australia. If in fact there is an entitlement to stay, that is resolved quickly so that they stay. If there is no entitlement to stay, the aspect of their leaving Australia happens as quickly as possible. The whole intention is to deal with issues in an early intervention method without the need to put people into a detention environment unless absolutely necessary.

Yesterday the minister described the basis for the New Directions in Detention initiative, which builds on early reforms, with a view to strengthening our compliance outcomes in this area. Those pilots are now being used to build a business case to government, which has allowed us to turn it into a program—this is the \$77 million or so. It will allow us to integrate initiatives to actively, effectively and efficiently manage clients through early intervention. Our whole processes are, as you know very well, designed around essentially voluntary compliance. The vast majority of foreign nationals who come to Australia come here, have a good time and go home again or, if they are eligible to stay, apply and get a lawful outcome.

We try to maximise that voluntary compliance through measures such as the legislation that was introduced recently in relation to employers' obligations. It provides advice to employers as to who is eligible to work and who is not to try to create a condition and an economy where compliance with those issues occurs. We then have measures which deal with the very small proportion of people who do not comply and will not comply or who have difficult issues or situations to work through. This is essentially a way of approaching immigration compliance in what I would regard as a pretty smart way without the need to have high-cost detention options, which are damaging to people and, as we have seen, can be very damaging to the administration of the program. We accept that there will be some situations when people will not comply with reasonable conditions and where detention is the only option available for them.

[16.25]

Senator FIERRAVANTI-WELLS—So part of an incentive to stay legal is allowing them to continue to work until they get it resolved?

Mr Metcalfe—In some situations. We discussed the 45-day rule changes yesterday, for example. That is not only the situation, of course; there is the aspect of the use of bridging visas and how they might be applied. What is critical here is an intense case management effort at a very early stage rather than finding someone who may have been in Australia for 10 or 15 years illegally and has a web of friendships, networks, marriages and children. I am sure you are very aware of the complexity of cases that we have to deal with. So the whole intention is to try to move and focus resources right at the critical point rather than having a lot of resources further down the line when things are much more complex.

Another point I would make—and this reflects the pattern of applications and work that we have seen over the years—is that when I became secretary four years ago, we had over 4,000 matters in the Federal Court and the AAT, which provided lots of work for legal firms.

Senator FIERRAVANTI-WELLS—Under the Migration Act.

Mr Metcalfe—Currently we have just over 800 matters in the court and the AAT. How did we achieve that? Not because we are receiving a vastly reduced number of applications but because we have worked very, very closely with the courts to improve the process and to achieve speedy resolution. I think there is excellent, cooperative work between our lawyers and the courts to try to reduce the incentive for litigation as an end in itself. So there is a whole range of integrated measures here that are about achieving the right result at the earliest possible time rather than a huge amount of money trying to achieve a result when things have got really hard years down the track.

Senator FIERRAVANTI-WELLS—You kindly gave me the website. I think that is where I am going to go and look at the figures. What would be useful is basically getting a snapshot over the last, say, five or six years to get a picture in terms of overstayers being located and removed.

Mr Metcalfe—Yes. But, as Mr Hughes said, that of itself is part of the picture, not the whole picture. Overstayers being located and removed is certainly one indicator. But we would prefer that people did not overstay and left voluntarily or did not work illegally. We have quite intentionally put resources into not just locating people but in working with employers and communities to create an environment where there is less tolerance for illegal work and for overstaying.

Senator FIERRAVANTI-WELLS—Well, I appreciate that, but there are still statistics.

Mr Metcalfe—I am just saying that, in providing those statistics, the—

Senator FIERRAVANTI-WELLS—I know. Perhaps if it is done with a percentage of the breakdown so it actually has a percentage as well, not just the numbers. I think we talked about 48,000 illegals and 0.2 per cent today. I think it would be useful. The percentage is obviously helpful because it just shows the trend.

Mr Metcalfe—Yes, we will certainly provide that. As Mr Hughes said earlier, the figures can be misleading. If you were to look just at removals from Australia, a large proportion of removals last year were illegal foreign fishers. We have seen far fewer because of strong compliance efforts and voluntary compliance. Therefore, we are removing fewer people because fewer people arrive. So I am just trying to build a context into those statistics.

Senator FIERRAVANTI-WELLS—I appreciate that. Perhaps in the answer, that can be built into the answer. I might just move on to the situation with the government's response to the Proust review of ministerial discretion. Is this something that should have been in another program?

Ms Keski-Nummi—It is actually in program 2, ministerial intervention.

Senator FIERRAVANTI-WELLS—I am sorry.

Ms Keski-Nummi—That is okay.

Mr Metcalfe—I think we all agreed at the beginning that we are all learning this structure.

CHAIR—Ms Keski-Nummi, I hope you are keeping count of this when it comes time for any sort of performance review for you.

Ms Keski-Nummi—Not at all.

CHAIR—There are plenty of us who are witnesses if you need a bit of back-up.

Mr Metcalfe—If you are trying to link a performance agreement to appearances at the table, Senator, she is doing a very good job.

Ms Keski-Nummi—Just bear with me for a minute.

Senator FIERRAVANTI-WELLS—What is the situation at the moment with the government's response to the Proust review on ministerial discretion? Where are we at with that?

Ms Keski-Nummi—Ms Proust made a number of different recommendations. Some were administrative and some were about future directions as well. In terms of the administrative arrangements, we have focused on those improvements over the last year. Part of it is a more holistic and streamlined assessment process. That has been implemented. The submissions that go to the minister give a total view of the individual in terms of their case history. There is better coordination with our compliance and case management people to ensure that we are dealing with the individual, not just the particular ministerial intervention request.

Senator FIERRAVANTI-WELLS—Has there been a formal response, though?

Ms Keski-Nummi—No, not a formal response as such, but I think on the record in previous estimates we have taken the committee through all of the various changes we have put into place.

Senator FIERRAVANTI-WELLS—Is there somewhere that those recommendations that the government intends to implement have been correlated?

Ms Keski-Nummi—Could I take that on notice?

Senator FIERRAVANTI-WELLS—If you could.

Ms Keski-Nummi—I will provide you with a full response in terms of the recommendations and the measures that have been taken.

Senator FIERRAVANTI-WELLS—And which ones you intend to implement and which ones you do not.

Ms Keski-Nummi—Yes.

Senator FIERRAVANTI-WELLS—If you could take that on notice, that would be good. Thank you. I would like to ask a question on detention, if I may. At page 60, for the onshore detention network, the total for the program is going down from \$91 million to \$66 million. Can you just explain that?

Mr Metcalfe—That is correct, Senator. As I think we have mentioned, we believe that the costs associated with the onshore detention network—Villawood, Maribyrnong and Perth et cetera—will reduce substantially next year for a couple of reasons: (1) we are introducing new contractual arrangements and a new business model and expect efficiencies through that

process; (2) we expect to detain fewer people because of the approach we are taking to immigration compliance issues. We have essentially been able to argue that the money that was previously spent on detention should be applied to early case resolution—the issue that we were just discussing. So what you will see here is a new measure, which is the case resolution, and a pretty similar reduction in the amount of money in detention. I am just looking at the measures.

Senator FIERRAVANTI-WELLS—The financial officer is coming to your assistance.

Mr Metcalfe—She is a very helpful person—she wrote this thing. Senator, you will see on page 19 of the PBS a measure under program 4.1, third from the bottom, entitled ‘New directions in immigration detention’. If you turn across to page 20, you will see another measure entitled ‘New directions in immigration detention’.

Senator FIERRAVANTI-WELLS—That is \$7 million gone there. So the \$91 million to \$66 million—

Mr Metcalfe—Ms Prothero is the world expert on this, so I will ask her to take over.

Ms Prothero—It is a little confusing to follow through the booklet. Under the finance rules we have to show them as a netting off. Basically, there was a reduction in our administered expenses, the ones that you saw there against 4.1, where you noted the resources coming down. That has actually reduced by \$17 million overall. That is a reduction of \$17 million, with administered expenses of \$4.1 million. There has been a growth in our departmental expenses of \$7 million against outcome 4.1 in the departmental lines. You will see a line there that we previously corrected. The best place to have a look is on page 75, where you can see the figure. There is growth in the funding shown there.

Senator FIERRAVANTI-WELLS—That is another \$7 million.

Ms Prothero—Yes.

Senator FIERRAVANTI-WELLS—So that is \$14 million.

Ms Prothero—Yes. Then there is a growth in the administered expenses as well under program 2.1, on the second line of page 50. It is the Immigration Advice and Application Assistance Scheme. That is also the funding going up as well.

Senator FIERRAVANTI-WELLS—That is another \$3 million. With \$91 million down to \$66 million, I am just trying to make up that difference.

Ms Prothero—The \$91 million down to \$66 million is a movement of a couple of things. For the \$91 million down to \$66 million, there is \$74 million down to \$60 million. Basically there is a movement of \$17 million buried in the \$74 million down to \$60 million because the \$60 million would have been \$77 million or \$78 million before the reduction down.

Senator FIERRAVANTI-WELLS—Could you do me a favour and just please take this on notice and trace it through and explain it to me.

Mr Metcalfe—That would help us all.

Senator FIERRAVANTI-WELLS—Yes, I am not about to count on my toes and fingers! If you could do that, that would be good. In terms of onshore detention, have there been reports of incidents at Villawood related to self-harm?

Ms Wilson—In this financial year, year to date 30 April, there have been 11 reported incidents of self-harm.

Senator FIERRAVANTI-WELLS—All at Villawood?

Ms Wilson—No. There were five at Villawood, one at Perth IDC, one at Perth IRH, one at the Brisbane ITA, two at Maribyrnong IDC and one at Christmas Island IDC.

Senator FIERRAVANTI-WELLS—Serious incidents?

Ms Wilson—I do not have the details of the nature of them.

Senator FIERRAVANTI-WELLS—Take it on notice, thank you. Mr Metcalfe, in the broad spectrum of the previous question about shifting funds towards a more community approach, if I can describe it in that way, does that include provision for housing facilities and all those sorts of things as well? If we are going to see a shift out to a more community focus, is that part of the bigger picture of what you are looking at?

Mr Metcalfe—What we might do is describe how that program is expected to work. Would that help?

Senator FIERRAVANTI-WELLS—Yes, please.

Mr Metcalfe—Including the accommodation aspects.

Senator FIERRAVANTI-WELLS—Including the accommodation aspects and, in particular, having in mind at the moment the situation in metropolitan Sydney and the current housing shortage. If the department is going to adopt this sort of attitude, where are you going to find the housing if there is difficulty with housing?

Mr Metcalfe—Mr Correll will help. I would note that since June 2005 we have had an interesting situation in place that we have discussed before—the so-called residential determination situation—where people are accommodated in the community but in legal terms under the Migration Act are actually regarded as being held in detention. It is a very loose and wide concept of detention.

Senator FIERRAVANTI-WELLS—Are they reporting, then?

Mr Metcalfe—They are not in a detention centre. They are not in any sort of facility. They are in an apartment or a house and they have some sort of reporting or other arrangement. That was the way that the then government chose to deal with the legal status of the people. So we have in fact had some years of experience of working with folks outside a facility arrangement but where they are provided with housing and accommodation while we go through status resolution issues. Having said that, I will ask Mr Correll to talk a bit further about what is proposed.

Mr Correll—The whole focus of this is, for individuals whose immigration status is not resolved, how to resolve that status as quickly as possible. That is the objective. In that context, the next issue is where they would best be accommodated given overall risk considerations to the community whilst that is occurring as rapidly as possible. Where that involves, then, location and a greater use of community based location, there is the nature of support services to do that to be considered. Those support services are based upon the community care pilot services, which I think we have discussed in previous Senate estimates

hearings. The result of the budget was to expand the community care pilot to a national level. It had been operating across three capital cities. That would become the key backbone of services to support people in the community whilst action is being taken as rapidly as possible to resolve their immigration status through case management and case resolution activity.

Senator FIERRAVANTI-WELLS—So instead of incurring the cost of keeping them in detention, we are funnelling moneys through organisations like the Salvation Army to help them, clothe them and feed them in that sort of circumstance.

Mr Correll—Yes, and potentially providing other support and counselling services as well—advisory services supported with voluntary removal programs. Essentially, what we are doing out of this, as reflected in the government's decisions in the budget, is to remove funding out of bricks and mortar detention facilities and to put that funding into support services for people in the community. At the same time, we are using services that are going to support the notion of case resolution as well, which would include counselling related services.

Senator FIERRAVANTI-WELLS—You are still continuing with the development of Villawood?

Mr Correll—Yes.

Senator FIERRAVANTI-WELLS—So what are you going to do? What are you going to physically do with Villawood? Will there be a change to that?

Mr Correll—This does not mean that there are no people left in an immigration detention centre. There are still people who represent in some way a significant risk to the community. So they are of significant character. There are 501 character cases, for example. There are other cases where the immigration detention centre is the appropriate option in those risk circumstances. The Villawood detention centre is being redeveloped based on those key new detention direction principles, including high-risk components within the centre but also including flexibility in the way forward and the potential to have some community based accommodation, if that proves sensible, at the site. Basically, it is aiming to still give a clear level of high-security accommodation. I think Ms Wilson can probably help me with the rough estimates of numbers for Villawood. Essentially, Villawood would become the primary high-security location for detention facilities.

Senator FIERRAVANTI-WELLS—Are you going to sell any facilities? Are you going to shut down any around Australia?

Mr Correll—We are basically looking at the optimal use of the facilities. So in being able to shift the money out of bricks and mortar and detention contracts into contracts for services in the community, we are looking at how we can most optimally use facilities. Where we have very low usage, we want to make sure that we keep the operational costs of such facilities at an absolute minimum and put them into a contingency mode, if that is more sensible. So those arrangements will be a key part of the way we manage the detention facility network to be very strongly focused on how we keep an optimal watch on the overall costs of those facilities. That means also the way we are looking at the pricing structure under the new contract arrangements that have recently been announced. We are looking at a pricing

structure which better reflects those sorts of directions and gives us flexibility to put facilities into a contingency mode and brings down costs with different levels in different facilities.

Senator FIERRAVANTI-WELLS—Can you explain to me how Villawood is going to become contingent? Can you describe to me the contingency arrangements at Villawood? It is a big facility. It has six or seven different sections. If you have 10 people in each of those sections, how are you going to physically do this? I have not quite understood what you are getting at.

Mr Correll—Villawood at present is in three stages. Under the new design for Villawood, the existing stage 1 would disappear completely. That is the high-security area. It would be replaced by a design which would include a high-security area, but it would also be designed in a very modular way so that facilities can be either ramped up or ramped down very quickly. The Maribyrnong detention centre in Melbourne already has some of those features, providing a lot of flexibility in the way that facility can be operated. That was not the only thing I meant by the ability to wind up or wind down contingency.

We were hearing earlier that the number of illegal foreign fishers is down very much at the present stage. We have in the northern centre two components—the northern element and the southern component of the northern immigration detention centre. At the present time, I think—Ms Wilson will correct me if I am wrong—we have just four people in the northern immigration detention centre.

Ms Wilson—Three people.

Mr Correll—There are three people in the northern immigration detention centre. In those circumstances, it is obviously not optimal to be running a full detention centre and incurring the high costs associated with that. Under our new contractual arrangements and under the way we want to operate, we want to wind down our operations in a modular way to perhaps just operating a component of that centre and being able to handle that in the contractual cost structure. Basically, the previous contracts that have operated have not been particularly conducive to providing that level of flexibility in the management of facilities and have provided fairly high-cost options for doing that sort of thing.

Senator FIERRAVANTI-WELLS—I will keep going, unless somebody else has questions.

Senator PRATT—I have questions about Villawood. I note that in January 2008, the Human Rights Commission described Villawood as harsh and inhospitable and the most prison like of all Australia's immigration detention centres. I want to know whether you are knocking down the whole thing or are you making some use of the existing infrastructure?

Mr Correll—Well, a lot of it is being knocked down. But I think I will ask Ms Wilson to work through some of the detail of that.

Ms Wilson—Senator, Stage 1, which is the high-security area, is being completely rebuilt, not on the same site but on a bit of land in front of the current location. All of the central facilities, of which you will probably be aware, are currently in demountables that have been renovated and are getting to the end of their life. They are being replaced. It is the kitchen area, the medical area, the library and all those sorts of facilities. They will be completely

replaced. However, stages 2 and 3, which currently house the low- and medium-risk clients, will be upgraded rather than completely pulled down and rebuilt. The majority of the costs associated with the proposal is actually in replacing the high-security area and the central facilities.

Senator PRATT—I note that the redevelopment has in fact been on the cards for quite some time. I want to know when it was first considered and why action, I suppose, was not taken earlier.

Mr Metcalfe—Senator, we may have to give you precise details on notice because some of this goes back quite a long time. But I recall that the department was anxious to redevelop Villawood prior to the Sydney Olympics. Indeed, in the lead-up to the Olympics there was a suggestion that the Villawood site may be vacated by the department and that, strangely enough, the Villawood facilities might be used for accommodation for officials or others visiting Australia for the Olympics. I kid you not, Senator.

Senator PRATT—No. I do not think that is inhumane and inhospitable.

Mr Metcalfe—I would not make that up. Certainly in the late 1990s, the department was involved in looking for alternative detention facilities in the Sydney Basin area. A number of sites were examined, including one at Ingleburn army base, from memory. Under the relevant Finance rules at that time, there was a requirement that essentially the department and its service provider, which at that stage was Australasian Correctional Management, enter into a potential arrangement where essentially the facility would be built, owned and operated by the provider. The department had some issues with that. Given that this is essentially a national resource and it was owned by a service provider, it raised real issues of public policy. I can say that for at least the last 10 to 12 years there have been moves underway for the complete modernisation of the detention facilities in the Sydney area. The department has been conscious through that entire time of the extremely challenging physical accommodation, particularly in stage 1.

Some changes have occurred over the years. For example, at one stage, stage 1 did accommodate females as well as males. That has not been the case for a long time now. Stage 1 has been expanded, through the use of demountable accommodation, to provide better facilities. In very recent times, there has been a refurbishment to improve the facility, acknowledging that the facility is to be replaced. But we could probably on notice give you a more detailed description.

Senator PRATT—It sounds like quite a long time, knowing that the facilities there were so harsh and inhospitable. Was it that the previous government did not bite the bullet on the issue to do something about it?

Mr Metcalfe—I would not want to be drawn into a political analysis, but there has been no stronger proponent of new facilities—

Senator PRATT—So you now have a mandate to provide new facilities?

Mr Metcalfe—We are very pleased that there is funding in the budget. As we have said, we expect that detention will be minimised and used only as a last resort. Inevitably, there will be a small number of our clients, particularly those who may have criminal records and where

there are issues around the safety of the community. But we are very, very pleased that we will get a modern facility, which will be certainly designed to meet human rights standards and will provide, I would hope, a far better operating environment for clients of the department—people in detention—as well as our staff, who have had to work in this environment.

Senator PRATT—As I understand it, it is for high-risk detainees. What is a high-risk detainee?

Ms Wilson—The whole centre is being redeveloped. Stage 1 is for high-risk clients. They are largely the ones that the secretary talked about with criminal records or who might cause harm to others. They need a greater level of monitoring.

Senator PRATT—Lastly, what is the capacity of Villawood? I know you have talked about its modular—

Ms Wilson—The current capacity is 358. We are moving to a proposed capacity of around 400.

Senator HANSON-YOUNG—I have some questions on the new contracts. Keep in mind that I am not exactly sure where we are up to. I know last time I asked questions of the department some of the information was still fairly sensitive.

Mr Metcalfe—You are in the right place.

Senator HANSON-YOUNG—Can you give us a bit of an update as to where we are up to? Maybe I can follow from there.

Mr Metcalfe—I will get colleagues to provide you with some precise dates. As you know, some years ago the department began a redevelopment of our overall business model with a view to retendering the provision of services in three aspects. The first is medical services, the second is services in detention centres and the third is services in residential housing and in immigration transit facilities. We have now made decisions in relation to all three of those tenders. We are currently involved in contract negotiations in relation to those matters. Mr Correll or Ms Wilson might be able to provide a little more detail about precisely where we are.

Mr Correll—There were three. The tenders involved three discrete elements. The first was medical services. The department signed a contract in January with International Health and Medical Services, IHMS, to provide general and mental health services. The transition has been underway for that contract and was pretty much finishing last week. So that has completed and is fully in play now. The second contract related to immigration detention centre services. The department announced on 31 March that Serco Australia had been selected as the preferred tenderer. Negotiations for the contract are underway. We expect that contract signing to be completed before 30 June.

Senator HANSON-YOUNG—Does that include the detention facilities on Christmas Island?

Mr Correll—Correct. The third component of the tender related to immigration transit accommodation and immigration residential housing. On 1 May, the department announced that G4S Australia had been selected as the preferred tenderer. Negotiations are getting

underway there now. There is an intention to sign that contract certainly as soon as possible. Again, by 30 June would be the preferred position.

Senator HANSON-YOUNG—So that is for the transit centres and residential housing?

Mr Correll—Correct.

Senator HANSON-YOUNG—So residential housing in Perth, Sydney and Christmas Island.

Mr Correll—No. There is no residential—

Senator HANSON-YOUNG—Sorry, Phosphate Hill is not classified as that.

Mr Correll—Correct.

Senator HANSON-YOUNG—What are the dates on that one?

Mr Correll—On 1 May, G4S was announced as the preferred tenderer. The negotiations are effectively about to commence.

Senator HANSON-YOUNG—When do we think they will be finalised?

Ms Wilson—We are trying to finalise as quickly as possible. That one was announced after the IDC one, so we are trying to get it done as soon as possible. I am not willing to say 30 June and be held to it at this stage.

Mr Correll—I am sure Ms Wilson will get that one done as quickly as possible.

Senator HANSON-YOUNG—The fact is that there will be two different operators for the detention centres and then residential housing transit. In a situation such as Villawood, you will have a operator running the actual detention facilities that is different to the people running the residential housing, yet people sometimes move between them because they perhaps have family members or friends in the other centre and there is some coordination there. I know that happens currently in Perth. I have spoken to the officials there a number of times. Even the same workers get to know them in one centre and then come and check up on them in the other centre. How is that going to work with two different contractors?

Mr Correll—It will mean, clearly, that there will need to be cooperation between the two contractors. But that sort of arrangement is not uncommon—multiple contractors working in a common environment. It happens very frequently as well in situations of subcontracting arrangements. So we expect that in a location like Villawood that will be quite manageable. There will be overall a senior departmental regional manager based at Villawood to assist if there are any issues of coordination across the two service providers. But there is the use of multiple providers. In the information technology area, our department uses five different major providers all working in the same department, all collaborating together on their services. So it is not uncommon to have a multiprovider arrangement.

Senator HANSON-YOUNG—You have not thought about perhaps extra attention being given from the DIAC officials that liaise with those individual centres to ensure that there is some continuity in terms of the messages that people are getting? I am just conscious of the fact that there are often people who have come together as a group, whether they are friends or family. I am not talking family in terms of sons, daughters and mother and father. I am

talking about brothers or cousins. Often these people travel together. They are sometimes, at least for a short period of time, in separate locations.

Ms Wilson—I was just going to say that, as part of contract negotiations, this is one of the primary things we are wanting to sort out—the relationships and how those transitions are managed. Obviously having effective processes, including for the transfer of information, so that there is continuity as people move between the different centres is going to be critical. It is one of the areas we are giving high priority to as part of the negotiations.

Senator HANSON-YOUNG—Great. Thank you. I guess we will see how it goes. I am sure this time next year I will ask some more questions to see how we are going about it. So the Serco contract looks to be taking effect as of 30 June, all things considered. What will that mean for the transition in terms of the individuals that are being housed there at the moment? What type of thought is being put into communicating to individual detainees the fact that some things may change?

Mr Correll—As you would imagine, we have a major transition management plan that is being worked out now with both Serco and G4S in the transitional arrangements. We have a transition manager focused full time on nothing else but getting this together. I will perhaps ask Ms Wilson to comment on some of the aspects of that transition that are being considered.

Ms Wilson—I guess we are going to be proposing a staged transition across the centres. We will be negotiating with G4S and Serco about which ones and how we target resources in the network. We obviously want to make sure we get the first run right and build on success. In terms of transition, the date we announced the preferred tenderer is based on the IDC, IRH and ITA. The regional managers had consultations with the clients that very day, telling them about the news and the decision and that we were entering into contract negotiations, and got them involved. We will keep them informed through the consultative committees in each of those locations about how the contract negotiations are proceeding. As I said before, we need to look at ways of making that as seamless as possible and transferring information. There will be a period in which we will have both Serco and G4S staff at each of the centres and a handover will be taking place. Our staff will be very active. As Mr Correll said, we will have transition team managers on site managing the transitions.

Senator HANSON-YOUNG—Is the department aware of various media reports from the UK about some of the incidents that reportedly have involved Serco in other detention facilities that they have run?

Mr Correll—I think we have seen those reports.

Senator HANSON-YOUNG—What is your response to them?

Mr Correll—In the overall evaluation of tenders, there was very detailed consideration of experience, including an examination of reference sites, including reference sites in the UK, which were visited.

Senator HANSON-YOUNG—By DIAC officials?

Mr Correll—Yes. There was very intensive scrutiny made. The conclusion from that process reflected a very impressive view of the services, noting, I think, that some of the

media comment from the UK was fairly dated in its actual effect. So certainly the references and quality of service were checked rigorously in the tender process.

Senator HANSON-YOUNG—Can you tell me when officials visited and what sites they saw?

Mr Correll—We would have that information. We might just need to take it on notice, I think, to give the detail.

Senator HANSON-YOUNG—That would be great. Without, I guess, disclosing all of the references, did that include the UK government?

Mr Correll—I am almost certain it would have. Again, we will take that on notice to be precise.

Senator HANSON-YOUNG—That would be great. Thank you. I have one last question. It is not directly related to this. Then I could go.

ACTING CHAIR (Senator Marshall)—I think that is a good idea.

Senator HANSON-YOUNG—I was going to ask the minister this, but obviously he is not able to be here. I understand. I will put the question to the department. If Minister Sherry wants to respond on behalf of the government, I am happy with that as well. Amnesty International today handed down their reports on human rights standards around the world. They made specific mention of the Christmas Island detention facilities, saying that they thought they were prison-like facilities that are still in use. I quote from their media release:

... unaccompanied children are still routinely detained on the island ... It looks like a prison and feels like a prison ... It's steel and barbed wire, and cameras are watching every move ... If you are fleeing from torture and abuse, it's not the type of place you would find welcoming ... Processing could be done on mainland Australia. And we still discriminate against asylum seekers arriving by boat rather than plane.

It is a pretty damning report of what we spend a lot of our money on in terms of processing unauthorised arrivals here. What is the government's response to this?

Senator Sherry—I will just make one reasonably brief comment. Firstly, I note the report was released today. Certainly I have not, and I would be surprised if—

Senator HANSON-YOUNG—I appreciate that.

Senator Sherry—I would be surprised if any officials have seen it.

ACTING CHAIR—The officers have not seen it.

Senator Sherry—Even here, apparently. So it has been handed out today. Really there are two categories of issues. There are what I would classify as matters of claimed fact about children, which I am sure the department can respond to in terms of claims of fact. As to the broader statement or editorial around the claimed statements of fact, the report by Amnesty has come out today. The government has not yet had time to consider it. I will take it on notice and we will provide a response to the statements around the claimed matters of fact. On the matters of claimed fact, I am sure the department would have some input into that.

Senator HANSON-YOUNG—I do not think the comments around the way it looks and the way it feels are particularly new. I think those types of claims have been made ever since

it was built. But I do appreciate that it has only come out today. I guess that is why it is on the top of my pile as well. I would appreciate seeing what the government's response to that is.

Mr Correll—The comment I would make is that the department hosted a visit to Christmas Island for a large number of non-government organisations in August last year. That included representatives from Amnesty International. In that we toured through the immigration detention centre at North West Point on Christmas Island as well as looking at the facilities such as the construction camp location, which is used for the location of families and community based approaches at the present stage, as well as the Phosphate Hill temporary facility that existed there at the time. In the way the north-west immigration detention centre is being used, to the greatest extent possible it is being opened out; gates are being opened out to allow the open and free use of the common green area that is described, which is a very popular area for cricket. To the greatest extent possible, that facility is being used in an open way, but it also provides an adequate base level of security for single adult males. There are no children or minors accommodated in the Christmas Island immigration detention centre, period. There are no children or minors accommodated in that centre.

Senator HANSON-YOUNG—In the new facility?

Mr Correll—Correct. Any children, families and minors are accommodated—

Senator HANSON-YOUNG—Including unaccompanied?

Mr Correll—Including unaccompanied minors. They are accommodated in the construction camp or duplex facilities. We are constantly, as we are at the moment, vigilant to other accommodation options available on the island. If that claim is made within the report, we would strongly dispute that.

Senator HANSON-YOUNG—I must also stress that this not an Australian report. This is their annual international report on the status of all countries.

Mr Metcalfe—We obviously have not had the opportunity to review the report. No doubt the minister or the government may want to respond. We are working as hard as we possibly can to ensure that we provide conditions of safety and dignity for people with the facilities that are available to us. We are working very hard to ensure our staff are properly supported and have the right positive values in going about their jobs and are working with service providers, whether it is in relation to the operators of the centres or the many other support people involved, such as torture and trauma counsellors and medical staff and the local high school and the whole web of services that go there.

A key factor—the minister has made this clear—is that we are committed to ensuring that the period of time that people are in detention is kept to an absolute minimum. I had a long conversation with Senator Fierravanti-Wells earlier about the complexities in relation to identity checking, for example. But we are very mindful of the need to, as quickly as we possibly can and respecting the need for robust processes, identify people who might be refugees. You have seen examples of people having arrived by boat unauthorised, having gone through that process, being found to be refugees and then being resettled in Australia. There have been some pictures on the front page of the papers of people in the community in Australia.

I recently saw a quote from Bernadette McGrath, who is the coordinator of torture and trauma services on Christmas Island, provided by the Forum of Australian Services for Survivors of Torture and Trauma. She spent three months on Christmas Island earlier this year. She said:

DIAC staff, from the minister's office through to the case managers on the ground, are clearly working very hard to provide unauthorised boat arrivals with the most efficient and compassionate service possible in an isolated location such as Christmas Island.

She added that:

Comments from detainees such as, 'I feel safe and respected for the first time in my life,' are a real testament to the current organisational culture of the department.

Senator HANSON-YOUNG—I will wait for the official response from the government. I would, though, stress the fact that this is a significant report distributed around the world, but it is not saying anything that other people have not said. I did not know they had travelled to Christmas Island and seen it themselves, so I guess that in some ways adds even more weight to what they are saying. I think a lot of people have stressed the prison like facilities and questioned whether this is an appropriate way of housing people who are vulnerable and fleeing torture and trauma. Anyway, I will leave it there and wait for the official response. Thank you.

Ms Wilson—Senator, I will add something to a previous question from you about Serco and the tenders. I have just had confirmation from a colleague that departmental staff visited the UK in July and August 2008. They visited Serco sites at Bedford and Heathrow and they conducted reference checks in person both in the UK and in Australian Serco sites.

ACTING CHAIR—Does that complete our questions in outcome 4?

Senator FIERRAVANTI-WELLS—No. I still have some questions. I have a number of questions in relation to Christmas Island. I know this varies, Ms Wilson, given the number. What is the current cost per detainee either in the centre or in community detention on Christmas Island? If you do not have it, take it on notice.

Ms Wilson—In terms of invoices received and processed for the period of 2 October 2008 to 30 April 2009, I have some breakdown of costs similar to what we talked about at the JSCM meeting. Detention services cost an estimated \$4.8 million. Interpreting services cost an estimated \$2.4 million. Aircraft charter costs were an estimated \$2 million. Health services cost an estimated \$0.8 million. DIAC costs and allowances were approximately \$2.1 million. Clearly, those figures are based on invoices received and paid.

Senator FIERRAVANTI-WELLS—I appreciate that. I understand the formula behind it as well. So in terms of just DIAC staff, does that figure of \$2.1 million include housing, feeding and paying DIAC staff, or is it just allowances? Is that all?

Ms Wilson—Yes. And the staff costs—salary costs, travel allowance and a special allowance for being on the island.

Senator FIERRAVANTI-WELLS—So that is the actual cost of keeping them.

Ms Wilson—Yes.

Senator FIERRAVANTI-WELLS—Of course, there are extra centre guards. There are additional costs in relation to detention centre guards and staff. What is the situation there? Do we house, feed and pay for the detention guards for security?

Ms Wilson—For the detention services cost, I gave you \$4.8 million.

Senator FIERRAVANTI-WELLS—That will include that?

Ms Wilson—Yes.

Senator FIERRAVANTI-WELLS—What about the legal bills in terms of the provision of legal services to unauthorised arrivals?

Ms Wilson—I have an indication of IAAAS costs on the island. For the period between October 2008 and the start of May 2009, the provision of immigration advice and application assistance cost a total of \$700,000 over that period.

Senator FIERRAVANTI-WELLS—And those services are provided by?

Ms Wilson—By a range of IAAAS providers.

Senator FIERRAVANTI-WELLS—Flown in?

Ms Wilson—Yes. That is right.

Senator FIERRAVANTI-WELLS—So they are flown in for the week and then flown out again?

Ms Wilson—They usually stay a week or two. As was mentioned earlier, they travel with the refugee status assessment teams and they work together.

Senator FIERRAVANTI-WELLS—So based on the charters. Their transportation costs of \$2 million come under presumably aircraft.

Ms Wilson—We have been running regular charters, but there are weeks when we do not run charters and we take them over on commercial airlines.

Senator FIERRAVANTI-WELLS—And that is usually via—

Ms Wilson—Perth.

Senator FIERRAVANTI-WELLS—There have been some media reports recently that indicate that those in community detention receive up to \$500 a week for food allowance. Is this correct?

Ms Wilson—The basic premise in terms of allowances paid to people in community detention on Christmas Island is equivalent to 89 per cent of Centrelink allowances, such as Centrelink Newstart allowance. So what that means is, for example, for a single living alone, it is based on 89 per cent of the Centrelink rate, which takes it to \$403 a fortnight. As you have extra children and partners, that rate increases, clearly. What we have done is put a proportion of that as a cash allowance and a proportion on the store account.

Senator FIERRAVANTI-WELLS—So for families it goes up? If you have a family of four, say?

Ms Wilson—That is right. For families of four, partnered with dependants, each partner would get \$364 per fortnight. Depending on the age of the child, they would get an additional

supplement per fortnight for the ages of the child, just as you would if you were on the mainland receiving Centrelink. You would get the 89 per cent off the total value of that.

Senator FIERRAVANTI-WELLS—Where is the figure in the equation that you gave me of the costs, not that it is in addition to?

Ms Wilson—I do not think they are costed in those groupings. They were just some examples.

Senator FIERRAVANTI-WELLS—Perhaps you might take on notice the total amount of allowances paid since August 2008 in those various categories that you have just explained to me.

Ms Wilson—In community detention on Christmas Island?

Senator FIERRAVANTI-WELLS—Yes, please. Basically, include housing, school and childcare costs, other costs and other entitlements. Include all that, thank you.

Mr Correll—I emphasise that that payment—say, for an adult, the overall \$403 figure—is broken up into \$100 cash per fortnight and then \$303 per fortnight into an account at the local stores. But that account does not roll over. In other words, it is \$303. At the end of that fortnight, if anything is not spent, that is the end. There is another \$303 that is credited.

Senator FIERRAVANTI-WELLS—I think it is important, Mr Correll, that we look at the figures so that, if these reports are surfacing, we can perhaps have the facts with us.

Mr Metcalfe—Another point I would make is that essentially these amounts have been chosen. Ms Wilson mentioned 89 per cent of the Newstart figure. The amounts that we are using equate to a long-established scheme called the Asylum Seekers Assistance Scheme, which has been in place to support vulnerable asylum seekers in the Australian community. It has been in place for 17 years, so it is a very old scheme. I cannot remember why 89 per cent was chosen, but it was definitely set at underneath the Newstart allowance. Given the fact that we have community detention arrangements operating on Christmas Island, people cannot be left destitute. There has to be some provision. Had they been in a physical detention facility, they would have been provided with accommodation, meals and other services. This is essentially replicating their ability to have some income to care for themselves. We are aware that there are some issues on Christmas Island because of its distance, such as the cost of food. So we are closely examining the appropriateness of the levels, with a view not to increasing them but to ensuring that they are matched to what is a reasonable minimum amount of money that would allow for the reasonable sustenance of people in their situation.

Senator FIERRAVANTI-WELLS—I guess I am asking that in terms of the report particularly. I think it was in last weekend's paper.

Mr Metcalfe—The minister has made it very clear that he wants us to examine it closely with a view not to increasing it but to ensuring that it is appropriate and no more than that.

Senator Sherry—I notice, too, that the media reports you quote from have those regularly used words 'up to', which I think, depending on the reader, may or may not convey a full and accurate picture.

Senator FIERRAVANTI-WELLS—Minister, I was actually going to go on and ask Mr Metcalfe that. I assume that there is departmental liaison with the local community et cetera. These would be issues that may well be raised. Clearly, the non-detention associated community in Christmas Island is not very big. I am sure that the department would be conscious of maintaining a good relationship with those people.

Mr Metcalfe—You are absolutely right, Senator. We have been working very closely with the key people on the island—the council, the representatives of the territories focused on the Attorney-General’s Department and the local school. The headmaster has been doing a wonderful job up there in relation to some of the young men who have arrived here. We have identified, though, that we need to strengthen our community engagement. We clearly have a significant presence on the island and a major impact on the economy in a positive way, ironically, as well as impacting on issues such as supplies. We are appointing, as Mr Correll has indicated, a very senior officer to be our overall manager. A very strong aspect of his work will include community engagement and essentially ensuring that we are a strong and contributing part of the overall island community.

Senator FIERRAVANTI-WELLS—I do not have any further questions, Senator Marshall, on outcome 4.

[5.31 pm]

ACTING CHAIR—Thank you. We will now move to outcome 5.

Senator FIERRAVANTI-WELLS—There was a report which was prepared by the Auditor-General that has been recently released in relation to the audit of the department’s Settlement Grants Program.

Mr Metcalfe—Yes, we are aware of that.

Senator FIERRAVANTI-WELLS—Yes. I am sure you are well aware and are more than likely expecting questions on it.

Mr Metcalfe—It might be in my folder here somewhere, I think.

Senator FIERRAVANTI-WELLS—Towards the back. It is program 5. I have waited until the end. Do you have a copy of that report with you?

Mr Metcalfe—Yes, there is one on this side of the table.

Senator FIERRAVANTI-WELLS—There is also an article in today’s *Sydney Morning Herald* about the report and the allegation about the alleged influence that may have been exercised over the department by the parliamentary secretary in securing money for projects in his electorate. I would like to take you, if I may, to the terms of the report. I understand that, when the government came to power, Minister Lindsay put out with much fanfare a media release talking about improving government grants.

Senator Sherry—Sorry, that would be Minister Tanner? Lindsay Tanner?

Senator FIERRAVANTI-WELLS—Yes, Minister Tanner. Basically, in that press release he set out a legal requirement for ministers and officials to record the basis on which they are satisfied that approving particular grants is an efficient and effective use of public money. Ministers will also be required to advise the Minister for Finance and Deregulation where

they approve individual grants to organisations in their own electorates. In the report I will take you through, I am looking particularly at page 54. Could somebody tell me the complete list? We really have nine projects. They are referred to in paragraph 3.46. It says it relates to Settlement Grants Program funding for 2008-09. As I understand it, Mr Metcalfe, there was a decision to award funding in the round and then some additional moneys became available. There were nine new projects. Additional moneys were allocated to nine new projects. Is that the case?

Mr Metcalfe—That is correct.

Senator FIERRAVANTI-WELLS—The report says that, when the additional moneys became available, five projects were identified by DIAC as being of merit for funding. An additional four projects were identified following discussions with the parliamentary secretary, who raised concerns about funding to various community groups in Western Sydney. Could I have a list of those nine projects?

Mr Hughes—To give you all nine, I would have to take that on notice.

Senator FIERRAVANTI-WELLS—In taking that on notice, could you give me an outline of what those projects were and where they are allocated. In short, could you give me details about each of those nine projects and, if it is possible, reasons why they did not get funding. Let me ask this question: how many projects were considered for funding under the Settlement Grants Program for 2008-09? You probably do not have that and will have to take that on notice, Mr Hughes.

Mr Hughes—Yes, it is a very large number.

Senator FIERRAVANTI-WELLS—Thank you. Perhaps we will go through and you can say to me what you can and cannot answer and then take the rest on notice. So you are going to provide me with details of the nine new projects. That will cover both the five identified for additional funding and the four that were identified following discussions with the parliamentary secretary. Do we have records of those discussions with the parliamentary secretary?

Mr Metcalfe—It is this particular area where the department has agreed with the Audit Office that our record-keeping was inadequate. But, as with all of these questions, if you would indulge me, I think it is useful to paint a context around the situation. Firstly, the minister and the parliamentary secretary could not have made it clearer to us how much importance they place upon the adherence to the guidelines—as described by you just then—issued by Mr Tanner. They have made it very plain and have in every way acted with the greatest of propriety in these matters. Given the fact that the parliamentary secretary is a member of the House of Representatives and represents a seat where grants will be awarded—because his seat has a very high number of overseas born people and recent migrant arrivals, and that is exactly what this program is about—there are arrangements in place that he does not make decisions on those grants. Those decisions are made by the minister. That is in accordance with the guidelines. So the parliamentary secretary made no decision in relation to any grant, whether it was in his electorate or elsewhere.

You have correctly indicated, though, that in relation to the so-called second round of grants—and that second round arises because of timetabling issues with the budget; Mr Boyer

would be able to describe that in more detail—an additional amount of money became available. The department and the parliamentary secretary were engaged in an iterative process as to how those additional funds might be expended.

The area of failure by the department was that we failed to document a conversation that had occurred between a division head of the department and the parliamentary secretary. That is our failure. We have apologised to the parliamentary secretary for that. I am saddened at the way the report was referred to in the *Sydney Morning Herald* this morning. It says that the audit officers are investigating the parliamentary secretary. They are not investigating him. It was a report, which has been completed, into the department's administration of the Settlement Grants Program. The report covered in one small part this aspect. In doing his job as Parliamentary Secretary for Multicultural Affairs and Resettlement Services, the parliamentary secretary raised questions properly with the department as to the needs of particular communities in the Sydney area. He asked us to undertake further work, which we did.

I have discussed this at some length with the Auditor-General personally. The Auditor-General's concern in this area of discretionary grants is probably twofold. Firstly, in the proper conversations between the minister or, in this case, the parliamentary secretary with his or her department, any conversations questioning or raising an issue or seeking more information about discretionary grants should be with very senior officers who are able to be beyond any possible perception that they were influenced or trying to please the parliamentary secretary or the minister in responding to the matter. The conversation in this place and the contact we have with the parliamentary secretary is at a senior executive service level. That certainly meets the concerns by the Auditor-General. So he accepts—and I was very concerned to ensure that we have these processes right, because we are going through it again now—that the level of interaction was at a senior and appropriate level.

The concern raised by the Auditor-General was that the conversation that occurred in this instance was not minuted by the relevant division head. She has apologised to the parliamentary secretary. She has made it very clear to the Audit Office that at no stage was she asked to or directed to recommend particular grants. At no stage did she feel in any way put upon or influenced in this area. She had a general conversation with the parliamentary secretary in which he asked and expressed concerns about the settlement needs of particular communities in the Sydney and Victorian areas. Given the fact that we had provided a number of grants already across Australia, she then followed that through. That then resulted in information coming back which resulted in decisions being taken by the minister.

So the concern I have about the article this morning is that it says there is an investigation into the parliamentary secretary. There is not. The department accepts full responsibility for the failure to adhere to the second requirement of the Auditor-General, which is to properly document any such interactions. We will certainly ensure we do so properly in the future. I would again like to take this opportunity to apologise to the parliamentary secretary.

Senator FIERRAVANTI-WELLS—I will go back to what Mr Hughes said. There were potentially hundreds of projects for consideration in the 2008-09 funding round?

Mr Hughes—We have discovered the data in the bowels of our folders here. There were 399 applications received from 244 organisations in 2008-09, of which 230 new projects were recommended for funding.

Senator FIERRAVANTI-WELLS—So we have 170 or thereabouts miss out. More money comes along and you pick nine new projects from 170, two of which are in the seat of the parliamentary secretary, after a conversation with him. Do you have a merit list for these programs? That was one of the things that the Auditor-General also referred to—that you do not have an order of merit or some equivalent list from your original assessments.

Mr Hughes—That is correct. We are always faced with a situation that the grants are oversubscribed, in the sense that there are always more eligible applications and high-quality applications than funding to support projects. I guess it has been that way for many years. We do not develop a particular order of merit. The Auditor-General observed that we do not, but he did not actually recommend that we should. It was just an observation that he made. We make recommendations to the minister about those projects that we think can be funded in a particular year.

Senator FIERRAVANTI-WELLS—But these nine projects were clearly rejected in the first round. We do not know why they were rejected. We do not know how far they were down the pecking order.

Mr Hughes—There was not a pecking order.

Senator FIERRAVANTI-WELLS—There was no pecking order; I withdraw that. All of a sudden, the parliamentary secretary has a discussion. We went through all that hoo-ha about regional partnerships and all that sort of thing. In fact, Minister Tanner refers to this in his press release. Here we have a situation where the parliamentary secretary comes along and, out of 170 potential projects, you pick four, two of which are in the electorate of the parliamentary secretary, after he has had a discussion with the department.

Mr Hughes—I guess I would not put it that way at all. I think it is valid for the parliamentary secretary, as the responsible person, to have a dialogue with the department about settlement needs and the extent to which our grant proposals to him cover those settlement needs. More funding became available. In the context of more funding becoming available, he mentioned to the department some communities for which he understood settlement needs were not being met. He did not specify any particular grants that should be made, but he specified needs that he felt were not currently being covered. The department—this is the way our processes usually work—tested those issues about settlement needs that the parliamentary secretary had raised with us. We tested them through our state and territory offices, who have the local knowledge. I think we came back with the view that those concerns were valid. We sought to find some organisations and possible grants that could take care of those settlement needs. The fact that some of those grants were in the parliamentary secretary's electorate is not particularly surprising, as it would be one of the most multicultural electorates in the community and would have one of the highest rates of new migrants in the community.

Senator FIERRAVANTI-WELLS—And so are quite a number of the surrounding electorates in that area—east, west, north and south. That is my point. Western Sydney is not

just Reid. There are other seats as well. But, having said that, I note the audit report makes reference to correspondence between DIAC and the Audit Office. Is it possible for that correspondence to be tabled?

Mr Metcalfe—Can I take that on notice, please.

Senator FIERRAVANTI-WELLS—Yes. Basically, I would appreciate it if all correspondence in relation to this matter could be tabled, given what the Auditor-General has said in his report. Mr Metcalfe, you have instituted some additional requirements within your department.

Mr Metcalfe—Yes, a pretty simple one. I keep a record. I would just like to restate what I said before. As indicated in the report at page 56, paragraph 3.49, our failure was in not keeping a record of a conversation that had occurred. The conversation occurred between the parliamentary secretary and a division head, a first assistant secretary. She was an extremely busy officer who made some very sketchy notes but did not translate that, but she then acted upon that in calling for the further work to be done. When this became an issue during the audit, the officer had a very clear recollection of the matter. She is someone who I have the greatest confidence in; she is an extremely capable and high-performing officer. We advised the ANAO that the key discussion with the parliamentary secretary was ‘a general conversation about his concerns about the issues affecting various community groups in Western Sydney’. At no time did the parliamentary secretary direct a particular outcome, nor did he raise specific projects he wanted to see funded. The sentence then is, ‘These were not documented at the time.’

When I discussed this issue with the Auditor-General personally—and Mr Hughes was with me, because I was concerned that we are now going through this year’s settlement grants process and recommendations to the government—the Auditor-General made it clear to me he has concerns in two areas. One is that any discussions occur at a very senior level so that there is no prospect of the officer feeling put upon. That clearly was not the case, and it clearly was not a problem either last year or this year because we have those conversations at a very senior level. The second is that there be documentation. My view is that, if we had documented this at the time, we would have not seen this in the report. It is for that reason that our failure to document the conversation earned a comment by the Auditor-General. There is no investigation of the parliamentary secretary. The department has apologised to the parliamentary secretary. We are committed to ensuring that the processes that he and the minister insist are exemplary are in fact in place.

Senator FIERRAVANTI-WELLS—I will conclude. Mr Hughes, just for completeness, could you produce a table which contains all 399 and the 230 that were funded and then a list of the nine projects, separating the five and the four. That would make it easier. Then I can go to the list.

Mr Hughes—We can do that.

Senator FIERRAVANTI-WELLS—I do not have any more questions on settlement services.

ACTING CHAIR—Is that all for outcome 5, then?

Senator FIERRAVANTI-WELLS—Sorry, I do. My apologies. I have a few questions on the Adult Migrant English Program. In the budget, the government claims it will save about \$20 million over four years through a reform of the Adult Migrant English Program. What reforms are you referring to? Does this measure impact upon the entitlement of 510 hours to newly arrived migrants?

Mr Hughes—It will not impact on the entitlements of Adult Migrant English Program participants. The savings will be made as part of the way we construct the new tenders for the Adult Migrant English Program.

Senator FIERRAVANTI-WELLS—Sorry, I was just reading something. It will not impact?

Mr Hughes—It will not impact on services, entitlements or the number of hours being delivered. The savings will be made as part of the way that we construct the tenders for the new Adult Migrant English Program.

Senator FIERRAVANTI-WELLS—How much is the community care program, when fully implemented, expected to cost? Do we know what the cost of that is going to be?

Mr Hughes—Are you referring to the community care pilot that we have been talking about in relation to compliance?

Senator FIERRAVANTI-WELLS—I think that is probably also a question that should have—

Mr Hughes—That is not connected to the Adult Migrant English Program.

Senator FIERRAVANTI-WELLS—No. I accept that. At some stage, as I understood, there was going to be a retendering or review of the English program.

Mr Hughes—We have done some work on reviewing, with external assistance, aspects of the Adult Migrant English Program. There has also been some work done within government in the budget context. The savings that have been mentioned in the budget papers are one outcome of that work within government. The outcomes of the work that has been done with external assistance on the review will be incorporated into the tender process.

Senator FIERRAVANTI-WELLS—What measures have been implemented to encourage the settlement of humanitarian refugee entrants into regional Australia? We might have traversed this in that program yesterday, Mr Metcalfe. Perhaps take this on notice. Could we look at work that has been done in encouraging the settlement of humanitarian and refugee entrants into regional Australia? How many have been located in the regions and which regions? I would be happy for that to be taken on notice.

Mr Hughes—We will take that on notice.

Senator FIERRAVANTI-WELLS—In relation to those previous questions about the Auditor-General's report, is the department aware of any relationship or contact between the organisations within Reid who receive funding and the parliamentary secretary?

Mr Hughes—Not to my knowledge.

Senator FIERRAVANTI-WELLS—I ask that for the record. That completes 5. I will now move to program 6. Where are we up to with the citizenship test?

Mr Hughes—The government's planned reforms to the citizenship test should be introduced in the second half of this year.

Senator FIERRAVANTI-WELLS—Is that going to require some legislative changes?

Mr Hughes—Yes, there will be some legislative change involved.

Senator FIERRAVANTI-WELLS—It is tied up with the definition of English proficiency?

Mr Hughes—I do not think it is.

Senator FIERRAVANTI-WELLS—Could you just outline where you think those changes are going to be?

Mr Hughes—I will ask Ms Forster to cover broadly any areas that might need legislative change.

Ms Forster—Senator, the legislative change required to introduce the new arrangements is actually quite minimal. There was a recommendation from the review committee, which was accepted by government, around streamlining the business processes. At the moment, in the legislation, people are required to sit and pass the test before applying for citizenship. That recommendation was to ensure that people could apply for citizenship and do the test at the same time, to try to contain those processes into one. That is the primary change in the legislation. Secondly, there is a particular exemption for a very small cohort of people who have suffered torture and trauma who have learning difficulties as a result of having suffered torture or trauma overseas.

Senator FIERRAVANTI-WELLS—So you can sit the test and apply for citizenship at the same time. What if you fail the test?

Ms Forster—Sorry, Senator?

Senator FIERRAVANTI-WELLS—You are putting the two together. What if you fail the test? Before, you had to pass the test and then apply for citizenship. Now, you are saying you can do the two things together. What if you are one of the small group of people who do not pass the test? What happens then?

Ms Forster—As now, people have an ability to resit the test. There is no concept of taking that component away. However, because the vast majority of people, as you said, do actually pass the test, having an ability for them to have applied and to have done the test in the one transaction, if you like, with the department—as opposed to two single transactions or, indeed, three or four et cetera—is really a matter of logistics and resources.

Senator FIERRAVANTI-WELLS—So, if they do not pass the test, they come back and they have another to sit?

Ms Forster—Yes.

Mr Hughes—I think we just found, Senator, that our experience since the introduction of the test of having a two-stage process, with the test having to be completed separately from the application process, turned out to be less efficient than we thought. We are just trying to introduce a more efficient business process.

Senator FIERRAVANTI-WELLS—And you can still do it at the post office? Is that going to be the case? I think there were some concerns about various people working in post offices.

Ms Forster—We have not done testing out of post offices. The tests at the moment are conducted out of departmental offices.

Senator FIERRAVANTI-WELLS—I am asking whether you are intending to do that?

Ms Forster—At this stage, we are not looking specifically at post offices. However, we certainly are looking at how we can best sustain regional testing in an efficient manner into the future and potentially looking at different arrangements from the ones that exist. But at this stage, we are still looking at departmental offices and the current arrangements in Centrelink and Medicare offices in certain locations. The review recommended looking at more efficient and effective processes, potentially with other third parties. That will come down the track.

Senator FIERRAVANTI-WELLS—One of the issues when the changes were mooted was, if I can put it this way, a dumbing down of the level of English language. In the resources book, when clearly there was a high percentage—95 or 96 per cent—pass rate, why is there this need to dumb down the English test?

Mr Hughes—I do not think there is any sense of dumbing down the language. I think that the requirement in the Citizenship Act is for basic English. I think it has been felt by the government that the current resource book is not in basic English. Whilst the overall pass rate is very high for the citizenship test, the pass rate for humanitarian entrants is 84 per cent. There has been, I guess, the view that humanitarian entrants have struggled and struggled with the level of English, which is above basic English in the current resource book.

Senator FIERRAVANTI-WELLS—Well, make it simpler.

Mr Hughes—I think we will bring it more into line with the requirements of the Citizenship Act, which is basic English.

ACTING CHAIR—How much does it cost to administer the test?

Mr Hughes—We will take that on notice.

ACTING CHAIR—If we did not have it, how much would we save?

Mr Hughes—I think we would have to take that on notice and find a formulation for you on that.

Senator FIERRAVANTI-WELLS—Of course, the reason I ask about it is whether ‘basic English’ is defined. I think that was one of the issues that was raised. Is there some intention to define basic English?

Mr Hughes—Basic English—

Senator FIERRAVANTI-WELLS—Is the requirement under the act?

Mr Hughes—is what the act specifies. A person needs to be eligible for citizenship by conferral. I think Ms Forster may be able to help me with what basic English is generally understood to mean.

Ms Forster—Senator, the review committee, in its deliberations and its recommendations, certainly suggested that there needs to be a better understanding of what basic English should be within the community. This definition should be included in the Australian citizenship instructions, which are the guidelines for staff and for third parties as well as clients. They suggested, and the government supported, that that definition would be to possess a basic knowledge of the English language, to be understood as having a sufficient knowledge of English to be able to exist independently in the wider community.

Senator FIERRAVANTI-WELLS—I understand the government appointed a body—that committee—that basically has rewritten this book. Is the book finalised or finished? What process are we at there?

Ms Forster—There was a request for tender and documentation lodged on AusTender earlier in the year. That was for a revision of the resource book as well as the new test questions, which would result from a rewrite of the resource book. The resource book is to be written in plainer English but it is also to be divided into the two sections we have talked about previously—that is, testable and non-testable information. So that is the package of that request for tender. It was advertised on 20 January and closed on 16 February. Adult Multicultural Education Services of Victoria has recently been selected. That information has also gone up on AusTender as the selected successful tenderer to revise the resource book.

Senator FIERRAVANTI-WELLS—And I understand that there will be a series of mandatory questions; if you do not pass the mandatory questions, you do not pass the test. Is that the case?

Ms Forster—No, that is with the current test. The current test has three mandatory questions. If you do not answer one of those three correctly, then you have failed the test regardless of how well you may have done in the other section. The review committee recommended that there not be any mandatory questions per se. What they recommended was that all of the questions be related to concepts contained within the pledge of commitment that people are required to take to become citizens. That was the revised resource book. However, one of the things that the government also decided was that the pass mark would go up to 75 per cent when the new test is introduced.

Senator FIERRAVANTI-WELLS—So, in other words, we are reducing the areas in which we are asking questions? That is in effect what we are doing, is it not? We are narrowing the scope of the questions that we are asking and basically confining it to rights and responsibilities.

Mr Hughes—I do not think I would call it narrowing. I would call it refocusing on to those things that are contained in the citizenship pledge. So we look at it in a different way.

Senator FIERRAVANTI-WELLS—You are taking considerable areas out. Whatever views there may have been about the current book, it contained a range of potential questions going right across a spectrum. Whether you agree or disagree, the point was that there was a wider scope of potential questioning. As I understand it, we are now narrowing the area of questioning simply down to rights and responsibilities, which is effectively what the pledge is.

Mr Hughes—It is correct to say that it is focusing on those things in the—

Senator FIERRAVANTI-WELLS—It is basically narrowing the knowledge that you have to have to get your citizenship. That is in effect what is happening.

Mr Hughes—I think it is a matter of opinion whether it is a narrowing or a focusing.

Senator FIERRAVANTI-WELLS—We are talking semantics. We are really confining the knowledge of questions. How many questions do you propose to have in this test?

Ms Forster—The current test has 20. The new test is yet to be determined, but we would expect something similar. There has not been a particular view held on that, but it will depend on the final analysis around the book itself and the sort of questions that can be drawn.

Senator FIERRAVANTI-WELLS—So how big is this book going to be?

Ms Forster—The book itself is revised from the version that already exists. Much, if not all, of the information currently contained within it is expected to be there. However, the book will be divided into information which is testable and information which is not testable in the same way as the current test. As you said, it could draw questions from anywhere in the book, but not everything is actually tested. But it will make it clearer what is tested and what is not.

Senator FIERRAVANTI-WELLS—The point I am making is that the potential testable part refers to one or two pages. That is really what it gets down to. You have a very narrow scope in drawing the questions. The pledge is not very long.

Mr Hughes—I think you really have to wait until we see the book.

Senator FIERRAVANTI-WELLS—I am waiting with bated breath, Mr Hughes.

Mr Hughes—We are waiting to make an observation. I think there is no reason to believe it is one or two pages. There is a lot of—

Senator FIERRAVANTI-WELLS—The pledge is not very long.

Mr Hughes—The pledge is not long, but there are a lot of concepts in it.

Senator FIERRAVANTI-WELLS—I think reducing knowledge about citizenship from at least the scope of what we previously had down to just the pledge is really very, very much narrowing a prerequisite knowledge for Australian citizenship. We will leave it at that.

ACTING CHAIR—We might have to wait and see, I think. We do not want to speculate too much.

Senator FIERRAVANTI-WELLS—We definitely will, Senator Marshall, for the next occasion.

ACTING CHAIR—I am sure that is all you have.

Senator FIERRAVANTI-WELLS—That is it. I do not have any more questions.

ACTING CHAIR—Thank you very much. Thank you, Minister, and thank you, Mr Metcalfe, for appearing before the committee today. On behalf of the committee, I thank your officers. I thank the committee secretariat, the attendants to the chamber and Hansard.

Committee adjourned at 6.12 pm