



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION
COMMITTEE

ESTIMATES

(Budget Estimates)

THURSDAY, 27 MAY 2010

CANBERRA

BY AUTHORITY OF THE SENATE

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SENATE LEGAL AND CONSTITUTIONAL AFFAIRS**LEGISLATION COMMITTEE****Thursday, 27 May 2010**

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

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, Fisher, 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, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

Senators in attendance: Senators Barnett, Crossin, Feeney, Hanson-Young, Humphries, Marshall and Parry

Committee met at 9.02 am

IMMIGRATION AND CITIZENSHIP PORTFOLIO

Consideration resumed from 26 May 2010

In Attendance

Senator the Hon. Chris Evans, Minister for Immigration and Citizenship

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

Mr Peter Vardos PSM, Acting Deputy Secretary

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

Mr Stephen Sheehan, First Assistant Secretary, Financial Strategy and Services Division

Ms Jackie Davis, Acting Chief Lawyer, Governance and Legal Division

Ms Marilyn Prothero, First Assistant Secretary, People and Executive Services Division

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

Mr Todd Frew, First Assistant Secretary, Visa and Offshore Services Division

Ms Marie Johnson, First Assistant Secretary, Client Strategy and Performance Division

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

Ms Cian Manton, Acting National Communications Manager

Mr Steve Biddle, Assistant Secretary, Financial Strategy and Budgets Branch

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 Kruno Kukoc, Acting First Assistant Secretary, Migration and Visa Policy Division

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

Mr Garry Fleming, First Assistant Secretary, Border Security, Refugee and International Policy 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 Garry Fleming, First Assistant Secretary, Border Security, Refugee and International Policy Division

Mr Gavin McCairns, First Assistant Secretary, Risk Fraud and Integrity Division

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

Mr Robert Illingworth, Assistant Secretary, Policy Framework Evaluation and Analysis Branch

Program 4.2 Onshore Detention Network

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

Program 4.3 Offshore Asylum Seeker Management

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

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 James Fox, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

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 James Fox, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Migration Review Tribunal and Refugee Review Tribunal

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

Ms Amanda MacDonald, Deputy Principal Member, Migration Review Tribunal and Refugee Review Tribunal

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

Office of the Migration Agents Registration Authority

Ms Christine Sykes, Chief Executive Officer, Office of the MARA

Mr Stephen Wood, Deputy Chief Executive Officer, Office of the MARA

CHAIR (Senator Crossin)—I declare open this public hearing of the Legal and Constitutional Affairs Legislation Committee. The Senate has referred to the committee the particulars of proposed expenditure in respect of the year ending 30 June 2011 and the particulars of certain proposed expenditure in respect of the year ending 30 June 2011 for the Attorney-General's, Immigration and Citizenship portfolios. The committee must report to the Senate on 22 June 2010 and it has set 9 July 2010 as the date by which answers to questions on notice are to be returned.

Under standing order 26, the committee must take all evidence in public session. This includes answers to question on notice. Officers and senators are familiar with the rules of these standing orders and we have copies of them here if you need them. I particularly draw the attention of witnesses to an order of the Senate of 13 May 2009 specifying the process by which a claim of public interest immunity should be raised which will be incorporated into *Hansard*.

The document read as follows—

Public interest immunity claims

That the Senate—

- (a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;
- (b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;
- (c) orders that the following operate as an order of continuing effect:
 - (1) If:
 - (a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

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- (b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.
- (2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.
- (3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.
- (4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.
- (5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.
- (6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.
- (7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).
- (8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(Extract, Senate Standing Orders, pp 124-125)

I remind officers again today to please state your full name and your position for the *Hansard* when you first come to the table—although looking here I can see you are experienced people, so I probably do not need to say that. I remind you to turn off your mobile phones. We are going to continue with the department's outcomes 4, 5 and 6. That should see us finished for the day once we get to that.

I welcome back Senator the Hon. Chris Evans and Mr Metcalfe. Good morning. Do you have any opening statement this morning in respect of any other matters, any other answers on questions or any questions on notice?

Mr Metcalfe—Good morning. There is no opening statement. I think we have provided the updated material in relation to arrivals of vessels since the information in the previous question on notice. I think that has now been made available to the committee. I am not sure, Mr Correll, whether we have been able to resolve the issue between the statistics provided by the Attorney-General's Department and ourselves. But we are very confident that the figures

in relation to detention and the number of departmental employees are the correct figures and as per the discussion we had yesterday morning. I do not know if we have been able to contact the Attorney-General's Department.

Senator BARNETT—Mr Metcalfe, thank you for getting back to us on that. In terms of the differential between your figures and the figures from the Attorney-General's Department, you obviously support your figures, which is fair enough. Have you advised the reason for the 180-odd difference?

Mr Correll—No, we have not yet finalised that. As Mr Metcalfe has indicated, there is only one possible source for the Attorney-General's Department's figures, and that is DIAC in relation to the number of people in detention. They do not have any other alternative source. I think we are simply talking about differences in points in time. But we will look to verify that today.

Senator BARNETT—Thank you for that. Secondly, I raised the issue yesterday about the charter flights to and from Christmas Island over the last 12 months and I wanted updated figures to today's date. You had figures up to 31 December. Have been able to obtain number of charter flights and the cost of those charter flights.

Mr Correll—Yes, we have and we are able to table that this morning.

Senator BARNETT—When this morning? Do you have that now?

Mr Correll—I think we would be able to table that now.

Senator BARNETT—Thank you.

[9.07 am]

CHAIR—Let's proceed with questions to outcome 4 while we wait for that. Senator Humphries.

Senator HUMPHRIES—Yesterday I was asking about compliance activities and the method that the department uses to enforce compliance. I asked about the current budget for the conduct of compliance activities and what activities are undertaken within that budget.

Mr Metcalfe—I will ask Ms Larkins, the relevant division head, to step you through those issues.

Ms Larkins—We take a graduated response to monitoring and enforcing compliance of visa holders and people who have overstayed their visas in Australia. We start with education and provision of information. So we make sure that people are clear about their responsibilities and entitlements while they are in Australia on a visa and what they need to do at the end of that visa which is to leave. We then graduate up, if you like, a pyramid of responses. At the top of that pyramid we have enforcement activity, which includes detention and forced removal. We have been moving over the last few years to what we consider to be a more efficient and effective approach to gaining compliance and addressing non-compliance—that is, wherever we can working with a client to get a voluntary outcome.

We are seeing very good outcomes from early intervention with clients. We are basically having a hard conversation with them to say, 'You have to the right thing and go home.' In fact, a lot of our clients are now resolving voluntarily without us needing to detain and

remove. That is much cheaper and much more effective in getting better outcomes in some cases. I am happy to talk in more detail. I will get the CFO to explain changes in the budgets between times.

Senator HUMPHRIES—What is the part of the budget dedicated to compliance?

Mr Sheehan—The total expenses for program 4.1 on page 59 of the PBS for compliance for 2010-11 is \$123,682,000.

Senator HUMPHRIES—Does that mean that there are officers responsible principally for compliance who are spread throughout the department and in overseas posts as well?

Ms Larkins—In that program expenditure, we are only talking about onshore officers. Yes, we have compliance officers in every state.

Mr Metcalfe—It is fair to say that a lot of the machinery of the department is about broad compliance. We discussed last night the activity of our posts and integrity and the checking there—airline liaison officers, interventions at the border. In very broad terms, a lot of the department's activities are around ensuring that there is compliance with Australian law. In particular program, 4.1.1, is very much around the specialised officers whose job it is to work to ensure that people who may be overstaying visas, working illegally or in breach of visa conditions, not attending studies et cetera, are identified and their status resolved one way or another, as Ms Larkins said. I think I gave the figure yesterday that our estimate, which has been roughly the same for several years now, is that just under 50,000 people are illegally in Australia at any one time. The department locates around 10,000 people each year and assists in the resolution of their particular situation.

Senator HUMPHRIES—Of those 50,000 people, do we tend to see them leave of their own accord after a period of time? If they are visa oversteers, do they tend to stay here a long time?

Mr Metcalfe—It is a mixture. You will find that some people overstay for a very short period of time and then make their own way home. Others may have contact with the department and be reminded of the need to go home and voluntarily depart. Within that 50,000 are some people who may be quite short-term overstayers and others who are very long-term overstayers—people who may have effectively settled into Australia and remained undetected for a long period of time.

Senator Chris Evans—I think it is fair to make the point that one of the major drivers of this is access to our labour market. As long as we are a wealthy democracy with good wages, we will be attractive as a place where people can earn better income. A lot of what we are dealing with in terms of overstayers or visa breaches are people effectively seeking to work and earn income here. If you are from China, Malaysia or a whole host of nations, probably any nation other than about four or five in the world, your economic prospects by working here illegally are much better than working at home.

A lot of what we are dealing with in compliance is people who seek to overstay their visa to pursue economic opportunity and access our labour market—be that students, people on tourist visas et cetera. We have the cohort on the asylum claim path, but the majority of clients

we are dealing with are people looking to work. That is a constant battle. But we do it probably better than anywhere else in the world, I think.

Mr Metcalfe—When you compare us to countries like the United States, where around three per of their population is illegally in the country and, indeed, parts of the economy rely upon that—in California and Texas—you will find we have a very good fix on who is in the country because of our border controls, and we have a proportionately very low number of illegal immigrants and people working illegally in the country. It is a serious issue and this aspect of visa compliance is part of the overall arrangements that the department has to limit non-compliance and to ensure that people adhere to the conditions of their entry into Australia.

Senator HUMPHRIES—What proportion of this compliance effort is a reactive effort to people in breach of their visas? How much of it is spent educating people about their obligations?

Ms Larkins—Education is a growing proportion, but a relatively small proportion of our activity. We respond on the basis of a priorities matrix to various referrals, including from Australian police agencies. The large bulk of our work comes from information that is provided from community members in relation to illegal work and the location of people who overstay their visas. We do a lot of work responding to community concern in relation to activities.

In fact, we had the biggest compliance operation ever recorded earlier this year in February where we found 90 people in Victoria who were either overstaying their visas or working in breach of a visa condition. We have since removed 75 of those people. That came about because concerned members of that was community had rung the department and said they think this is happening. We went to a local caravan park and found a large group of people, much larger than we expected.

Senator Chris Evans—I am keen for the department to take a more strategic view, because while dob-ins and those sorts of things are highly useful, you are forever playing catch-up. I am very keen for us to take a strategic view.

One of the things that will probably not be popular with your side of politics, but I actually encourage the department to work with trade unions, who know these industries and who have been expressing concerns. For instance, we had a very successful operation where the meat workers union across three states helped to provide information. It also did not go to the public, did not go to the press and held on to the information to allow us to plan a proper operation. About 90 people were detained as a result of that operation.

People like unions know who is working and their members are saying to them that they have lot of Chinese who do not seem to have any right to be in the country working here. We have had a number of strategically important operations like that. Similarly, I am keen to focus on the building trades because we have seen a lot of illegal work developing in minor construction. As you know, we have had a long history of problems in agriculture with illegal workers.

There is clear evidence of the emergence of labour hire operations where the employer, if you like, contracts to labour hire companies who provide illegal workers to them. The

employer has the defence of saying they did not know they were illegal because they are not strictly the employer. They are pretty sophisticated operations and some of the department's compliance efforts have been trying to break up what is almost a people-trafficking illegal operation. They are supplying illegal labour and there are suggestions that some of them would have come in on tourist visas with that intention with known so contacts for work. It is getting pretty sophisticated.

Senator HUMPHRIES—Has the budget for compliance changed significantly from previous years?

Mr Sheehan—For the 2009-10 financial year the number is \$131,292,000, so it is about \$8 million less. But the majority of that is related to the change in depreciation accounting under Operation Sunlight.

Senator HUMPHRIES—Can you say precisely how many staff are currently performing compliance related activities across the department at this point in time?

Ms Larkins—I would have to take that on notice, but I should be able to get it for you today.

Senator HUMPHRIES—Can I have a comparison with the last two financial years as well?

Ms Larkins—Yes.

Senator HUMPHRIES—You said that there was not significant compliance activity going on, or that staff based in overseas posts were not dealing with compliance activities.

Ms Larkins—Not under this program, but yes we do have staff at posts who undertake integrity related functions.

Mr Metcalfe—This program is very much about onshore compliance dealing with people who are in Australia and who have overstayed or who are working illegally. As I indicated earlier, a significant proportion of our overseas effort is detecting attempted fraud. Indeed, we have a specialist group of officers called 'principal migration officers, integrity' who are specifically there to focus on fraud and integrity risks to our visa programs overseas. They are not covered under this program, but they are a significant part of our overall compliance activities across our whole effort.

Senator HUMPHRIES—Has any portion of the budget allocated to compliance activities been transferred to other output areas?

Ms Larkins—Not to my knowledge.

Mr Sheehan—Not to my knowledge.

Senator HUMPHRIES—Is it possible to have a breakdown of the immigration workforce at each of Australia's overseas posts?

Mr Metcalfe—Yes. We did not take that on notice yesterday, but I am happy to provide you with a list of both A-based and locally employed staffing numbers at each of our 60 or so posts where we have staff.

Senator HUMPHRIES—And those posts would not all be Australian embassies and high commissions; they would include the airports, for example.

Mr Metcalfe—It will also include those airline liaison officers who are the short-term missions that are sent to Singapore, Hong Kong, Bangkok and other airports as well as part of our overseas complement.

Senator HUMPHRIES—Yesterday, I asked about that article in the *Australian* about what I call the ‘go slow’. It was actually an arrangement to divert resources into other areas and to reduce the effort being placed on apprehending people who were working illegally in Australia. It was in the *Australian* on 16 April. I think you said you were going to respond to that in more detail today because it was in this program. Is it true that there have been requests to compliance officers—and this was this early April—to detain people only when necessary because of space pressures inside detention centres?

Ms Larkins—No, that is not true. Compliance officers are asked and do work very closely with the detention side of our operation. We always take detention capacity into consideration when planning an operation. Most of our operations are planned significantly. So there has been some slight reduction in activity. But we are still doing field activity; we are still detaining where necessary. I should also say that, at the moment, we are detaining about 10 per cent of the people we locate. We can now get the same outcome or better outcomes through granting a bridging visa and working with people to go voluntarily. In many circumstances, people we locate do not need detention to get to an immigration outcome. We are aware that there is less accommodation available onshore than we have had previously. We have asked staff to work with their local managers to effectively manage detention capacity.

Just recently we located 20 illegal workers at a factory in Brisbane. They are now detained in Villawood and some in Maribyrnong. We located and removed some workers in Western Australia and actually had them on the plane the same day. We have detained 13 workers in Gippsland. We still maintain capacity within the detection network onshore to support our essential compliance operation, including turning around people at the border.

Senator Chris Evans—This risk strategy started in an embryo form under Senator Vanstone. But it is effectively saying that detention is an expensive and difficult option and that it is effectively a last resort. We put that more formally into policy. The department, under the community care trial and other initiatives started under the previous government, found that managing people in the community was cheaper and more effective. When you put people in detention they often become hardened and less inclined to cooperate in being removed. Effectively, what we are doing now is running a risk matrix. If we know that 50-year-old senators from the Australian Capital Territory—sorry, 45-year-old senators from the Australian Capital Territory—have a history of nine out of 10 runners not reporting, they will be detained. If we have very young senators from Tasmania who have a history of complying with it and going home quickly, basically we will not bang them up. So you are running risk profiles.

There is quite a different set of behaviours between, say, Chinese nationals and Malaysian nationals. Malaysian nationals tend to say, ‘The game is up; I got caught working illegally’

and they go home—I am generalising—whereas people from the People’s Republic of China will often lodge a protection visa application, or what have you, and will be harder to remove. I am generalising there. But there are risk profiles and we are applying those, and we are trying to manage more in the community. Those who need to be detained are detained.

Senator HUMPHRIES—I am pleased to hear that. I agree with that approach towards detention but you acknowledge that there are occasions when detention is necessary and needs to be enforced.

Senator Chris Evans—Oh, yes.

Senator HUMPHRIES—I assume from what you have said that if we looked at the figures for detention of visa overstayers over, say, the course of this year, we would not see any dip around April or May.

Ms Larkins—I think we have more compliance related detainees in the onshore detention network than we had six months ago. I will just confirm that.

Senator HUMPHRIES—Could we have those figures month by month?

Ms Larkins—I am having them passed to me. In December 2009, we had 144 compliance related detainees onshore and at March 2010 we had 198.

Senator HUMPHRIES—What about April?

Ms Larkins—Sorry, I only have the figures quarterly. The figures are only updated quarterly.

Senator HUMPHRIES—It is alleged that this change happened in April. It would be more useful to have the April figures, if you could supply those. Was a letter or a correction published in the *Australian* after that story appeared?

Senator Chris Evans—I would have to do that every day with things! According to the *Australian* I am serving filet mignon to Muslim detainees in Darwin motels, but they never ring to check.

Senator HUMPHRIES—We will be asking about that later, Minister.

Senator BARNETT—We will get to hotel accommodation.

Senator Chris Evans—I will be very pleased to take you through it.

Senator HUMPHRIES—My question stands though: was a correction published?

Mr Metcalfe—We can check. It is not usual for us to write a letter to the editor. Occasionally, I do and I have done so on one occasion recently. But there are so many things written and said that usually the best way to correct the record is through statements the minister is making in other forums or in situations like this. Quite clearly, no go slow direction was given. We have a very substantial and significant compliance effort. We have demonstrated in the last few years that we can achieve results without resorting to large numbers of people being detained for long periods of time. Our efforts in this area continue strongly and we would regard ourselves as probably world’s best practice in this area.

Senator HUMPHRIES—I think I asked last night what the current overstay rate of visitors was for those granted visas at what we call ‘high-risk’ posts overseas. I asked how the rate today compares with the rate over the last three years.

Ms Larkins—Could you ask your question again, as I just want to be clear?

Senator HUMPHRIES—Yes. We were talking about the extent to which extra compliance checks are undertaken at high-risk posts—certain places in Asia, Africa and so on. I asked about how people who were granted visas from those locations fared in the overstay stakes. I asked what the overstay rate was for such visitors and how it compared with the last three years.

Ms Larkins—We will have some of that information; however, I do not have it here. I will get it to you shortly. I am not sure whether we have the comparison for previous years. I just need to check on which particular posts. It might be better for us to keep going and I will get someone to work on that and come back to you.

Senator HUMPHRIES—All right. I am not sure whether you have already answered this question this morning. How many unlawful noncitizens have been located in 2009-10 as a result of compliance activities? You gave us some figures for people in detention. Can you give us the number of located unlawful noncitizens?

Ms Larkins—We are tracking towards 12,000 to 13,000 this year. That compares to 11,000-odd last year.

Mr Metcalfe—Just so that I am clear, was your question in relation to all people we locate or simply those that we locate where it is non-voluntary—where it is as a result of field activities?

Senator HUMPHRIES—No, it is all unlawful noncitizens you locate.

Ms Larkins—From July this year to 31 March, we have located 10,387 people.

Senator HUMPHRIES—Until when?

Ms Larkins—Until 31 March. When we extrapolate that on the basis of previous years and this year’s activity, we imagine we will get locations of the order of 12,000 to 13,000. Of these 1,271 people were working illegally.

Senator HUMPHRIES—What proportion of those people have been detained and subsequently moved?

Ms Larkins—10 per cent of those people have been detained this year.

Senator HUMPHRIES—Is it customary for them all to be removed after detention?

Ms Larkins—Not necessarily. Sometimes they may initially be removed. They may have other visa options available to them in Australia. For example, they may be detained, apply for a protection visa and be found to be out of protection and be released. They may be quickly removed. We may decide that it is better to manage that person in the community while they are going through legal and other appeal processes. But many of them are removed.

Senator HUMPHRIES—Can you isolate the cost of that exercise in intercepting and detaining?

Ms Larkins—We do not have that on a per capita basis.

Senator Chris Evans—As you can imagine, there are ones like the big raid they did on a caravan park where they picked up 80 illegal agricultural workers at once and another one may be an individual thing that they follow through for a few months and finally locate someone. The style of operation and the resources are quite different. But often they spend months planning those big operations, working with the police and other agencies before they pull it all together as an operation.

Mr Metcalfe—We see those obviously as important for a demonstration effect just to make sure that people know we are busy and active, and that they cannot assume they will simply be able to work. As the minister said, those large significant activities do require a fair bit of planning. Usually they would have an effect beyond simply the 10, 20 or 90 or so people who are detained and removed. They send a pretty strong signal that we are active in this area.

Senator Chris Evans—The other day I announced a review of the employer sanctions provisions. What we have seen effectively is increasing sophistication in labour hire type operations, with employers being able to profess ignorance of these matters, even though our information lines allow them to check the visa status of people. We are looking to have to work in a more sophisticated way to get successful prosecutions. If you are just picking up the latest in the supply of people who have been brought into the country for this purpose and removing them, and they are being replaced the following week by somebody else, you are not actually achieving anything.

While we can take some comfort from the figures of those people we are intercepting, detaining or removing, the real challenge is to make sure we break down the operation. Senator Parry, with his police experience, would be better placed than me. We are not fixing the problem if we do not break up the labour hire operation, because they will continue to take advantage of other people. We are very focused on trying to make sure we break that link, otherwise we are constantly mopping up but not addressing the core problem.

Senator HUMPHRIES—You said before, Ms Larkins, that the expected outcome this year was 12,000 to 13,000 located unlawful noncitizens compared to about 11,000 last year. Could I have the figures for the previous two years as well?

Ms Larkins—Yes. I do not have that with me, but I will see whether we have it here today.

Senator HUMPHRIES—Thank you. Minister, I caused you some amusement last night by asking you how many unlawful noncitizens have been located working in the insulation installation industry in the last 12 months. We can now all have a laugh at that information being provided.

Senator Chris Evans—I have great faith in our statistical gathering capabilities—and I am being ironic here—but I doubted our capacity to disaggregate the insulation work. If the officer can help me, I am happy to let her do so.

Ms Larkins—No, unfortunately I cannot. We would not have kept that level of detail. We do keep detail by industry where we find people illegally working. When I say industry, I am

talking about the construction industry or the agricultural sector—probably more by sector than by industry. We would not have kept that level of detail. Anecdotally, I have had no reports of any illegal workers being found in those circumstances. I do now have those figures for previous locations. As I said, for 2008-09, it was 11,428; in 2007-08, 10,722; and in 2006-07, 11,304.

Senator HUMPHRIES—You said that you had information about the sectors in which people were working when they were apprehended. Can we have a breakdown of those sectors?

Ms Larkins—I may have to take that question on notice, but if you give me two seconds, I will see what I have got.

Mr Metcalfe—We will see what we have here, otherwise we will take that question on notice. The construction industry and the horticultural industry spring to mind. Indeed, I just noticed myself that there have been quite a few locations of people working in the plastering and tiling area. Some people were located in the aged persons' home being built next to Lake Ginninderra, just down the road from the department's office. Our local staff located quite a few plasterers unlawfully working there. It happened very close to where we are actually located. Recently we had an operation in Queanbeyan that had a similar sort of impact.

Senator HUMPHRIES—So there is a fear of the department?

Mr Metcalfe—Yes. We had an active Australian Capital Territory compliance team.

Ms Larkins—It might be easier if I tabled these figures.

Senator HUMPHRIES—Sure. Last night I also asked about the break-out of human hand, foot and mouth disease on Christmas Island.

Mr Metcalfe—This probably takes us across into outcome 4.3, Senator. Are you finished with compliance?

Senator HUMPHRIES—Yes. We are dealing with this by sub-outcome are we? I do not think I have any more questions.

Mr Metcalfe—I have the right officers here, so we are quite happy to deal with it.

Senator HUMPHRIES—I think we are dealing with these by outcome. I would bring the officers to the table but I would ask the others not to leave until we have finished with outcome 4.

Mr Metcalfe—This would come under outcome 4.3 if it relates to Christmas Island.

Mr Correll—Senator, I can comment on that. I am aware of the incident to which you were referring. I think it would also be useful for us to understand what hand, foot and mouth disease is, and what it is not. This is sourced from NSW Health:

Hand, foot and mouth disease is generally mild illness ... It is not a serious illness and has nothing to do with the animal disease called foot and mouth disease.

... ..

- [It] may cause no symptoms at all or only very mild symptoms.

... ..

- Children can sometimes have a low fever, sore throat, tiredness, feel off colour and may be off their food for a day or two.

There is a detailed breakdown of this particular illness on the NSW Health website. As at 7 May, there were two confirmed cases and one suspected case of hand, foot and mouth disease on Christmas Island. It related to relatively young children. In those cases where the children were school aged they were kept away from school, in the normal course of events. All three children have now recovered from the illness and are fine. There has been no suggestion of any spreading of the illness. Hand, foot and mouth disease is not a notifiable disease. The treatment that is recommended, which is also on the NSW Health website, is as follows:

Usually no treatment is needed. Paracetamol will relieve fever and discomfort. Do not give children aspirin. If the headache is severe, or if fever persists, consult a doctor.

It is important to understand the nature of the disease. Yes, there were three cases, but this is not an area of great concern and the children recovered well and are back at school.

Senator HUMPHRIES—Were these children in the detention centre?

Mr Correll—No, we do not have children in detention. They would be at the construction camp.

Senator HUMPHRIES—As to any notifiable diseases that are detected in the health checks that are undertaken when IMAs arrive, are they notified in the usual way to the Western Australian state government?

Mr Correll—I might ask my colleague for some assistance here. The health checks would be looking for things such as tuberculosis—looking for any signs—and that is particularly targeted in the initial upfront health checks. Where there are any cases of tuberculosis I think there is a mandatory requirement for notification of that, but I will ask my colleague to answer further.

Ms Wilson—For the period 1 July 2009 to 19 May 2010, in terms of communicable diseases, there were 20 incidents of tuberculosis, one incident of typhoid, 11 of hepatitis B, six of hepatitis C, and three of chickenpox. The reportable-ness of communicable diseases varies from state to state. I do not have a separate breakdown of which of those were reportable because in some instances it is also the scale of the disease. For example, a couple of incidents of chickenpox are not a reportable incident but if cases occur on a bigger scale they become reportable under the states' reporting requirements.

Senator HUMPHRIES—If they are reportable then in the case of Christmas Island they are reported to the Department of Health in Western Australia?

Ms Wilson—That is right. I do not have the split of which ones were reported.

Senator HUMPHRIES—The figures that you quoted for diseases were for 2009-10?

Ms Wilson—From 1 July 2009 to 19 May 2010.

Senator HUMPHRIES—You chose those illnesses because they are sometimes notifiable in some states?

Ms Wilson—Yes, and they were identified as communicable diseases.

Senator HUMPHRIES—You might have to take this question on notice. Can you give us a list of the communicable or notifiable diseases that were reported on Christmas Island for each of the previous three financial years?

Mr Metcalfe—Yes, we will take that question on notice.

Senator HUMPHRIES—Is there evidence that the detention facility is secure enough to prevent illnesses that break out there from spreading to the rest of the Christmas Island community?

Mr Metcalfe—That is a key part of our operation. We have medical staff and medical checking; that is a critical part of the operations there. Mr Correll gave some figures yesterday, I think, on staffing numbers through our service provider, IHMS. There are clear protocols to ensure that those issues are well managed. For example, new arrivals who come onto the island are isolated and medically checked so that if there are any issues of concern they are dealt with before they move into the broader population.

Mr Correll—Just about the first thing that happens with new arrivals is the health check before they go into their normal accommodation.

Senator HUMPHRIES—There have been cases, though, I assume, where those illnesses have escaped, as it were, from the centre and moved into the rest of the Christmas Island population?

Mr Metcalfe—We would have to check to see whether that was the case. I would prefer to get expert medical advice on that point.

Senator HUMPHRIES—If there were a disease on the island, obviously you could quarantine the detention centre fairly easily but it would be hard to quarantine the whole island. But I suppose that is possible if there were a serious outbreak of illness.

Mr Metcalfe—That is hypothetical but I am very confident that the health authorities have planned for any contingency.

Senator HUMPHRIES—Are people with illnesses such as tuberculosis quarantined within the detention centre, away from other detainees?

Mr Correll—Yes, they would be. There is a very good medical facility within the detention centre itself. It is a very sophisticated facility. But there is also the hospital on the island. So if there were any case of more severe concern there would be relocation to the hospital, quarantining might occur within the hospital and there might also be consideration of medivaccing, depending on the medical circumstances, to Perth for further medical treatment. That has happened and it will continue to happen in isolated cases. But the medical facilities on Christmas Island are quite good, combining both the hospital facilities and also the facility at North West Point immigration detention centre. Within the construction camp there is also a medical centre.

Ms Wilson—I guess it is fair to say that we have a Commonwealth medical officer on the island at the hospital. So we comply with anything that she instructs us to do in relation to any incidence of communicable disease.

Senator HUMPHRIES—And that person is based full-time on Christmas Island?

Ms Wilson—Yes.

Senator PARRY—My question, which is to Ms Larkins, relates to the industry-type table that was tabled earlier.

Ms Larkins—I think you now have my version.

Senator PARRY—There is one category entitled ‘Government administration and defence—one person’. I am curious as to whether it is federal or state.

Ms Larkins—I do not have the details with me. I would have to take that question on notice.

Senator PARRY—I trust that it will not be Defence.

Senator Chris Evans—I seem to remember a story about cleaners at a Defence establishment.

Senator PARRY—I cannot recall.

Senator Chris Evans—On one occasion when I read the *Canberra Times* I thought I saw something—but do not regard that as evidence! We will see what we can find out for you.

Senator PARRY—Thank you very much.

Senator Chris Evans—That was a payments issue.

Senator HUMPHRIES—It might be someone much higher up in government—someone from Britain who migrated a long time ago and who has overstayed! It is possible.

Senator Chris Evans—I can make them a citizen very quickly!

Mr Metcalfe—And I can attest to the fact that he is a citizen.

Senator HUMPHRIES—Can you self-administer in those circumstances?

Senator Chris Evans—He pulled out my arrival card. I was glad to see that it was all in order.

Senator HUMPHRIES—I would check it again, if I were you, Mr Metcalfe, just to be sure!

I think this is the right area to ask this question. In the budget there was a provision of \$143.8 million for capital funding—actually, I will come back to that as I have other questions to ask in that area.

I understand that recently at Christmas Island there were numerous posters around the centre, explaining how detainees can make complaints and, indeed, listing the sorts of areas or subject matter about which they might wish to complain. I understand that the posters listed phone numbers that they could ring and it was possible also to make calls to the Red Cross. The points allowance scheme gives detainees 50 points each per week. We are told that that is equal to approximately \$50. Before I go on to that, could you just tell me whether it is possible to see a copy of that poster and who has produced it.

Mr Metcalfe—We will take that question on notice and get the poster to you. I imagine that they would be posters provided by the Ombudsman or the Australian Human Rights Commission. It has been a very long practice that people in immigration detention, whether

they are in mainland centres or on Christmas Island, are advised of their rights to complain. They have rights and there is a strong and significant supervision of detention arrangements by those accountability bodies. They visit regularly, and if people have complaints they are encouraged to make them. Of course, we are dealing with administrative detention, not criminal or punitive detention, here. It has long been part of our system that people have the right to seek redress if they have a grievance.

Senator HUMPHRIES—The phone number that they are provided with presumably is a phone number on the island that they ring, except for the Red Cross?

Mr Metcalfe—I will have to check. The Red Cross is also an important service provider, apart from anything else in relation to tracing and other services so that normal international protocols relating to contact with relatives are able to be pursued as well. We will take that question on notice and come back to you on those issues.

Senator HUMPHRIES—I understand that there is access to phones within the detention centre and that there are mobile phones specifically for the purpose of calling the Red Cross, which I assume is not on the island. Is that the case?

Mr Correll—No. The standard position in relation to mobile phones is that for any irregular maritime arrival at Christmas Island the mobile phones are confiscated at the initial point of arrival. Sometimes they are used as part of AFP investigations in relation to people-smuggling aspects. But it has been a standard practice for a long time that mobile phones are not permitted within the centres. There are, however, phones available at all the locations on Christmas Island for people to use. It is possible also to purchase phone cards using the PAS, or points credit system. They are available for use and they are located at North West Point in each of the compounds.

Senator HUMPHRIES—I want to ask about the points system. Essentially points are allocated to each detainee or each family in the centre on a gratuitous basis—they are not charged for these points, I assume—and they can spend these points at the canteen and for other things. Is that the case?

Mr Correll—Yes, that is right. I will ask my colleague to provide a little further comment. The point system has been around for as long as I can remember in the detention service environment. It is designed to encourage participation in activities within the centre and is important in contributing to activity and good balanced mental health over time. It is an important element to encourage activities. That essentially is the reason for the PAS.

Ms Wilson—Clients get 25 points each week, which is equivalent to \$25, as you said. They can accrue another 25 points for participation in activities. There is a shop in the detention centre where they can purchase discretionary items such as sweets and snacks, cans of Coke, special deodorants or shampoo, on top of what they are already provided with. At the end of the week whatever they do not use of those 50 points is extinguished and they start again for the next week. Our service provider administers that.

Senator HUMPHRIES—So a family of four would receive 200 points in a week and that would allow them to buy the equivalent of \$200 worth of things at the canteen?

Mr Metcalfe—These are basic things, not luxury items. It is very much designed around the situation where—as you can imagine—we have people who really do not have much to do. We want to do everything we can to encourage what I would broadly describe as good behaviour to ensure that people are participating in activities. It is important for their own mental health. This arrangement allows people to be recognised for cooperating with the authorities and it is a very longstanding practice. In fact, we have tightened it up over the last few years to ensure that people cannot accumulate large numbers of points and to ensure that there no luxury items. It is basically sweets, shampoo, phone cards and that type of thing.

Senator HUMPHRIES—Is the cost of providing these things met from the general operating costs?

Mr Metcalfe—That is correct.

Senator HUMPHRIES—Are the goods provided by the contractor?

Mr Metcalfe—Serco, the contractor, operates the scheme and it is part of the overall arrangements we have. You can imagine that it is far easier and far more cost-effective and far better for everyone concerned—clients and our own staff—if we have people who are cooperative rather than people who are uncooperative or unhappy or, frankly, who have mental health issues exacerbated. Sadly, we have seen that in the past.

Senator HUMPHRIES—I turn to issues to do with the budget appropriation for this outcome for 2010-11. I am looking at the way in which the item for offshore asylum seeker management has escalated in the last few years. There was a provision of \$40.8 million in the 2009-10 budget. In the additional estimates earlier this year, that figure had increased to \$106.3 million. The forecast in the 2010-11 budget for the outcome for 2009-10 is \$149 million. The amount predicated in the budget for this coming financial year is \$327.5 million. How many arrivals has the department now budgeted for to the end of June 2010 that that figure would represent?

Mr Correll—We have an agreed approach with the Department of Finance and Deregulation for the provision in estimates that has been built up now over several years that recognises the high level of volatility in the movements. So the agreed arrangements that have been introduced are the use of a five-year rolling estimate, which also takes into account the actual arrivals retrospectively. So the figures that are incorporated in the forward estimates for outyears reflect a five-year rolling estimate approach together with adjustments. That means that the five-year rolling average tends to flatten out the peaks and troughs and provides for a more even level in the forward estimate figure. That is then adjusted based on actual numbers that arrive.

If that proves to be a figure that is either low or high then at the next available point after the budget point, which would be the additional estimates, there would be a top-up or reduction in the numbers against the department's budget. That approach has been jointly established with the Department of Finance and Deregulation. It does not draw on the notion of attempting to do forward projections or anticipate arrivals. The difficulty of that—the crystal ball gazing—is in fact taken out of the game using a five-year rolling average approach.

Senator HUMPHRIES—It is interesting but, with respect, it is not the answer to my question. There must be a number of arrivals that is tied to that figure of \$149 million. What is it?

Mr Correll—The overall average level of accommodation that is expected—the average numbers over the year—that that translates to at the present stage is around 18,000 figure for irregular maritime arrivals. That is the figure that is used. But that tends to be a function of using a five-year average rolling methodology rather than utilising any particular projections of estimated arrivals over the coming years. Of course, for our normal operational purposes we are constantly looking at what the outlook is going to be and how that will impact on things like our overall accommodation needs. But that is a different process and a different set of issues to the methodology that is used for the budget statements.

Senator HUMPHRIES—With the escalation in IMAs in the last 18 months, it is a bit hard to see how a rolling average system is going to work very effectively because we have not had numbers of this order for a decade. How do you develop a rolling average when the average of the last decade, certainly before 2008, was something like three boats a year?

Mr Metcalfe—The one thing we know about this area is that it is very hard to predict. If you look back over the last 30 years, we have seen several surges of boat arrivals and then the numbers have fallen back again. Therefore, I am always at pains to say that the numbers that are contained in the forward estimates are purely an estimate and they are in no way based upon a prediction by the department or by the government as to the actual number of arrivals that will occur, because we do not know. What we do know is that we are taking very significant measures and working very closely with international partners. We are also now seeing clients, many of whom are being found not to be refugees, who in due course, depending upon outcomes of review decisions, will in fact return home. We know that that will significantly impact upon the message that people smugglers are able to provide. While it is a requirement for budgeting purposes to have figures contained in the forward estimates, they should not be seen as any speculation by the department as to what is actually going to occur. We know that we are determined to try to reduce those numbers as far as we possibly can.

Senator HUMPHRIES—You are telling me that the budget for offshore asylum seeker management has increased from an estimate of \$40 million before the beginning of the financial year to almost \$150 million in the space of 12 months, but it does not bear any relationship to any actual number of people expected?

Mr Metcalfe—No, sorry, Senator. The 2009-10 figure is based upon the arrivals that we are seeing.

Senator HUMPHRIES—That is what I am asking about. You are predicating it on 1,800 arrivals this financial year?

Mr Metcalfe—No, we are not basing the 2009-10 on 1,800 arrivals, because clearly we have had more than 1,800 arrivals.

Senator HUMPHRIES—Yes.

Mr Metcalfe—We are basing it on the estimated number that we will have had by 30 June.

Senator HUMPHRIES—What is the estimated number you will have had by 30 June? That is the question I am asking.

Mr Metcalfe—The number is 4,500.

Senator HUMPHRIES—So you are saying to me that if you have, as postulated, 4,500 arrivals in 2009-10, that a budget of \$149 million will cover the cost of 4,500 arrivals?

Mr Metcalfe—Yes, that is correct.

Senator HUMPHRIES—Your forecast then for 2010-11 of \$327 million, which is more than double that amount, what does that say about the expected—

Mr Metcalfe—There is a significant amount of capital in that figure and the government has previously announced the recommissioning of the Curtin detention centre, for example. So there needs to be a distinction made between capital costs associated with establishing contingency accommodation and the administered departmental expenses associated with providing services to people who actually have come here.

Senator HUMPHRIES—Going back to 2009-10, what component of the \$149.4 million is capital and what component is recurrent?

Mr Metcalfe—I will ask our finance colleagues to provide that breakdown.

Mr Biddle—The amount on page 59 of the PBS for annual administered expenses is the estimated cost for the external contracts. There is no capital money in that amount.

Senator BARNETT—Where is that?

Mr Biddle—That line is on page 59 of the PBS, three lines up from the bottom—the community and detention services.

Senator HUMPHRIES—There is no capital in that figure at all?

Mr Biddle—No.

Senator HUMPHRIES—On the same line for the next year there is a figure of \$327 million. But that does include capital.

Mr Biddle—No, that \$327 million is the expected increased cost of running the facilities for a full 12 months. Christmas Island ramped up this year. At the start of the year there was a low number of people. We are anticipating that Christmas Island will be at a high level of capacity for the full year. We are anticipating that we will have to operate other facilities onshore as well.

Mr Metcalfe—Sorry, Senator, I should correct what I said, that figure does not contain capital. I apologise for that. What that effectively shows is the lag factor. Through the course of this financial year the numbers have increased and we do expect the numbers of people remaining in detention to stay significant. That is not a prediction in relation to arrivals purely; it is a reflection of the fact that, as we indicated previously, we are expecting some people to remain in detention for a longer period of time because they are being refused visas and are exercising review rights. Therefore, they will be with us longer than if they had simply been granted a visa.

Senator HUMPHRIES—I will come back to that in a minute. You said the figure of \$149 million is based on an estimated arrival number for 2009-10 of 4,500. Disaggregating those other factors, what is the expected number of arrivals for 2010-11 on which that figure of \$327.5 million is based?

Mr Metcalfe—The figure that has been put into the budget the for estimation purposes is 2,000.

Senator HUMPHRIES—You are spending \$149 million for 4,500 arrivals and more than double that for 2,000 arrivals. Can you explain that?

Senator Chris Evans—The cost is not in the arrivals, the cost is in the detention.

Mr Metcalfe—Because people will stay across the program year, and as we have been indicating some of those people will be in detention for a longer period of time, it is the number of people in detention for a number of days that becomes important. The arrival figure is one factor, but the length of detention is another factor that goes into these figures.

Senator HUMPHRIES—Let us turn to the question of length of stay. You said before that there was an increase in the number of people who were being refused refugee status and therefore staying longer in detention while presumably they are pursuing legal avenues and merits review before they are returned.

Mr Metcalfe—Merits review before that, yes.

Senator HUMPHRIES—What was the figure at the start of the year for such people refused refugee status, or what was the proportion from the start of the year to the end of the year?

Mr Metcalfe—That would be very hard to answer, but let me have a go. We had seen high approval rates for refugee status. But as we discussed at length last night, the emerging and changing country information in relation to Sri Lanka and Afghanistan, which has led to the government's recent decision to suspend processing of those claims, has meant that we have seen indications of more recent decisions where there is a significantly increasing refusal rate—

Senator HUMPHRIES—What is significant?

Mr Metcalfe—I would prefer not to provide a figure because it is too early; it is based upon a fairly small number of decisions.

Senator HUMPHRIES—You have postulated a massive increase—

Mr Metcalfe—No.

Senator HUMPHRIES—in the cost of detention based on what I would think is a relatively small increase in the proportion of people who will be staying longer.

Mr Metcalfe—I have not said that, Senator.

Senator HUMPHRIES—Correct my assumption. On what basis—

Mr Metcalfe—If you let me finish my answer: we have refused around 480 persons in the last year and a half; however, 220 of those refusals were in the last two months. What I have been saying is that we have been seen a significant increase in refusals in the last few months

because of changing information about the country circumstances and the individual circumstances that people will face if returned. That applies both to Sri Lanka and Afghanistan. That is the rationale for the government's decision to suspend processing for new arrivals. But a consequence of an increasing refusal rate is the fact that people will stay longer in detention than if they were simply arriving, being found to be refugees and being released into the community in a short period of time.

Even though it may sound a strange thing to say, that increasing cost reflects the fact that the department is now refusing more cases and we therefore expect those people to do as they are entitled to do—that is, to pursue review rights. But that will lead to an increase length of detention. It is not a commentary upon the arrival numbers. That is one factor, but it is an important factor—actual length of stay in detention. That is where a significant part of those costs are coming from.

Senator HUMPHRIES—I find it very hard to believe that an increase in refusal rate of that order would account for such a large increase in the size of the budget.

Mr Metcalfe—It does.

Senator HUMPHRIES—I would like you to demonstrate that by—

Senator Chris Evans—I think the secretary has indicated that that is one factor. Clearly, the number of arrivals is part of the picture. I put it to you this way: I think the average stay until grant—and Mr Correll can correct me—for those on the successful pathway was at around 106- to 110-day mark in detention. For someone who seeks to appeal a decision, we are ramping up the resources in the independent merits review process at the moment to try and make sure that is more speedily done.

Senator HUMPHRIES—But that is not contained in this budget, is it?

Senator Chris Evans—Yes, it is.

Senator HUMPHRIES—As extra resources—in this part of this budget?

Senator Chris Evans—I am not sure up is in this particular item. One of the officers can take you through that. But if you allowed say, three months, for that period, someone who is unsuccessful immediately doubles their stay. If they then, as we have now, pursue something in the courts, you can travel or multiply their stay by four. So it is not an insignificant factor at all. I accept your point: there is more than one factor at a play in making these calculations.]

But as I said last night and I stressed in an answer to a question from Senator Hanson-Young, the biggest impact on detention and long-stay detention will be those people, as under the Howard government, who pursued appeal options and sought to refuse to return home. That is where you ended up under the Howard government with long-term detention. The is why in the end the Howard government solved that by giving them visas.

Senator HUMPHRIES—That may be so, but we can have a polemic about that one day.

Senator Chris Evans—Not may be so, Senator. I know you do not like to be reminded of history, but I am happy to remind you because you do need to be reminded.

Senator HUMPHRIES—I do not like you diverting attention from the issue that I am raising.

Senator Chris Evans—No, that is why I am treating this very seriously. This is a major impact.

Senator HUMPHRIES—I want you to break down that figure of \$327 million and demonstrate to me how a relatively small proportion of those people arriving—the 2,000 you postulate arriving—plus the hangover from the 4,500 from this financial year, being refused refugee status translates into a more than doubling of the budget figure. I want you to demonstrate that to me by a breakdown of that figure.

Mr Metcalfe—I will ask the financial experts to do that to the extent they can. What we cannot, we will do on notice.

Senator HUMPHRIES—With great respect, Mr Metcalfe, I do not think any of this can be taken on notice. This directly relates to the most significant increase in offshore asylum seeker management. You need to demonstrate today to us how you get to that figure. With respect, it is just not believable.

Mr Metcalfe—It is the figure that financial experts in my department and the department of finance have arrived at based upon all of the known factors. I would like to correct one point. You referred before to me talking about, I think, a reasonably small increase. I have not used ‘reasonably small’; I have said a ‘significant increase’ in refusal rates. I do not want to be drawn as to what that figure is because it is based on not a large sample of cases, but it has led to 220 refusals in the last two months. I will ask Mr Biddle to see if he can provide some assistance as to how that \$327 million is able to be broken down.

Mr Biddle—In agreeing on costs with the department of finance as an estimate for next year, the number that we are referring to on page 59 refers to administrative costs of running the detention contracts on an expanded footprint option for a longer period of time.

Senator HUMPHRIES—What do you mean by ‘standard footprint option’?

Mr Biddle—The previous costings that included an additional estimates was predominantly because we are processing all IMA costs on Christmas Island. We are now looking at running some facilities onshore as announced by the government. Those costs have increased the service provider contracts and the amount of guards, accommodation costs et cetera that are provided by the Serco contracts.

Senator HUMPHRIES—Wouldn’t the costs of providing those services onshore be cheaper than providing them on Christmas Island per detainee?

Mr Biddle—I would need to get a breakdown of those to report on that. But there was a lot of establishment already on Christmas Island; we are already in operation there. So establishing new contracts—

Senator HUMPHRIES—But it does not include any capital costs, as you said before.

Mr Biddle—No, this is the operating provided by the service providers for additional centres as an estimate, as we would be running multiple centres both on Christmas Island and on the mainland in 2010-11 as well. That is the predominant driver of the costs—that is, the number of beds required to house the detainee population as opposed to the number of arrivals.

Senator HUMPHRIES—But you are going to get half the number of arrivals next year according to your figures. That will have a bearing on the cost of having to accommodate at least those people who are arriving afresh. That would have a downward impact on your budget.

Mr Biddle—This goes back to the point that the secretary was just making about the average length of stay: it is expected that people who arrived during 2009-10 will still be required to be in detention for a period of time during 2011.

Senator HUMPHRIES—Yes, but how many are still in detention into 2010-11 who arrived in 2009-10?

Mr Biddle—That will go to the average occupancy of the centres.

Senator HUMPHRIES—What have you based that on? To reach that figure you must have some sort of projection of how many people who are arriving in 2009-10 who are going to be staying in 2010-11, how long they are going to stay, where they are going to be staying presumably to reach that figure. It is an extraordinarily large figure. Break it down for me to show how you get to that figure.

Mr Biddle—We are still configuring the final average figure for the new facilities using the capital that was provided for in the budget—the final accommodation footprint—and the occupation levels per centre. But I guess we are looking at a population size in total of about 2,000 being carried over from this year into next year. The approximately 2,000 new arrivals are the key drivers, as well as some costs associated with establishing the new facilities in the first year.

Senator BARNETT—I will put it another way. There are three things we need to know. We want you to break it down, but we need to know average occupancy rate, the average length of stay in detention and the average cost of that accommodation. You would know each of those figures, you would have those figures with you, to come up with the \$327 million, which is double what it was for 2009-10, not to mention the more than halving of the expectation according to the department of the irregular maritime arrivals. We need those answers and we will not leave until we get them.

Mr Metcalfe—This is clearly an important area. I am very anxious to give as much assistance as possible here. I do think we would probably be in a better position to provide that information if we could come back—perhaps after the morning tea break—and try to provide more detail. We are nine minutes from the morning tea break at the moment. I think that would allow us to be quite clear and to provide the information that you are seeking.

However, I want to make it clear that the costs associated with detention basically rely on three factors: how many people arrive, how long they stay for and then what happens to them.

Senator BARNETT—And the average cost of stay.

Mr Metcalfe—The average cost of stay is obviously critical across that and the composition position and complexity of the cases. As Mr Biddle has indicated, costs associate with Christmas Island and costs associated with mainland centres will vary as well. We will give you as much as we can as to how that \$327 million, if that is the figure, was in fact built up in the discussions between us and the Department of Finance and Deregulation.

Senator Humphries, I do not think I explained the other point particularly well before. Of course we are not talking about all of the people who have arrived this year having been here for the entire year. The numbers have been building up across the course of the year. In the initial times people were in detention for quite short periods because there were extremely high rates of finding that people were refugees. But, as I have indicated, we are now seeing a significant number of refusal decisions, which is leading to some people staying longer. We also now have a suspension, which means that some people are not receiving processing at all while they remain in detention.

So the figure for this year comprises not 4,500 people in beds every day of year; it has been an increasing number. As we go into 2009-10 we will have a significant stock of a people who we start with. We have then estimated 2,000 arrivals and estimates have been made in relation to outcomes and that sort of thing. So we are going into the new financial year with a much higher base than we started with in the 2009-10 financial year. I think that that would be one of the major explanations of what is quite clearly a significant increase in costs.

Senator HUMPHRIES—I am willing to be persuaded. But if you have half as many arrivals in 2010-11 as 2009-10, you are going to move of them to less expensive recurrent—

Senator Chris Evans—That is not right. What we said is that there is an estimates process. As you know, funding will be advanced in the additional estimates, as it was this year, or taken off us.

Senator HUMPHRIES—But these figures are based on that estimate. That is the point I am making.

Senator Chris Evans—That is why the officer gave you the estimate of 2,000.

Senator HUMPHRIES—Yes.

Senator Chris Evans—All I am saying to you is that, as we learnt this year, they are an estimate. As you know, this year there was a considerable increase in the department's budget in the additional estimates. Why? Because we had more people.

Senator HUMPHRIES—Yes.

Senator Chris Evans—The cost of the immigration detention will be driven by the number of people and how long they stay.

Senator HUMPHRIES—Yes. I think we all understand that.

Senator Chris Evans—We are perfectly frank about that and it is obvious to anybody. What we are saying is that the way the finances work in the relationship area—and Mr Correll is probably the best informed on this issue—is readjusted during the year, as experienced. So this year we have increased it. I am just making the point that the estimate is purely that.

Senator HUMPHRIES—Minister, obviously we know that. The figure has been based on the estimate. We are talking about the relationship between the estimate and the figures presented. If you have a reduction in the number of people estimated to be coming to Australia in 2010-11, and some of them have been moved into mainland facilities, which presumably are recurrently less expensive to operate than Christmas Island, you would need a

massive increase in the stay of a very large proportion of these people to reach a doubling of your figures for 2010-11. I am happy to be persuaded, and that is your job.

Mr Metcalfe—Senator, if you could bear with us we will come back and try to provide a better explanation after the morning tea break. I think a lot of the answer is going to be in the fact that we are entering the new financial year with much higher bed occupancy than we started in the previous financial year with. Our starting point is much higher and it will carry through that period. We understand what you are seeking and we will do our very best to provide that information to you after morning tea.

Proceedings suspended from 10.26 am to 10.46 am

CHAIR—We will resume our estimates hearings process. We are still on outcome 4. Mr Metcalfe, did you have an answer that you wanted to give?

Mr Metcalfe—We had indicated that we had a response for Senator Humphries but we are happy to fit in with the committee.

CHAIR—I know that when you give that response it will lead to a whole series of other questions.

Mr Metcalfe—Yes.

CHAIR—We might go to Senator Hanson-Young's questions first, unless you have it in written form.

Mr Metcalfe—No, it is not written. It will be an oral presentation.

CHAIR—Let's go to Senator Hanson-Young and then we will come back to you.

Senator HANSON-YOUNG—I was hoping that you would be able to give us a breakdown of the numbers of people currently held in detention. I have the figures as at 19 May on Christmas Island, but I was hoping for a breakdown of the numbers at the various detention facilities on the mainland as well as the various facilities on Christmas Island. Usually you are able to distinguish nationality, and if you could do that it would be great. Would you also identify whether there are any minors and whether or not they are unaccompanied?

Ms Wilson—As at 19 May there was a total of 2,295 people on Christmas Island, including 14 crew: 1,746 in the Christmas Island IDC at North West Point, 362 at Construction Camp, 184 in Phosphate Hill Bravo and three in the duplex accommodation.

Senator HANSON-YOUNG—How many children are there in Construction Camp?

Ms Wilson—There was a total number of 112 unaccompanied minors in Construction Camp and about 90 accompanied children.

Senator HANSON-YOUNG—Are there any children in either the Phosphate Hill or the duplex accommodation?

Ms Wilson—There is one accompanied male in the duplex accommodation—in community detention on Christmas Island.

Senator HANSON-YOUNG—Accompanied or unaccompanied?

Ms Wilson—Accompanied.

Senator HANSON-YOUNG—Are the 184 on Phosphate Hill single males?

Ms Wilson—Single adult men. That is the only group of people we accommodate in Phosphate Bravo.

Senator HANSON-YOUNG—Could you give me the breakdown in Villawood?

Ms Wilson—In Villawood we have 124 single adult IMAs.

Mr Metcalfe—Are you after total numbers in Villawood, Senator?

Senator HANSON-YOUNG—Do you want to take that question on notice?

Ms Wilson—On the same date, on 19 May, that is the number of IMAs but there would also be a normal detention population there. So I would prefer to take that bit on notice.

Senator HANSON-YOUNG—If you could. If you do not want to go through the lengthy process of having to read them all out right now—if you would prefer to table that table today, which is what I am looking for—I want included in it not just the traditional IDCs but also anybody who is being detained in Brisbane, and their nationalities.

Ms Wilson—Yes.

Mr Metcalfe—Nationalities for everywhere, Senator, or just for Brisbane?

Ms Wilson—Brisbane and Villawood.

Senator HANSON-YOUNG—I would like everywhere, if you are able to do that. Surely you have that?

Mr Correll—The more the detail, the longer the time to put it together, Senator.

Senator HANSON-YOUNG—Okay. If you could prioritise, giving me the nationalities in Brisbane, Villawood and Christmas Island.

Mr Correll—Yes.

Senator HANSON-YOUNG—Once I have that and I have further questions I will ask you. It would be great if we could have that sooner rather than later. Figures have been put aside in the budget for various different detention facilities. What is the estimated cost for the increased capacity?

Mr Metcalfe—We were having a conversation with Senator Humphries before the break and we said that we would come after the break with a more detailed response that goes to the break-up of the money in the next financial year and how it is being allocated across various centres.

Senator HANSON-YOUNG—Will that enable us to identify the increased capacity?

Mr Metcalfe—That would go towards it. Mr Correll was able to take us through those figures and that would necessarily imply the additional facilities that are being brought on stream, such as Curtin, but also the estimates as to the numbers of people who will be in those facilities. I suspect that our answer to Senator Humphries will go some way towards answering that question.

Senator HANSON-YOUNG—Sure. I will wait for that. I refer to the Curtin detention facility. When are we looking at seeing that in operation?

Mr Correll—We would expect to have the initial refurbishment work available on a first stage of Curtin in early June. The target date for the completion of that work is 7 June.

Senator HANSON-YOUNG—When will we see people being transported to that facility?

Mr Correll—We would expect that to be occurring progressively shortly after 7 June.

Senator HANSON-YOUNG—Obviously I have only been able to see the reports, and we have had the conversation about not taking as gospel what is printed on the front page of the *Australian*. Can you confirm exactly who will be held in this facility?

Mr Correll—At this stage we are looking at clients who are subject to the suspension arrangements.

Senator Chris Evans—Single males.

Mr Correll—Single male clients subject to the suspension arrangements being located at Curtin.

Senator HANSON-YOUNG—From both Afghanistan and Sri Lanka?

Mr Correll—Possibly. In looking at the location of individuals, we look at all the facilities we have available across the whole detention services network. But, given the numbers involved it would be likely that we would have single adult males of Afghan nationality there.

Senator HANSON-YOUNG—Where would those single males from Sri Lanka be held in the foreseeable future?

Senator Chris Evans—We have only had arrivals from Sri Lanka very recently. We are still in the initial processing stages for those people, so no decisions have been taken about that. But the government made a clear policy decision that we would be opening Curtin to deal with those in the suspension in the first instance. But obviously down the track decisions will have to be made based on the capacity constraints and the changing nature of the population cetera. So there has been no further decision on Curtin other than that. As Mr Correll said, we will certainly be starting with the Afghan cohort of single men who arrived soon after the suspension and are therefore further along in the processing of health, identity and security.

Senator HANSON-YOUNG—Can you remind me what the refurbishment capacity will be at Curtin?

Mr Correll—In the first stage it will provide just under 300 beds.

Senator HANSON-YOUNG—When you say ‘first stage’, what is the second stage?

Mr Correll—There is a second stage which provides a further 300 beds as well.

Senator Chris Evans—The government has not authorised an extension beyond the initial allocation of roughly 300 beds. Clearly, in terms of our capacity to expand our bed capacity, Curtin is an option for us in terms of a stage two or stage three. We have not made any formal decision on that. One of the reasons Curtin was chosen as a site was that it had the capacity to be able to extend bed capacity. There is a lot of land and there is the ability to put in a further stage of development. At the moment, the plan is for around the 300 bed capacity. However, but Mr Correll has done some predictive planning on being able to extend that capacity.

Clearly, if we continue to see large numbers of arrivals we will have to find extra capacity at Curtin or elsewhere.

Senator HANSON-YOUNG—What was the capacity of Curtin when it was up and running?

Mr Correll—My understanding is that the peak numbers at Curtin were around 1,400.

Senator Chris Evans—Having said that, I have visited there recently and there is not that sort of capacity there now. It has the basic kitchen, dining room et cetera and single men accommodation, which is used by the Army on exercises. Since I was there, about a month ago, the Army has used those accommodation blocks while on exercise. They had a couple of weeks there. If we were to expand capacity we would have to bring in extra accommodation; there are not 1,400 beds there now. We would have to bring in extra accommodation to build it up.

Senator HANSON-YOUNG—You have said that the department has not actually been given approval yet. Will it be a cabinet decision to go to the next stage?

Senator Chris Evans—I always have to check with the Department of Prime Minister and Cabinet about these things. It will be a government decision. But as you would expect we have to consider government contingency plans to deal with extra accommodation needs, and Curtin is one of the primary options for us. But at the moment we have authorised expenditure to bring that 300-bed capacity up to standard and to be able to accommodate those persons. That is what will be finished on 7 June—or I am assured will be finished on 7 June.

Mr Correll—That is the target date.

Senator Chris Evans—Therefore there will be capacity then and any further decision will have to be taken by government.

Senator HANSON-YOUNG—What is in the budget at the moment for opening new facilities—whether they are refurbishments or new facilities? Will that cover that possible stage two if need be, or will you have to find money from elsewhere?

Mr Correll—The capital funding in the budget included the stage 1 elements of Curtin. It also included some work at Port Augusta. We have residential housing there accommodating 60 unaccompanied minors. It also made provision for further accommodation options, although we have not yet defined precisely what those options are. As has been widely reported in the newspapers, we are actively looking at identifying different accommodation options that might be available.

Senator Chris Evans—I would like to make a key point that sometimes gets lost—I know not by you. In recent times we have seen a slight increase in the number of families and accompanied children arriving. That has meant a different mix of accommodation being required. The only family housing we had available was the Port Augusta site plus some of the immigration residential housing in Sydney and Perth. But there were very small numbers. We have used that the past for families. Ms Wilson can give you the numbers. But housing for families is extremely limited. There has been no investment in housing for families in recent years. The challenge for us at the moment is to meet our commitment not to put children into detection centres and to find suitable family accommodation.

One of the reasons we have some people in motels is that we are short on suitable family accommodation. We started some time ago looking at what options may be available. There were reports the other day about us allegedly asking church groups to find accommodation. What we did was to send out a message saying that we were interested in church groups and others saying whether they had facilities, not for them to manage them. I and others thought of some of the old church sites. As you know, a lot of the churches have been selling off some of their sites that they used for holiday accommodation, schools colleges, et cetera. We have inquired about those options and any private sector options. We have had quite a few responses from people saying that they have properties. Much of it is not suitable and some of it may be. We have been going through that process to try to find suitable family accommodation. It is not easily found, but we are looking at some options. That is what this has all been about: trying to find appropriate accommodation for families outside of detection centres, given that we have seen a recent upturn in the numbers who have to be accommodated as families.

As I said, we need reasonable size accommodation because of the costs and logistics of caring for people. We do not want to do three families at a time. I know some people think that is desirable, but the reality for the department organisationally is that we need decent sized sites to be able to manage and process people. We are in the market for seeing what options are available. That is where we are at the moment.

Senator HANSON-YOUNG—So that line item covers canvassing those options? Is that right, Mr Correll?

Mr Correll—Yes.

Senator HANSON-YOUNG—But it does not necessarily mean that that would be covering any more of this second stage at Curtin. Would there have to be something in addition?

Senator Chris Evans—We will need additional single-men capacity as well on current projections. But it is a capital budget to meet some of those needs. It has not necessarily been allocated to site A for this particular amount of work. We are looking to find the best options and Curtin is one of them. We have been offered a couple of mining camp type operations that all set up and ready to go and the capital cost would be very low. On the other hand, people have said that they have a nice block of land but with nothing on it. It might be a great block of land and might suit, but the capital costs would be very high. We are still looking at all those possibilities.

Mr Correll—This is why it is very difficult to be very prescriptive in responding to your questions in this area at the moment. It depends on the options that emerge as most appropriate. In some case it will involve significant leasing, which will be incurred as an expense in the budget line versus actually putting in asset creation work and additional facilities, which involves capital funding. At this stage we have provisions to cover capital investment and operating funding to cover leasing aspects. It will ultimately be determined based on what the best options are that are approved by government for use for accommodation resulting from our current searches.

Senator HANSON-YOUNG—I will take you a little further into those searches. Thank you, Minister, for that explanation in relation to the church groups. I agree that we need to find some better accommodation for families—absolutely. Can you explain the reports that were released yesterday in relation to Leonora and what the possibility is there?

Senator Chris Evans—I will let Mr Correll take you through any detail he wants to. As one of the options offered or discovered was vacant accommodation at Leonora that was variously described as caravan park, lege and motel.

Mr Correll—Lodge mostly.

Senator Chris Evans—It effectively is accommodation established to support miners who were working in the area. It is not a mining camp; it is more of a commercial operation. That is one of the sites we have been looking at as potential short-term accommodation for those families we are looking to take off Christmas Island. Mr Correll is better on the detail than I am.

Mr Correll—This was an opportunity that came to our attention during our search. We had people from the department and from our service provider visit Leonora last week and look at the lodge. There are a couple of potential lodge facilities in the township. They also had discussions with the local shire president to assess local community support. No final decision has been made in relation to the use of Leonora, but it has been identified as a possible option for providing accommodation.

It is self-contained motel style accommodation with en suite and laundry facilities. It seemed to meet the basic criteria. What we have been doing not only in Leonora but also in other locations is that, where we have identified accommodation options that appear on face value to offer potential, our staff visit those sites and, where appropriate, make contact with the local mayor or shire president to make sure that there is an awareness of what we are looking at.

Senator HANSON-YOUNG—You say there is a bit of a list of the basic needs. Why are you looking at places that are in the middle of nowhere in terms of access to services?

Senator Chris Evans—We are not looking at places in the middle of nowhere; we are looking for suitable accommodation, and it is difficult to find on any sort of scale. Some of the options we have had offered to us have been mining camps and others have been in quite central locations—one of them, anyway. Others have been in locations that people in the eastern states might regard as remote, but Western Australians regard—

Senator HANSON-YOUNG—I am from Adelaide. Some people think Adelaide is in the middle of nowhere.

Senator Chris Evans—A lot politicians tell me I have to keep Adelaide as a regional centre for migration purposes, including the South Australian Premier. But I regard it as a capital city. The reality is that Leonora is one of those that have been raised. It is a small community, but it is also in the goldfields area. Kalgoorlie is the major regional centre. It is an option for us that also had the advantage of being quite readily and quickly available. As you know—there has been some media coverage—we have had to find some motel accommodation for other clients. We have done that over many years under the previous

government and this government for families or vulnerable clients. That has received a lot of publicity, but it has been normal practice to find accommodation for people who we do not want to put in a detention centre.

Senator HANSON-YOUNG—I know there is a motel in Adelaide that you could not book a room in for a good three years because it was full of asylum seekers.

Senator Chris Evans—We have had them in various capital cities, and the department has had ongoing relations with some of them over many years. We have used them for junior fishers and so on in Darwin before. That is what the department is currently doing.

Senator HANSON-YOUNG—Regardless of the need for appropriate accommodation, what I am getting at is: what is your definition of appropriate accommodation? Surely it is not just about the capital cost. If you are going to be housing people in a significantly remote location—Leonora is remote despite the fact that Kalgoorlie might be around the corner, but it is a bit of a drive—

Senator Chris Evans—As I made it clear, as a Western Australian senator up for re-election, I regard it as a cosmopolitan central part of the Australian goldfields!

Senator HANSON-YOUNG—Of course, the township has its own issues in terms of accessing health services and various other essential services. Surely if we are looking for appropriate accommodation we are not just looking at the physical house. It is about access to services and how the government and the department are going to pay for that and make that readily available. It is not just about the capital cost, is it?

Senator Chris Evans—No. The department can answer that. However, as you know, we require a whole range of services, so there are a range of considerations that the department take into account when making these decisions. That is why Mr Correll was going through the process they have been going through. We obviously have particular providers who provide those services, so they tend to move with us if required. At Curtin we are putting in place a whole range of services. That is part of what you have to do in running a facility. Mr Correll can explain how they factor all that in.

Mr Correll—Obviously one of the key considerations is who the typical client group will be at a given location, whether it be single adult males or families, and the likely duration of stay at a location. As you would know, where we have short-term accommodation arrangements like transit accommodation centres, they are not designed to provide activities and a base. So we look at sites to provide all of that.

We are also looking at critical mass considerations. That is quite a significant issue in our search for accommodation at the present stage. Whilst there can be—and we have had many good offers of—small-scale accommodation, we need to ensure that we have sites that provide a cost-effective scale of operation as well that can be supported both by our services providers and by departmental staffing.

Senator HANSON-YOUNG—In terms of your discussions with the local shire in Leonora, you say you have a list of things that are appropriate, and one of those considerations is, of course, the type of personnel that will be housed there.

Mr Correll—Yes.

Senator HANSON-YOUNG—Who would be housed in Leonora? Who are you weighing up whether this is appropriate for?

Mr Correll—The accommodation at Leonora is lodge facilities of a fairly large scale with good surrounds, including gymnasium facilities but also lawns and covered areas. We also look at issues like other facilities that are available in the broader township. But, based on that, probably Leonora would be appropriate for family-style accommodation. That would be very much linked in with school access. We also look at the question of access to broader services such as hospital services. Leonora does have an airport that has a daily service in and out. Transportation in and out of the location is an important factor. What facilities are available there for staff accommodation? Leonora has caravan park accommodation that could be used for staff accommodation. We go through a range of those issues in looking at the site to ensure that all of those requirements are going to be met at a particular site. As I said, that has all been substantially explored but no final decision has been taken at this point.

Senator HANSON-YOUNG—Thank you. You talked about the idea of critical mass and said that this is why it is difficult to find various places for accommodation. I imagine you would prefer not to be taking the ad hoc approach of housing people in motels here, there and wherever.

Mr Correll—Yes, very much so.

Senator HANSON-YOUNG—Surely this is all a result and a symptom of a bottleneck created by the suspension?

Mr Correll—The suspension has an impact on accommodation requirements in that certainly we need to look at facilities that offer activities and that provide for potentially longer periods of stay. That is certainly a factor we look at in accommodation. It is also a factor we consider in the use of alternative places of detention such as motels. They are okay for short periods of detention, but they are not okay for long periods of detention for families. We recognise that. That is why we are trawling around as widely as we are at the present stage to attempt to obtain different and better accommodation options.

Senator HANSON-YOUNG—If we were processing people and getting through their cases, surely people would be moving through the system and we would not have this bottleneck that has been created?

Senator Chris Evans—I think that is overstatement. The reality is that we are dealing with a lot more people than we have been in recent years. In recent times we have been confronted with dealing with more families with children. We are trying to find more suitable accommodation for them. Even if they were moved straight into processing, as most of these groups are, they are still in the system for a minimum of three months and potentially longer, so you have to accommodate them.

We have always made it clear that the construction camp accommodation on Christmas Island is less than ideal but better than the alternatives. If we had a better option on Christmas Island we would use it, but we do not. It is a question of numbers and available resources. Would I like purpose-built accommodation available? Yes. Have I got it? No. So you have to do what you can do. The previous government had a similar problem. They threw up camps, and we are learning from those experiences.

We are looking for more suitable longer-term arrangements for families as well as some temporary arrangements. I have a picture of the ideal solution, but I do not expect to find that, so we will find what we can make work best. As I said, the department is searching and responding to offers. We are in negotiations and discussions with some people about those things. Some of that involves commercial matters, so I do not want Mr Correll selling virtues of a property too much because he will bump up the price they will charge. I urge restraint about such things. That is where we are at. We have a problem and we are trying to fix it. We would like best option possible and we will have to settle for the best available.

Senator HANSON-YOUNG—I struggle to see how housing families in the middle of the desert is either cost effective for the taxpayer or practical. If we were actually processing their claims and were able to house them closer to a metropolitan centre, surely that would be more cost effective and more practical. They would also have access to services and the support of those good-hearted volunteers around the country who are very concerned that families are going to be detained for no-one knows how long. I struggle to understand that putting families in the outback desert is actually a practical solution. I understand that you are saying it is not ideal. It is definitely not ideal.

Senator Chris Evans—But putting people in a motel in the middle of Brisbane is not ideal either. They all have their challenges. As I said, one of the issues for us is finding—

Senator HANSON-YOUNG—But the challenge of putting them in a motel is that that is an issue that these people over here—the opposition—like to whip up and it gets on the front page of the paper. Sticking people in the desert is out of sight and out of mind.

Senator Chris Evans—I agree there are challenges about putting people into city suburbs. You get headlines like we did in one paper with a photo with a woman and children with the caption ‘They’re here’. Certain opposition members are looking to whip up concerns about all sorts of things—in complete denial about the history of these issues. We are not looking for a desert location; we are looking for a suitable location. If the best location is somewhere like Leonora, Meekatharra or Port Augusta then we will settle on that.

But we have to weigh up costs, suitability of accommodation and availability—all of those matters. We will make a decision based on all of those factors. Some of the temporary accommodation we choose might not be ideal, but it might be best available at the actually. Longer term, we will obviously look to make better accommodation options available. But we are not looking for a desert location; we are looking for appropriate accommodation at the best price which meets all of our requirements. Leonora is one that is in the mix.

Senator HANSON-YOUNG—Thank you. I am happy to move on. I want to go to the upgrades to Villawood and the Perth IDCs. They were budgeted for last year and in the forward estimates. Are they still on track or have they been put on the backburner in relation to the other more pressing issues?

Mr Correll—Senator, they are pushing forward. I will ask my colleague Ms Wilson to provide an update on those.

Ms Wilson—Senator, the Perth IDC upgrades have been completed.

Senator HANSON-YOUNG—Have they? Good.

Ms Wilson—The Villawood interim works are proceeding. We are in the middle of upgrading the visits area. We have completed upgrades to the Blaxland compound. We are looking at improving the interview room facilities. We expect that that work will take place in the second half of this year and be completed by the end of the year. So that is still proceeding.

Senator HANSON-YOUNG—Could I go back particularly to Christmas Island, but if there are other cases in the mainland facilities, I would need to know those numbers as well. I would like to know what the numbers of cases of self-harm have been on Christmas Island in the last six months.

Ms Wilson—Since July 2008 there have been six reports of self-harm incidents on Christmas Island.

Senator Chris Evans—In 2008 or 2009?

Ms Wilson—In 2008.

Senator HANSON-YOUNG—Did any of those cases result in anybody being removed from the island?

Ms Wilson—I do not have that information with me. I would have to take that on notice.

Senator HANSON-YOUNG—Would you please?

Ms Wilson—Yes.

Senator HANSON-YOUNG—Thank you.

Senator Chris Evans—I do not think any resulted in death or serious injury.

Ms Wilson—No.

Senator HANSON-YOUNG—I understand there is a general rule in relation to the hospital on the island that women who are pregnant must leave the island at a certain stage because they do not have the expertise and facilities to be sure that they can safely deliver babies. Is it correct that there is a pregnant woman currently detained in the construction camp who is past the date at which she is able to fly and be removed from the island?

Senator Chris Evans—Ms Wilson will be able to tell you.

Ms Wilson—My understanding is that that it is not the case. We are very careful about adhering to the rule that all women at Christmas Island at 30 weeks, including the normal population, are transferred prior to that point to Western Australia for the continuation of their pregnancy. We certainly abide by those rules. My understanding is that there is no-one who has stayed longer at a construction camp than they should, but we will double check.

Senator Chris Evans—I think I know something about this, although I usually rely on Ms Wilson for all my advice on these things. I seem to recall in the last couple of weeks that we had a woman whose date of confinement had been miscalculated, I think, by her. I was asked to sign a submission to bring her off relatively quickly because she was due earlier than had originally been scheduled. Someone will probably help me, but I know I signed off on a submission to bring her to the mainland. As I say, I think it was because there was a

miscalculation and she was more advanced in her pregnancy when checked more recently than had been anticipated. She may have been just over the limit.

Senator HANSON-YOUNG—But your understanding is that she has been transferred?

Senator Chris Evans—I am pretty sure I authorised her coming off the island with a couple of family members.

Senator HANSON-YOUNG—Can you check for me?

Ms Wilson—We will double check.

Senator HANSON-YOUNG—That has been raised with me and I want to be sure.

Senator Chris Evans—As I say, I am pretty sure I signed off on that last week. My office can double check. As I understand it, it was because of a miscalculation. She was basically more pregnant than she thought.

Senator HANSON-YOUNG—I have just two areas left and then we can go back to the opposition, Chair. I want to chase up on the 60 unaccompanied minors at Port Augusta. Is my understanding correct that they are all Afghani boys?

Ms Wilson—Yes, that is correct.

Senator HANSON-YOUNG—Are they all up to a similar stage in their application process? How long do we think that they are going to be in this facility?

Ms Wilson—I do not think I have an answer for you in terms of how long. Some of the group that was moved have been RSA interviewed, and some have not. Those who got there who had not been, have been RSA interviewed in the last couple of weeks. It really depends on the information that has been provided out of that process. There are probably two groups at different points in the process—two cohorts.

Senator HANSON-YOUNG—But you do not anticipate them being there for a long period of time? Are they at the end?

Ms Wilson—As you know, families and children get priority through the process. We are giving them priority but I cannot estimate how long that will be.

Senator HANSON-YOUNG—Has there been much communication or coordination between the department and the local community in Port Augusta in terms of providing extra support for these young people?

Ms Wilson—There has been quite a lot. There have been quite a lot of offers of help from education providers, from schools and from church groups. It has been great. They have offered things like the use of ovals, the use of classrooms and different facilities. We have a manager on-site that meets regularly with the community and the level of support has been quite strong.

Senator Chris Evans—As I recall, people turned up on the first day they arrived.

Ms Wilson—That is right.

Senator Chris Evans—They were very supportive. It was great.

Senator HANSON-YOUNG—My hometown paper the day after they arrived had a wonderful story about the support from the local community and then an article next to it with some very damning and disgraceful remarks, I would suggest, from the local mayor. I was wondering whether the minister has made any contact with the mayor in Port Augusta about how she feels about the situation.

Senator Chris Evans—I think the department has handled contact with the local mayor, and I have not been to Port Augusta since we opened the centre. I hope to take that opportunity soon, but all the reports are it is going very well and the broad community has been very accepting. I think the department can advise if there has been any particular contact in recent times.

Mr Correll—There has been contact with the local mayor, both before and since. We are trying—as we do in all of our locations—to work very closely with the local community.

Senator HANSON-YOUNG—I guess my question was more in relation to whether the minister had spoken to her.

Senator Chris Evans—I think ‘no comment’ is the best answer there.

Senator HANSON-YOUNG—Now I am moving on to a broader issue in relation to compensation payouts that the Commonwealth has paid for either injury or wrongful detention. I know I have asked various questions about this in the past. What I would like is a breakdown of what money we have had to spend over the last decade, from 2000 to 2010.

Mr Metcalfe—We will have to take that on notice. It is quite a big question.

Senator HANSON-YOUNG—Could you, please?

Mr Metcalfe—Yes. Can we just clarify that we are talking about people who have been detained by the department and where there has been some form of compensation paid?

Senator HANSON-YOUNG—Yes.

Senator HUMPHRIES—I think we have some answers we are awaiting from the department.

CHAIR—Thank you for reminding me about that.

Mr Metcalfe—I will ask Mr Correll to go through those figures we were discussing.

Senator HANSON-YOUNG—Just before you do that, one of the questions that you were going to get back to me about was the table of the different people and the different facilities. I will be monitoring, so if you can let us know throughout the day when that is available, I will come back and collect it.

Senator Chris Evans—Senator, we can give you the broader figures. The breakdown by nationality it seems will take more work, so that will not come today. But we will give you a breakdown of the centres, with kids versus adults, when we can. We will table that after lunch and we will send a copy around to your office.

Senator HANSON-YOUNG—Great. Thank you very much.

CHAIR—Mr Correll?

Mr Correll—I think the best starting point for this is to simply be very precise in looking at the portfolio budget statement and identifying those elements within the statement that relate to IMAs, the irregular maritime arrivals. It is not just the administered line that we were talking about. I will ask Mr Sheehan if he can give us a quick overview of the components of the PBS, and then I will be able to more effectively explain what the key drivers are for the changes in the expenditure projections there.

Mr Sheehan—In terms of the 2010-11 estimates, the overall budget appropriation has increased by \$333,642,000 from the additional estimates figure of \$137,541,000 to the number that is on page 60 for total expenses for program 4.3, which is \$471,183,000.

Senator HUMPHRIES—You say it has increased by how much?

Mr Sheehan—By \$333 million.

Senator HUMPHRIES—When you say it has increased, you mean from the original budget for 2009-10?

Mr Sheehan—From the additional estimates budget of 2009-10. In terms of the revised estimate numbers, as you will see, the number has increased from the estimate for the current financial year, which is \$304,296,000, to \$471,183,000. That is an increase of \$167 million.

In terms of administered expenses and the provider costs that you were looking at earlier, the line item costs are expected to increase from the current estimate in 2009-10, which is \$149,412,000, to \$327,585,000, which is an increase of \$178,173,000. As you mentioned earlier, there are also additional capital requirements in 2010-11. The government has announced that there is a \$183,800,000 appropriation, of which \$151,800,000 is available in the 2010-11 year, which covers the accommodation and property expenditure that Mr Correll mentioned earlier.

Senator HUMPHRIES—What is the figure for 2010-11?

Mr Sheehan—For 2010-11, it is \$151,800,000, and there is an amount appropriated for the current financial year of \$31,600,000. That is the bigger picture in terms of the funds that have been appropriated. I might pass to Mr Correll, who will provide you with some further information.

Mr Correll—The significant shift is occurring in administered expenses rather than the departmental expense area. To understand how that shift in expenses has occurred—and in moments like this you need a whiteboard—

Senator Chris Evans—No, not a whiteboard!

Mr Correll—essentially we need to look at the points: the end of June 2009, the end of June 2010 and the end of June 2011. We should keep those points in our heads. At the end of June 2009, we had 768 irregular maritime arrivals in detention facilities. By the end of June 2010, there will be in the order of around 3,300 irregular maritime arrivals in detention facilities. That represents an average occupancy rate for detention facilities through the 2009-10 year—if we do it on a simplistic point-to-point, divided by two—of around about 2,000 beds over the financial year. We then start the 2010-11 financial year from that position of 3,300, but in addition we need to remember that we have two things coming into play. One is

the suspension arrangements, which substantially extend the average occupancy time for people.

Senator BARNETT—Sorry—vis a vis Afghanistan and Sri Lanka?

Mr Correll—Yes, bearing in mind that Afghanistan is the largest single cohort by a substantial component. The second factor, of course, is changing refusal rates that we heard about earlier. Those two factors mean that the accommodation period for people in detention is becoming longer. On top of that you apply the estimated arrival figure that was mentioned earlier, which was around the 2,000 mark. You reach a point at the end of the 2010-11 financial year, which is something of a guesstimate point, of perhaps in the order of 4,000 to 4,500.

You then look at your start point—we talked about 3,300—and the end point and you divide by two to identify your average occupancy rate. You can see from that that the average occupancy rate, which for 2009-10 was a figure of about 2,000, increases, close to about 4,000 at that time. That is what driving the substantial additional costs in the administered funding. The increased occupancy rate goes directly to the contracted service provision costs, which are covered by that administered funding. Because the occupancy rate is longer, it has much less impact on direct departmental expenses relating to staff undertaking processing work. The processing work is done only once for an individual client.

Senator HUMPHRIES—I understand that; that is another issue. Let us not go there. Can we go back to the figure. You say the average occupancy rate for the 2010-11 financial year you would expect to be somewhere between 4,000 and 4,500 beds.

Mr Correll—No, no. That was the end point. For the 30 June 2011, the broad end point would be in the order of 4,000 to 4,500. You then have to add that to your start point and divide by two. It gives you the occupancy rate.

Senator HUMPHRIES—The start point being 3,300.

Mr Correll—Yes. You add that into a figure of, say, about 4,500, which is a guesstimate. I emphasise that this is crystal-balling because we do not know what will happen. You add that together and that gives you 7,800, divided by two, which is 3,900 or in the 4,000 ballpark. But that represents close to doubling the actual occupancy rate. That is what drives up the administered costs.

Senator HUMPHRIES—Yes, if they are the right figures. But, on your estimate, you have 2,000 people arriving in 2010-11. How do you get to an estimate of up to 4,500 IMAs by 30 June 2011?

Mr Correll—What we are doing is not a perfect science.

Senator HUMPHRIES—This is your best estimate, your best ballpark guess.

Mr Correll—Indeed.

Senator HUMPHRIES—You have only 2,000 arrivals. More than half of that figure must be continuing detainees from 2009-10, must they not?

Mr Correll—Correct. Why would they be continuing detainees? It is because of a combination of factors in play.

Senator HUMPHRIES—At the end of 2009-10, you have got only 3,300 IMAs in detention. You are saying that, of the 3,300, 2,500 are continuing not just through that point but all the way through to the end of the following financial year.

Mr Correll—You would expect that there would be a level of continuity because of a few factors, Senator. First, the suspension results in a hold to any of the processing. At the end of the suspension period, and this would be on the assumption that the suspension was lifted at that point, you then commence processing. Therefore, you have a reasonably extended period of time for that individual in a detention situation. That is one factor. The second factor is that, for people who are refused, there will be a high propensity to undertake an independent merits review and any other prospects of challenge, and that also will result in people having longer durations of detention. Both of those are key factors in driving up the average period of—

Senator BARNETT—Detention?

Mr Correll—Detention, yes.

Senator BARNETT—Can you give us the figures for the average period of detention for each of those three years?

Mr Correll—We would want to take that on notice. We do not have access to all of our calculations.

Senator BARNETT—What are they for this year?

Mr Correll—Again, I do not have the average figures with me.

Senator BARNETT—The department must have that.

Mr Correll—I can say to you that we monitor processing periods very closely on Christmas Island. As the minister commented earlier, to date, the average processing time—that is, from point of arrival on Christmas Island until point of departure—has been around 109-110 days. That number undoubtedly will increase.

Senator HUMPHRIES—For 80 per cent of people to 365 days? That is an extraordinarily large increase.

Mr Correll—It will increase as a combined factor of the suspension of processing and an increased number of refusal of claims because that adds significantly to the length of detention. Those two factors will see a longer average period of detention in the coming financial year.

Senator BARNETT—Mr Correll, at 20 past 10, we asked for a breakdown of the \$327 million, and I asked three questions, and it is now 10 to 12. The three questions were: what is the average occupancy rate, the average length of stay in detention and the average cost of the accommodation?

Mr Correll—Yes, and I have just given you a response.

Senator BARNETT—At 10 to 12, we still do not have those figures.

Mr Correll—No, Senator, I have just given you a response for the current average period of detention for people who are on Christmas Island. It is 109-110 days.

Senator BARNETT—Yes, that is currently.

Mr Correll—That is the current figure.

Senator BARNETT—And we want it for this year and for the next two years. You have given us some figures, for which we thank you.

Senator Chris Evans—How can we give them to you for the next two years? That is the point, Senator.

Senator BARNETT—You must have done. You have your figures.

Senator Chris Evans—No, no.

Senator HUMPHRIES—To make this estimate, you must have done.

Senator BARNETT—To get your \$327 million, you must have figures.

Senator Chris Evans—No. Senator Barnett, just because someone wrote the question for you does not mean that we can give you the answer exactly as they—

Senator BARNETT—That is being offensive.

Senator Chris Evans—What Mr Correll has done is take you through the projection for how many people are likely to be in detention. That is telling you how many people will be a cost to the Commonwealth and the basis on which those calculations have been done. He has indicated that they have started from a higher base, as you would expect, so therefore they have a higher cost across the year. He has indicated the judgments about people being in detention longer due to a couple of factors. He has told you what he thinks the estimated population will be, which underpins the costs. That is the basis for the calculation of the costs.

Senator BARNETT—That is not answering the question, Minister, and you know that full well.

Senator Chris Evans—No, it is not answering the question the way you put it, but he is doing his best to answer the question, which goes to what underpins the cost estimates in the budget papers.

Senator BARNETT—We have 768 in June 2009, 3,300 by 30 June 2010 and then 4,000 to 4½ thousand by June 2011. You have said that the average length of detention at the moment is about 109 or 110 days. Based on your figures at 30 June 2010, 3,300 people, what is the average length of detention for those people?

Mr Correll—I do not have that calculated figure. You can use those points and work backwards to calculate what that would mean in terms of an average detention figure. But that is the very reason why a flexible estimating model is used.

Senator BARNETT—Mr Correll, would it be more than 365 days? Do you agree with that?

Mr Correll—No, I do not agree with that without doing the calculation.

Senator BARNETT—Well, your figures do not correlate.

Senator Chris Evans—As the secretary indicated to you earlier, if we had done a calculation in December on the current rate of refusals, which would then have included the number of people who are likely to appeal—because more than 90 per cent appeal and that effectively doubles their time in detention—we would have had a refusal rate of, say, 10 or 15

per cent. Do not quote me on those figures; they are quite low numbers and there is a very high success rate. What we have said is that in the last two months we have had over 220 refusals. Therefore, those 220—

Senator HUMPHRIES—Which is what sort of refusal rate?

Senator Chris Evans—We have not been able to calculate it yet because many of these have not gone to appeal and we do not do the final refusal percentages till then, but it would be much higher. I think the secretary took on notice to get you what figures he can in that respect. But I am at pains to say these people have not been to their review process, so there may not be a refusal at the end of the day.

I make the point that if those 220 people go through the process of appeal, they are then in our detention for six months rather than three months, and the calculation made in December is no longer relevant. If those numbers continue to grow, effectively we have a doubling of the time in detention of all those rejected—which is not to undermine the calculation but to make the point as to what a fluid situation it is and why the financing of detention costs, under successive governments, has been done in the way it is done.

Senator HUMPHRIES—Minister, there is still a serious flaw in the argument you have just put. We are told there will be 3,300. You estimate 3,300 IMAs in detention as at 30 June 2010. You tell us that you estimate there will be, ballpark, between 4,000 and 4½ thousand IMAs in detention as of 30 June 2011. Let us assume that all the 2,000 additional arrivals in 2010-11, every one of them, are still in detention, no matter when they arrived during the year, as of 30 June 2011. That still presupposes that 2,500 of the 3,300 that arrived before 30 June 2010 are still in detention at the end of the financial year 2011. That raises the refusal rate from 10 to 15 per cent to something like 80 per cent.

Mr Metcalfe—As we discussed before, it also has to take into account the effect of the suspension.

Senator HUMPHRIES—The suspension is for three months for Afghans.

Mr Metcalfe—The decision is quite clear. Initially it is for three months and six months, but that is subject to review. That is a factor.

Senator BARNETT—What is your expectation now?

Mr Metcalfe—I am not going to speculate. That is a government decision.

Senator Chris Evans—We have announced a suspension for Afghans of six months. Those persons represent 70 per cent of those arriving. So 70 per cent of those arriving, if current trends continued, would be suspended. That has a major impact on our detention population.

Senator BARNETT—Are your figures based on a continuation of that suspension, or are they not, Mr Metcalfe?

Mr Metcalfe—The short answer is that, because there has been no government decision to prolong the extension, my expectation is that those figures would not take into account a continuation—

Senator BARNETT—I am sorry; it is hard to hear.

Mr Metcalfe—My expectation is that the calculations would not take into account a continuation of the suspension, because that decision has not been made.

Senator HUMPHRIES—Then they do not add up.

Senator BARNETT—So it is a no?

Mr Metcalfe—I do not want to appear to be difficult, but these numbers—

Senator BARNETT—Well, it is one or the other, Mr Metcalfe.

CHAIR—Senator Barnett, let Mr Metcalfe speak.

Mr Metcalfe—are highly speculative because there are so many moving parts to this issue.

Senator BARNETT—Yes.

Mr Metcalfe—There are decisions as to whether or not suspensions occur or do not occur, refusal rates, review rates, the potential for litigation, arrival rates—all of those issues.

Senator BARNETT—We know that. Thank you for that.

Mr Metcalfe—So necessarily over the years the department has had quite flexible funding arrangements.

Senator BARNETT—We know that. Thank you very much. Based on the figures in the budget papers, can you confirm on the record that the figures in the budget papers do not include an extension of the suspension? It is a simple question.

Mr Metcalfe—The answer is they do not.

Senator BARNETT—Thank you.

Senator HUMPHRIES—Let us assume that the Afghans remain in detention—a continuation of the suspension—throughout the rest of 2009-10 and all of 2010-11, and let us assume the Sri Lankans are going to be in the same boat. How many of those are these figures postulated on? Clearly, you are not postulating these figures on any realistic rise in the refusal rate for other people to be considered refugees, because you do not get anywhere the figures you are estimating.

Mr Metcalfe—The numbers that are the big drivers here are the Afghans and the Sri Lankans.

Senator HUMPHRIES—So, based on these figures, how many Afghans are you expecting to be in detention throughout 2010-11?

Mr Correll—These estimates are always done basically on the experience to date. It is a sort of a retrospective view. Therefore the proportion of Afghans in the current group would be the same sort of proportion expected in the end point by 30 June 2011.

Senator HUMPHRIES—So 70 per cent?

Senator Chris Evans—I think it is just under, but around 70.

Mr Correll—It is around that figure. But you need to consider that if someone is subject to a suspension and that carries for a period of six months then if the suspension is lifted at that point the processing commences at that stage.

Senator HUMPHRIES—Yes, I am aware of that.

Mr Correll—I have mentioned that the processing has been running at around the three-month period on Christmas Island. There would be a large number of cases that would then need to be processed. That would present pressures in terms of continuing processing at that time frame. Then you have issues, if there are refusals, of a continuing period of time. So, yes, it may well be the case that if an individual who goes through that whole period of suspension, through processing, is refused and then goes through an appeals process, it would extend that case clearly well over a 12-month period.

Senator HUMPHRIES—So these figures are based, surely, on having that 70 per cent of your population of IMAs who are Afghans continuing in detention throughout the rest of 2009-10 and right through to the end of 2010-11 either because of the continuation of the suspension or because they have all lodged appeals, and they are almost all refused their appeals.

Senator Chris Evans—No. The other factor in that is, for those who are being processed—which is a much larger group than those who are currently suspended; the suspension group will grow if they keep arriving, but currently those who are currently being processed is a much larger group—the numbers who flow into the detention policy next year will be determined by their success rate. If they are given visas, they are no longer in detention.

Senator HUMPHRIES—Yes.

Senator Chris Evans—If they are batting at 99 per cent, very few of them will go through. If they are batting at 20 per cent, 80 per cent of them will most likely still be in detention.

Senator HUMPHRIES—Yes.

Senator Chris Evans—If you ask me what the rate will be in three months for approval of Afghani refugee claims, I have to say to you that I cannot tell you. I do not know.

Senator HUMPHRIES—These figures tell us.

Senator Chris Evans—No, no.

Senator HUMPHRIES—You do not need to tell us. These figures tell us. They have to be extraordinarily high refusal rates, resulting in appeals, or your suspension continues throughout all of the next financial year.

Senator Chris Evans—But the point we have made, Senator, is that all of those variables are highly unpredictable. All the department has been able to do is make a best estimate based on historical experience. But, as they did last year, the year before and in 1999, 2000 and 2001 onwards, they acknowledge that they cannot accurately predict these things. The way the funding has been run for all those years is that there is a readjustment when better evidence is available.

Senator HUMPHRIES—Minister, you know and I know that that is a different issue. We are talking about the estimates on which these figures, which appear in black and white in the Treasurer's budget for 2010-11, have been based on some sort of estimates. We all know that those figures are going to change as experience changes.

Senator Chris Evans—Yes.

Senator HUMPHRIES—That is granted. Let's stop making that point, because it is not relevant.

Senator Chris Evans—Mr Correll has taken you through that.

Senator HUMPHRIES—We are talking about where you get these figures from. These figures are based on some assumption. We want to know what those assumptions are. Your assumptions seem to be based on extraordinarily high rates of occupancy, despite the fact you are predicting a fall in arrivals, but somehow the occupancy rate is going to shoot through roof.

Senator Chris Evans—You are saying that our estimates overestimate and we ought to not estimate such a high figure?

Senator HUMPHRIES—I am saying your figures are unreliable. You simply cannot justify these cockamamie figures as a plausible basis on which a Senate should pass this budget.

Senator Chris Evans—I appreciate you think we have overestimated the costs. I will bring that to Mr Morrison's attention.

Senator HUMPHRIES—I did not say that.

Senator Chris Evans—That is the logic of what you have said, Senator. You have said we have overestimated the costs, while what Mr Correll has told you is that this is a best endeavours effort in a very difficult estimation involving a whole range of variables. If you say to me, 'Will you swear on a stack of Bibles that you've got it exactly right?' the answer will be 'No', as no minister—

Senator HUMPHRIES—It is a different issue, Minister.

Senator Chris Evans—or former official has been able to do.

Mr Metcalfe—Senator, this area has been notoriously difficult to predict for many years.

Senator HUMPHRIES—Mr Metcalfe, I am sorry. With great respect, I know that point. With respect, I do not need to be reminded of the fact that these are estimates only.

Mr Metcalfe—Yes.

Senator HUMPHRIES—With great respect, we are not insensitive to that fact.

Mr Metcalfe—Yes, but I was just trying to—

Senator HUMPHRIES—You must have based figures on some kind of projections. That is what we are asking about, not what might change in the course of the financial year.

Mr Metcalfe—Senator, could I just say two things. Firstly, I think Mr Correll has taken you through how the estimates have been devised. Secondly, this is quite different to an area of predictable expenditure. Elsewhere in the budget you will see that we have been given \$69 million over four years to roll out biometrics at a number of overseas posts. We will spend \$69 million over four years. We were given money for assistance of people under the previous government. We have spent that to within a few hundred dollars. The estimates in relation to the future movements of people to our country, their asylum status, their behaviour and their

processing of course have to be based upon a whole range of quite unpredictable assumptions. We have always been up front in saying that.

Senator HUMPHRIES—And you are saying it again and again to this committee. We have taken that point on board. Yes, we know that they are unpredictable; yes, we know you cannot swear on a Bible as to how many are going to be there—we know that, Mr Metcalfe. What we also know is that you have based these figures on certain projections and that is what we are asking about.

Mr Metcalfe—That is right.

Senator HUMPHRIES—We do not know how you get to these projections. You have not explained that.

Mr Metcalfe—I think we have spent a long time seeking to explain those to you.

Senator HUMPHRIES—No, you have seemed to avoid explaining them to us.

Senator Chris Evans—No, not at all.

Mr Metcalfe—You may not agree with them. You may have different views.

Senator HUMPHRIES—Oh, come on!

Mr Metcalfe—That is the nature of this particular issue. There are so many different ways of looking at this issue and you could come up with different figures. I accept that. I accept that you could come up with lower figures.

Senator HUMPHRIES—On what basis?

Mr Metcalfe—Because you could predict that no-one comes next year because there is a complete change in the circumstances in Afghanistan and Sri Lanka. You could predict that.

Senator HUMPHRIES—That is a good question. On what do you base the prediction that you are expecting 4,500 IMAs?

Mr Metcalfe—No, we are expecting 2,000.

Senator HUMPHRIES—No—this year.

Mr Metcalfe—That is because—

Senator HUMPHRIES—It is 4,500—that is the figure, isn't it?

Senator Chris Evans—We are 35 days off the end of the year, Senator.

Mr Metcalfe—Exactly.

Senator Chris Evans—The prediction period—

Mr Metcalfe—When the budget was closed down.

Senator HUMPHRIES—You are expecting 4,500 IMAs in 2009-10?

Mr Metcalfe—That is correct.

Senator HUMPHRIES—That is now going to drop to 2,000—less than half—in 2010-11.

Mr Metcalfe—It could drop to zero.

Senator HUMPHRIES—Why?

Mr Metcalfe—It could be 100. It could be 1,000.

Senator HUMPHRIES—I know that but—

Mr Metcalfe—For the purposes of forecasting, we have made an estimate, but I just want to say—

Senator BARNETT—It is on the record.

Senator HUMPHRIES—On what basis?

Mr Metcalfe—We have had to make assumptions. We believe that they are reasonable.

Senator HUMPHRIES—Show me the reasons. Tell me on what basis you have made them.

Mr Metcalfe—We have described those. But I have said over many years before this committee that I cannot predict how many boat people are coming to Australia.

Senator HUMPHRIES—But you have.

Senator BARNETT—Point of order, Madam Chair.

Mr Metcalfe—Well, in that case—

Senator BARNETT—Point of order.

CHAIR—Senator Barnett?

Senator BARNETT—We are entitled, as senators on this committee, to ask questions. These questions are legitimate. We expect and are entitled to answers to the questions. What is not entitled are speeches from the other side that are not answering the question. I ask you to draw the witness's attention to that obvious, longstanding standing order and convention at Senate estimates. We have important questions to ask and we would like them answered.

Senator Chris Evans—Madam Chair, can I say that the officials at the table are very experienced. They have served governments of both persuasions. The questions that were asked were: what was the basis; what were the assumptions? Mr Correll has given you the assumption for arrivals and the department has admitted that there is no particular science to that, as there would not have been in 1999 and as there was not last year. Secondly, he has given the projected average number of detainees across the year. They are what drive his costings. They are the key assumptions and they have been revealed.

Senator HUMPHRIES—We have been told what they are—yes.

Senator Chris Evans—You have asked us what the assumptions are. Those are the assumptions. You then looked depressed and asked, 'How did you come to those assumptions?' What Mr Metcalfe and others have said to you is that, applying all the science available to him, those are the assumptions, but he is the first to concede, as he and previous secretaries have at every estimates hearings, that they are not particularly scientific, because they are not able to be scientific.

Senator BARNETT—Could we get back to the questions—please.

CHAIR—Senator, you have sought to take a point of order. I have not given my ruling on that point of order yet.

Senator Chris Evans—Senator, you can take whatever points of order you like, but I am just replying.

Senator BARNETT—We are getting a speech from the Minister.

Senator Chris Evans—The officers have used best endeavours to give you the assumptions that underpin the costings. Those are the assumptions.

Senator BARNETT—Chair, could you rule on the point of order.

CHAIR—I think in the last day and a half you have had immense cooperation from the officials at the table. They are eminently knowledgeable about what is happening in the budget process. Perhaps the point of difference is the way you framed your question, or perhaps the point of difference is that a more explicit explanation is needed, or perhaps the problem is you just do not like the answer you are getting. But I do not think you can suggest in any way that the officials have not been cooperative in trying to provide answers to you. I believe that is not a correct assessment of what has happened in the last day and a half here. Senator Humphries, let's get back to questions.

Senator HUMPHRIES—Given that we are seeing an average of three boats a week arriving—something of that order—adding up to something like 4,500 IMAs this financial year, what international circumstances do you postulate are changing that will lead to a more an halving of that rate in 2010-11?

Mr Metcalfe—There is clear developing information about the circumstances of the Hazara in Afghanistan leading to an improvement in their conditions and there is information available to the department, based on open-source reporting, that, while Hazaras may continue to face some forms of discrimination, that does not now amount, in any significant number compared to previously, to persecution for the purpose of the refugees convention. That is emerging information. It is being applied by my officers and was part of the rationale for the suspension, so that more information could be provided. In relation to Sri Lanka, there have been two parliamentary elections. There are reports of many hundreds of thousands or many tens of thousands of detained Tamils being released from detention centres, but there are continuing reports in relation to issues of people associated with the LTTE.

Senator HUMPHRIES—So we are expected to believe that Sri Lanka is going to calm down sufficiently to not generate this level of—

Mr Metcalfe—By any measure, Sri Lanka has calmed down.

Senator HUMPHRIES—But not enough to send our VETASSESS people there, apparently.

Senator Chris Evans—We have returned failed asylum seekers to Sri Lanka in recent months. This is a matter of record.

Senator HUMPHRIES—So why are they still arriving by boat on our northern shores?

Senator Chris Evans—Because many of them had already left or are still continuing to try to leave Sri Lanka. They are entitled when they land in Australia to make a claim for asylum, but that is rigorously assessed. Those who are successful and who are proven to be refugees, as assessed against the refugee convention, are offered our protection, as has always been the

case—putting aside temporary protection visas, which is another issue—but we seek to return those who are not. We are vigorous in that.

Britain has been returning failed asylum seekers to Sri Lanka in recent times; I understand a number of other nations have. So there has been a change, and the reporting on Sri Lanka is quite different to what it was a year ago, when there was armed conflict, a civil war. So it is changing and it is reasonable to assume different rates of return and different rates of success on asylum claims. Can I predict what it will be like in three months? No. If civil war broke out again, clearly our capacity to return people or make decisions about their asylum claims would be quite different. You cannot accurately predict.

As you know, but the Liberal Party does not like to admit, the major change in 2001 that allowed the then government to return 400 people to Afghanistan, having failed to return anyone before that, was that the Taliban fell and the government had changed, and country information on Afghanistan changed dramatically. That allowed the then federal government to return 400 people to Afghanistan, not having returned anyone previously. Changed country circumstances changed dramatically the application and success rates of Afghans seeking asylum in Australia. So changed country information and changes in circumstances in countries are absolutely fundamental to success rates—to the numbers who seek asylum and who are granted asylum. That is not easy to predict, but circumstances and country information on both Sri Lanka and Afghanistan have materially changed in recent times.

Senator BARNETT—How many Sri Lankans have been returned, and why is there a processing freeze if you are returning them?

Senator Chris Evans—We went through this at length last night, but I am happy to do it again. The government's arguments for the processing suspension have been put and were put here last night. We said at the time we would continue to process those who have already arrived. We have had only a small number of Sri Lankan arrivals since the processing pause was announced. We have had a reduced number of Sri Lankan arrivals in the last nine months or so. I would have to check the figures for you, but effectively the flow from Sri Lanka has reduced and, as a percentage of the total, is smaller than it was the year before. I think that is right.

Mr Correll—Yes, certainly.

Senator Chris Evans—There are things changing about Sri Lankan arrivals and country conditions. That is not to say that next week we will not get many more. I cannot predict that, but we are seeing more people refused. We are seeing people returned to Sri Lanka.

Senator BARNETT—How many?

Senator Chris Evans—I will get the figures for you. I think we provided them last night, but—

Ms Larkins—Eight-one Sri Lankans have been returned.

Senator BARNETT—Since when?

Ms Larkins—Since October 2008.

Senator HUMPHRIES—Minister, can you assure us that these figures for dramatic reductions in IMAs are not based on another one of these classically executed Rudd government backflips in policy coming down the line?

Senator Chris Evans—There has been only one backflip in policy, and that was the one your party announced today. After rejecting the Pacific solution, today you have adopted it again in a return to Howard government policies. So today is not the day for you to talk to me about policy backflips.

Senator HUMPHRIES—How far are you from a similar backflip?

Senator Chris Evans—We opposed the Pacific solution and continue to oppose it. It is not an answer to these issues. If you want to go through costings, I will be publishing the costings of the Pacific solution. When you seek to highlight how much onshore processing costs, I will take you through the billions of dollars that the Pacific solution cost Australia. Offshore processing is much more expensive, and offshore processing in foreign countries is much more expensive. I am happy to have that debate.

Senator HUMPHRIES—Can I have an answer to my question, though? Are your policy projections for arrivals based on a change in federal Labor government policy?

Senator Chris Evans—No. The calculations were done by the department in consultation with Finance. It is an internal departmental thing. It is not something that I have had engagement with.

Mr Metcalfe—I can comment on that point.

Senator HUMPHRIES—You can comment on federal government policy?

Mr Metcalfe—No, but I can talk about predictions of IMA arrivals in the budget, if that is of interest to you.

Senator HUMPHRIES—No. With respect, Mr Metcalfe, my question was about the government's intention to change its policy. If you can comment on that, I would be very surprised.

Mr Metcalfe—I certainly will not comment on that.

Senator HUMPHRIES—All right. I will press you for an answer on notice, if necessary, to the question that Senator Barnett asked about the average cost of a person in detention and how many people you expect to be in each category—people who are refused refugee status and continue—so that we can see on what basis you have estimated those figures for the financial year.

Mr Metcalfe—We will take that on notice.

Senator HUMPHRIES—Thank you very much.

Senator BARNETT—I would like to pursue the figure of 4,500 to 2,000. If there is no planned government change in policy—and the minister has just confirmed that on the record—then on what basis did you more than halve the expectation of irregular maritime arrivals this year, based on your evidence that the suspension with respect to Sri Lanka and Afghanistan is likely to conclude?

Mr Metcalfe—We made it clear that no decision has been taken on that. They are subject to review.

Senator BARNETT—Can you tell us why it has more than halved?

Mr Metcalfe—I have said on a number of occasions that it is not possible to predict what is going to happen in the future in this area.

Senator BARNETT—No, I am not interested in that.

Mr Metcalfe—For example, for some years the budget estimated a notional 200 boat arrivals. Last year the budget contained a notional 200 boat people arrivals. This year it contains for next year a notional 2,000 boat people arrivals.

Senator BARNETT—Two thousand boat arrivals or boat people?

Mr Metcalfe—Not boats, boat persons—irregular maritime arrivals.

Senator BARNETT—Sorry, you are saying you estimated 200 boat arrivals?

Mr Metcalfe—If we were to track the last 12 months, if you were asking me what is in the budget as far as 2009-10 is concerned for the estimate of boat arrivals, the answer would have been 200 persons.

Senator BARNETT—Right.

Mr Metcalfe—The reality has been that 4½ thousand people have arrived. That is not because we lied to you a year ago; that is because it is a completely unpredictable area.

Senator BARNETT—For the 2009-10 year, you estimated 200 boat people would arrive and we got 4½ thousand. You are estimating 2,000 in 2010-11, but on what basis?

Mr Metcalfe—If you had asked me a year ago, ‘Do you have confidence in the 200 figure?’ I would have said no. If you asked me, ‘Do you have confidence in the 2,000 figure?’ I would have said, ‘Probably a bit more, but not a great deal.’

Senator BARNETT—So you do not have confidence in that figure?

Mr Metcalfe—No, I do not have confidence in that figure. It may be a lot less; it could be more. It depends upon the decisions of people living overseas, the activities of people smugglers, the cooperation of governments in our region, efforts by the Australian government, country conditions and circumstances, decision-making rates, appeal rates and court decisions. No human being can sit here and say there will be 2,173, 2,500 or 200 irregular maritime arrivals next year. That figure is purely there for estimates purposes and does not reflect my position, the department’s position or the Australian government’s position as to the actual number of arrivals that we will have seen in 12 months time.

Senator BARNETT—Mr Metcalfe, thank you very much for that outline of a broad context for which this estimate has been made. You have had 4,500 this year. You are estimating 2,000 next year, and that is more than half. The numbers have been growing, not diminishing.

Mr Metcalfe—Yes.

Senator BARNETT—How do you estimate, on what basis do you estimate, that it is going to more than halve in the next financial year?

Mr Metcalfe—I have made it clear it is an estimate.

Senator BARNETT—Thank you.

Mr Metcalfe—It is not an authoritative professional judgement.

Senator BARNETT—Thank you.

Mr Metcalfe—However, as I discussed with Senator Humphries just before, there are clear indications that the very high approval rates that were flowing through from departmental decision makers a few months ago are now significantly changing. That is based upon changing, developing and improving circumstances in the countries from which the majority of irregular maritime arrivals come.

Senator BARNETT—So it is primarily based on an analysis of Afghanistan, Sri Lanka and the countries from whence they emanate.

Mr Metcalfe—That is correct, but particularly Afghanistan, bearing in mind that the vast majority of the Afghan nationals who come here are of Hazara ethnicity, as was the case when we had very large numbers of Afghans coming 10 years ago. In relation to the Sri Lankans, who are more recent arrivals, they have largely been persons of Tamil ethnicity.

Senator BARNETT—So let us take Afghanistan as an example. Your expectation is that things will improve to the extent that you will not see the large numbers of Afghanis head to Australia. That is your understanding. But on the other hand you have a freeze on them at the moment. Is it six months?

Mr Metcalfe—That is correct, Senator.

Senator BARNETT—It does not seem to correlate, does it?

Mr Metcalfe—That is, you know, a guess. It is not a prediction; it is not a professional judgement. It cannot be because I defy anyone to predict with certainty what will happen in the future in this area.

Senator BARNETT—But it is your prediction. It is in the budget papers.

Mr Metcalfe—It is the best information that we can provide to the budget papers. But, as I have said, we have always been up front about saying that these numbers are for estimates purposes and the appropriations will need to be changed—supplemented or reduced—depending upon our actual experience. This area of funding for the portfolio has always been quarantined on a no-win/no-loss basis. The department spends what it needs to spend on the basis of what actually occurs, rather than these being set budget numbers which are allocated to us and which we spend regardless. We will spend what we have to spend: no more and no less.

Senator HUMPHRIES—Mr Metcalfe, you have told us that the 2010-11 budget is predicated on 2,000 arrivals.

Mr Metcalfe—That is correct.

Senator HUMPHRIES—I see that the 2011-12 budget is based on a very significant drop in administered expenses in program 4.3 from \$357 million to \$156 million. How many boat arrivals is that based upon?

Mr Metcalfe—Senator, I think Mr Correll discussed this before. Beyond 2010-11 into the forward estimates period, the formula devised with the department of finance was to adopt an average figure based upon a rolling five-year period. Because there can be no certainty whatsoever, given the multiple factors that impact on actual arrivals, we and the department of finance had a view that the notional number that had been contained in the budget estimates in previous years of 200 arrivals was no longer a reasonable figure, but that there was no better figure other than to have a look at what has happened in reality. So it is a backward-looking average rolling across a five-year period.

Senator HUMPHRIES—So what is the figure?

Mr Biddle—It is 1,260.

Senator HUMPHRIES—Okay, 1,260 IMAs in 2011-12. Is that affected by this estimate?

Mr Metcalfe—I am sorry, Senator?

Senator HUMPHRIES—Is that figure affected in any way by the estimate of peace and harmony breaking out in Sri Lanka and Afghanistan?

Mr Metcalfe—It is estimated on the basis that, given the complete unpredictability in this area, it is the best figure that can be provided because it is based on what is actually happening as opposed to some prediction. The 200 figure that was sitting in the budget for quite a long time was a notional figure. These figures have always been subject to the reality of what occurs. I know where you are trying to take us Senator—and I am not at all trying to be unhelpful; I am trying to be helpful here—but I simply say that we have always been upfront in saying that the figures contained in the budget estimates are produced with as much information as possible.

We have a pretty good idea, obviously, of what is happening in expenditure this financial year with the amount to go. We have given a very good estimate of what we believe will happen next year in relation to the numbers of people here and the flow through of what we expect will occur together with a view that we are seeing changing country information and that we certainly hope will impact on arrivals. But as you go further into the future it becomes less and less difficult to predict because, naturally, it would have depended upon actual refusal rates, actual times of periods in detention, actual arrival numbers, all of which, frankly, are beyond the wit of any human being to predict with any accuracy.

For that purpose the view taken by the department of finance, the most honest way to present the figures into the forward estimates, was to base it on a rolling five-year number. If boats were to stop and we were to have no arrivals next year, for example, or a very small number of arrivals, we would have to ask the question: is it reasonable to have a rolling five-year figure when there is zero happening: is there too much money going into the forward estimates? That may be a discussion we need to have down the track, depending on what happens. But the view of the experts in the department of finance, talking with my colleagues, was that a rolling five-year average is the best figure, as good as any figure that can in fact be provided in what is a very unpredictable area.

Senator HUMPHRIES—I see that the line below that line to which we have been referring on page 59, Community and Detention Services, includes an amount for

management and care of irregular immigrants in Indonesia. That figure climbs from \$3 million next financial year to \$17.8 million. That would not be a Pacific solution transfer to Indonesia would it?

Mr Metcalfe—That represents the regional cooperation arrangements that have now been in place with Indonesia for over 10 years, where we—

Senator HUMPHRIES—Why the spike then?

Mr Metcalfe—Because of the number of people who are in Indonesia and who are moving into that. I would not describe that as the Pacific strategy. There has always been a program under the previous government and under this program of funding the Indonesian government, IOM and the UNHCR to undertake interception and processing of people before they—

Senator HUMPHRIES—Yes, but not on this scale. You say that things are calming down in Afghanistan and Sri Lanka. Presumably that would have had some impact by the beginning of the 2011-12 financial year? It was a huge spike; more than a fivefold increase in the expenditure on that from the previous year.

Mr Metcalfe—Let me just check and I will see where those figures came from, Senator. I am advised that that reflects the budget measure that was discussed last night when we talked, I think with Senator Hanson-Young, about the overseas development assistance where essentially we are seeking to strengthen Indonesia's detention facilities and capacity. One issue that we have seen is that the Indonesian law enforcement authorities have been very active in helping to identify and intercept boatloads or groups of people en route to Australia but have not had the facilities in which to accommodate those people in a secure way.

There has been the regular occurrence of people being located and detained but then being able to get away from that particular arrangement. The funding here is to provide additional funds to Indonesia to strengthen its capacity to manage those people. So it is part of the arrangements but a ramping up of the arrangements to try and assist Indonesia to prevent, detect and hold people so that they are processed in Indonesia. That, of course, plays into an overall expectation that that would suppress the number of people coming to Australia.

Senator HUMPHRIES—So we are seeing a reduction in the number of people coming from those hotspots in Sri Lanka and Afghanistan, but we are strengthening Indonesia's capacity to cope with irregular immigrants? It sounds to me like a black-on-white system.

Mr Metcalfe—It is not black on white. I have not said that no people will continue to seek to come to Australia. Australia has been, is, and always will be a very attractive place for people to come because it is a terrific place and there are plenty of opportunities for you and your kids. We are not so naive as to expect that any Australian government policies will stop people seeking to come to Australia. They will have an impact on it, but we will always see the movement of irregular migrants in our region.

Australia, New Zealand, East Timor and Papua New Guinea are the only signatories to the refugee convention in our region. It is sensible, long-term capacity building for Australia, under any circumstances, to assist in the strengthening of arrangements in Indonesia which will suppress the numbers of people successfully coming to Australia, suppress the numbers

of people risking their lives and putting their lives in jeopardy on leaky boats. And, indeed, it would contribute to an overall policy objective of reducing the number of people coming here.

Senator HUMPHRIES—It just seems extraordinarily odd to be building new facilities in the desert in Western Australia, investing some money in new capacity in Indonesia, and yet we are expecting a dramatic reduction in the origin of these people. It just does not seem to make sense to me.

Mr Metcalfe—We have an issue: we have a lot of people here, and we need to provide better facilities for them. The department does not have the facilities that it needs and—

Senator HUMPHRIES—But you are going to mothball them after a year or 18 months, on these projections, aren't you?

Mr Metcalfe—Australian government law requires the detention of people who arrive in this way. Successive governments have made it very clear to the department that we have to manage that in humane and proper ways. We have an issue right now where we have to provide accommodation for people. But that does not mean that we are not doing everything we can to stop more people coming.

CHAIR—Senator Barnett has one quick issue.

Senator BARNETT—I will ask it very quickly and you can take it on notice so that you can look at it over lunch with your officers, Mr Metcalfe.

Mr Metcalfe—Yes; thank you.

Senator BARNETT—If the figures were the same as this year—and you had 4,500 irregular maritime arrivals this financial year rather than 2,000, as you had estimated—that is, if there were 4,500, after the lunchbreak could you advise me of the estimated cost to the budget on that basis.

Mr Metcalfe—I will take that question on notice. I do not think it is a simple calculation of simply doubling it, multiplying it by three, or whatever it might happen to be. These estimates are built on a whole lot of assumptions and I suspect that it would require some fairly careful work. If we can provide that we will. If not, we will take the question on notice.

Senator BARNETT—Thank you.

CHAIR—We will suspend now for lunch.

Proceedings suspended from 12.33 pm to 1.38 pm

Senator BARNETT—Mr Metcalfe, before lunch I asked a question about the cost to the budget if the number of irregular maritime arrivals was consistent with this year, at 4,500. Your prediction is 2,000, but if it is consistent with this year what would be the likely cost to the budget?

Mr Metcalfe—I will see whether Mr Sheehan has been able to make any progress.

Mr Sheehan—It is quite a complicated calculation and we were not able to undertake that within the time frame. There are fixed and variable components for each of the different activities and it would take a substantial amount of time to do that.

Senator BARNETT—Thank you very much, Mr Sheehan. I thought that might be your answer, so I will now respond and ask you to provide a very broad best estimate. I am happy to have a very broad estimate without tying you down to figures. Obviously, at 4,500 the cost is \$149 million. For 2,000 you have calculated it at \$327 million. Using your best estimate, it is obviously less than half—4,500 down to 2,000—so can we assume that it would be at least more than double?

Mr Sheehan—I do not think you can assume that. What we might do is at least explain to you what some of the individual cost drivers are and then you can understand why the modelling of it is so complex.

Senator BARNETT—Thank you.

Mr Sheehan—I will get Steve to ascertain that for you.

Mr Biddle—There are many factors that we agree on with Finance over increasing the estimate for IMAs. The key part is understanding the number of beds required at the various facilities and then the costs of servicing those centres. The types of costs that we incorporate are: charter costs; escorts paid to Serco, the detention service provider operating additional facilities for a full 12-month period; health service provider costs; interpreting costs; DIAC staff travel allowances; DIAC staff airfares; rental RMM utilities—so staff accommodation; accommodation for Serco officers; IAAAS, which is one of the programs the department runs; transport to CI; maintenance of infrastructure plus utility costs; communications, including satellite costs for various facilities; minor plant and equipment and miscellaneous office expenses; health services provided by Christmas Island hospital; estimated costs for Community Detention, run by the Australian Red Cross and Life without Barriers; IHMS pass through costs; DIAC IMA-specific training costs; community liaison officer costs; contract audit costs; and allocation of corporate overheads.

Mr Sheehan—So it is quite a complicated cost model.

Senator BARNETT—Indeed. It is a very helpful list; thank you for that. For this financial year, do you have the costs that apply to each of those categories?

Mr Biddle—We have the amount that is reflected in the movement. Rather than a total cost, I have the amount that reflects the measure movement, the increase in costs.

Senator BARNETT—Whatever you have for what is in your budget papers, could you just nominate the figure for each of them. If it is easier for you, I can have you table it if you have the piece of paper in front of you.

Mr Biddle—It might be better to take that question on notice and provide you with a fairly comprehensive answer to make sure that they have all the elements included. But I can take you through some of the larger cost lines at the moment.

Senator BARNETT—Away you go.

Mr Biddle—The Serco provider contract is estimated to increase by \$56.8 million. The maintenance of infrastructure—

Senator BARNETT—What is the total figure for Serco, though?

Mr Metcalfe—I think what Mr Biddle said is that he has the figures for the movement from the original figure to what we are now estimating to be the final 2009-10 figure, but he does not have the overall figure with him. We could give that to you on notice. The figures that he has here are the additional amount that has been required because of the additional arrivals.

Mr Sheehan—So it is only the change between the portfolio additional estimates and the budget numbers.

Senator BARNETT—So you have the figures for 2009-10 but you do not have them with you. You have the additional costs on 2009-10 for 2010-11.

Mr Biddle—I have the incremental costs for 2010-11—the additional costs that we are anticipating for 2010-11, moving to that higher estimate of \$327 million.

Senator BARNETT—Keep going.

Mr Biddle—I am just going through the major line items: interpreting costs, \$22.3 million; DIAC staff travel, approximately \$5 million; maintenance of infrastructure plus utility costs, \$14 million; minor plant and equipment, \$2.5 million; and the other major line items relate to the IHMS pass-through costs, the IAAAS costs—

Turn 23

[1.45 pm]

Senator BARNETT—What are the pass-through costs?

Mr Biddle—Pass-through costs are \$5.9 million.

Mr Sheehan—They relate to health services that are being purchased through the Serco contract.

Senator BARNETT—Keep going.

Mr Biddle—And the other major expenses are the allocation of corporate overheads, estimated at \$24.8 million.

Senator BARNETT—Is that all on Christmas Island?

Mr Biddle—No, that would be for a mixture of Christmas Island and onshore.

Senator BARNETT—And charter?

Mr Biddle—The estimated charter costs are \$8.1 million next year.

Senator BARNETT—Are they the additional?

Mr Biddle—That is the additional and not the total.

Senator BARNETT—We are talking about the 2010-11 year, are we not? These are the additional amounts for the 2010-11 year to get to the \$327 million.

Mr Biddle—That is right.

Senator BARNETT—Keep going. You have health costs?

Mr Biddle—Those are \$12 million.

Senator BARNETT—Accommodation?

Mr Biddle—Accommodation for Serco is \$1.5 million.

Senator BARNETT—What about accommodation, I presume, for departmental staff?

Mr Biddle—For staff is \$3.7 million.

Senator BARNETT—Transport?

Mr Biddle—Just under \$900,000.

Senator BARNETT—Is that just to and from Christmas Island?

Mr Biddle—Yes, that is transport to and from Christmas Island.

Senator BARNETT—Obviously that is a different figure to the charter?

Mr Biddle—Correction: that is the increased cost of transport around Christmas Island—the hiring of buses and things to transport staff and clients around Christmas Island.

Senator BARNETT—Earlier you said there was the category ‘Transport to Christmas Island.’ What is that?

Mr Biddle—That is covered by the charter costs.

Senator BARNETT—Is transport to Christmas Island only via charter or are there direct flights to and from it?

Mr Correll—There are commercial flights as well. We use a combination of both charter and commercial flights.

Senator BARNETT—What is the cost for commercial flights?

Mr Correll—It may well be that the line covering charter includes an estimate also of commercials.

Senator BARNETT—Will you take that on notice and let me know?

Mr Correll—In an estimate it would be a case of making a broad assumption of the overall travel requirements. Whether it is by charter or by commercial depends on the detail of when it occurs, so it does not work that way.

Mr Metcalfe—It is hard to disaggregate it.

Mr Correll—Yes. You would not attempt to seriously disaggregate it.

Senator BARNETT—Communications?

Mr Biddle—Communications is \$2.4 million.

Senator BARNETT—There was something provided for the Christmas Island hospital. What was that?

Mr Biddle—It is \$900,000 for health services provided by the Christmas Island hospital.

Senator BARNETT—There was something after pass-through health costs. What was that one?

Mr Biddle—Specific training for DIAC officers?

Senator BARNETT—Yes, training.

Mr Biddle—That is just under \$900,000.

Senator BARNETT—Any other major items?

Mr Biddle—No, those are the major items.

Senator BARNETT—That obviously does not correlate the difference between \$149 million and \$327 million. Where is the remaining amount?

Mr Biddle—The other costs would be associated with depreciation of the asset or the assets and also with the costs of construction for the new facilities.

Senator BARNETT—What are those costs?

Mr Biddle—If you just bear with me I can find that.

Senator BARNETT—Are those capital costs or recurrent?

Mr Biddle—The OPEX component or the capital bill costs, so recurrent costs.

Senator BARNETT—I thought these were all recurrent costs. You said earlier that it was \$327 million.

Mr Metcalfe—It sounds like Mr Biddle is getting us to the operating expenses associated with that new capital.

Mr Biddle—The depreciation amount I mentioned was approximately \$29.8 million for 2010-11.

Senator BARNETT—Thank you.

Mr Biddle—I cannot find the OPEX component. It is about \$5 million to \$6 million for the capital rebuild components.

Senator BARNETT—Can you take that on notice? You are telling me that all those figures add up to about \$170 million, which brings it up to \$327 million. Is that correct?

Mr Biddle—They are main costs, and then we also have DIAC staffing costs, which we estimate in for processing activities as well.

Senator BARNETT—What are they?

Mr Biddle—I will have to take that on notice.

Senator BARNETT—What is the estimate of the number of additional DIAC staff for this current financial year?

Mr Biddle—The portfolio budget statements contains an increase of about 74 for outcome 4.3.

Senator BARNETT—An increase of 74 staff. Are they full-time equivalents?

Mr Biddle—Yes, ASL numbers.

Senator BARNETT—What is the increase in staff for Christmas Island? We have gone from four on 30 June 2008 up to 85 at 30 June 2010. What will the figure be on 30 June 2011?

Mr Correll—I am not sure if Mr Biddle has that specific number for Christmas Island at hand, but I mentioned in response to questions yesterday that we did not expect the existing figure of 85 staffing on Christmas Island to go much higher. It might go little higher but not

much higher, because it is pretty close to full capacity. What we are talking about in terms of the total additional numbers is obviously more locations on mainland sites.

Senator BARNETT—I can understand that. Will you let us know that figure on notice? You must have in your budget papers figures for Christmas Island and other centres.

Mr Correll—I am happy to take that on notice.

Senator BARNETT—Thank you very much for that. Mr Biddle, are you happy to take on notice giving us more complete details with regard to those matters?

Mr Biddle—That is fine.

Senator BARNETT—This is based on 2,000 irregular maritime arrivals coming in over that financial year rather than 4,500.

Mr Biddle—That is right.

Senator BARNETT—I know it is hard to correlate, but I want the department's best estimate, very broadly, of the cost if the figure was 4,500 for this coming financial year.

Mr Metcalfe—I do not think we can give a figure that would be safe in any respect.

Senator BARNETT—You have must have an idea. You have all your departmental representatives there and I asked the question before lunch. You must have an estimate.

Senator Chris Evans—I want to may be a point of principle. You cannot commission officers to do research work and estimations for you. That is not the purpose. You can ask them about work they have done; you can ask them about the budget papers and the basis for those calculations. But you are seeking to commission a piece of research to be undertaken by the department based on some assumptions you want to set them and get them to give you a result. You are not entitled to that and you will not get it. They will help you in terms of the current costings, what they have done and what is in the budget papers. But if you are asking them to do a research project for you based on some figure you want to nominate and then apply it through the system, that is not your role, it is not the role of the department to serve it and they will not be servicing it.

Senator BARNETT—Let us go back a step. The figure is 4,500 for 2009-10, and 2,000 for 2010-11. They are the expectations. What was the figure for 2008-09?

Mr Correll—In terms of the forward estimates, the number was 200.

Senator BARNETT—My understanding is that that was for 2009-10.

Mr Metcalfe—It was the same for the previous year. We will need to check the portfolio budget statement from that year to give you a correct answer.

Mr Correll—It shifted from 100 to 200.

Senator BARNETT—It was around that figure.

Mr Correll—It was.

Mr Metcalfe—As I said, the number had been kept at a low level but it has been increased.

Senator BARNETT—I am at a loss to understand that. You have estimated 2008-09 at around 200 and you have estimated 2009-10 at around about 4,500. How many irregular maritime arrivals were there in 2008-09? Do you have that figure in front of you?

Mr Metcalfe—We need to wait on that.

Senator BARNETT—Can you understand why I would be gobsmacked about why, when you estimated 200 for 2009-10 but 4,500 came, your estimate for 2010-11 is 2,000? That is a tenfold increase.

Mr Metcalfe—I thought we had covered that in detail before lunch.

Senator BARNETT—We did but it was hardly in detail.

Senator Chris Evans—We did at the last estimates too. I will do you a favour and get out the estimates for 1999 and 2000. We will then will see how good they were at estimating arrivals when we had record numbers arrive in the follow two years. I will undertake that myself as a little research project.

Senator BARNETT—Thank you.

Mr Correll—The number of arrivals in 2008-09 was 985, and in the previous year it was 25.

Senator BARNETT—Thank you very much for that. Can you see that we are at a loss to understand how the cost can double while the number has more than halved? You say that you covered that in an answer before lunch, but we are still at a loss to understand why when there was no change in government policy or in the suspension with regard to Afghanistan and Sri Lanka.

Mr Metcalfe—I do not think I can say much more than I have said already. The numbers in the budget have been for estimates forecasting purposes; they are not an indication of, or any professional assessment of, expected arrival numbers. That is an impossible figure to devise.

Senator BARNETT—Thank you for that. You have budgeted for 4,500 this year. We have that on the record. But my understanding is that 4,893 have already arrived as of today, so we have already blown that figure by some 400. Is that correct?

Mr Correll—I just want to check the number you have used. Was it 4,973 as the number of arrivals?

Senator BARNETT—Irregular maritime arrivals this financial year to date. You are the experts on the figures, so you can tell me whether that is correct.

Mr Correll—In that case I want to validate it specifically against the data. You will have to give me a moment or two to do that.

Senator BARNETT—The numbers have already blown out for this year—not by a lot, by a few hundred. Do you have an anticipated number to 30 June this year?

Mr Metcalfe—No, Senator, because I do not know what is coming our way.

Senator HUMPHRIES—With respect, you answered that question before lunch. You said you anticipated that there would be 4,500.

Senator Chris Evans—We had an estimate before lunch.

Mr Metcalfe—We will know on 30 June what happened.

Senator HUMPHRIES—But the estimate is patently wrong because there have already been more arrivals than that year. How can it be an estimate if it is—

Senator Chris Evans—I am not sure that is right. We can check the *Hansard*. I am confused about that. I thought Mr Metcalfe gave you an estimate which was more than the current arrivals. We will have Mr Correll attempt to answer the question now so we are all clear.

Mr Correll—For 2009-10, the total number of arrivals for the year to date has been 4,707.

Senator BARNETT—To what date?

Mr Correll—That includes 12 people deceased at sea.

Senator Chris Evans—Are the crews a part of that figure?

Mr Correll—Not the crews are a separate figure—266.

Senator HUMPHRIES—How can the figure of 4,500 be an accurate estimate for the 2009-10 financial year?

Mr Biddle—That figure was prepared in late February and early March.

Senator HUMPHRIES—When we asked you your estimate for this year, we were assuming that you were giving a figure that was reasonably current. You must have known that that figure was completely unreliable as of now because you have already had 200 or 300 more.

Senator Chris Evans—I think the question was in the context of the budget and the costs.

Senator HUMPHRIES—No, it was not.

Senator Chris Evans—That is certainly way I took it. The officer was answering a question on the basis of the costings. You already knew the figure for the number of arrivals. I think the officer was answering in terms of the debate about the costings. Anyway, it is clarified now. I am sure that the officer did not seek to mislead you.

Senator HUMPHRIES—If you cannot even accurately estimate a figure for a year when you already have a higher figure, it goes to the question of how accurate any of these estimates are.

Mr Correll—I think that is the very point that we have been making and making and making during this session: these cannot be accurate estimates. You could raise serious queries about a number of aspects of every one of the single line items that Mr Biddle worked through with Senator Barnett earlier. That is what makes it virtually impossible to get any precision in these estimates when there is such a level of volatility. Even when we made an estimate of 4,500 in March, within two months of making that estimate, it was out of kilter. That is the very point we are trying to make.

Senator HUMPHRIES—I did not ask you earlier today for your estimate in the budget for the number of arrivals this year. We know that that estimate was originally 200, so I would not have asked you that question. When I asked you for your estimate of how many will be arriv-

ing in 2009-10, I was clearly looking for a current figure. Clearly, the figure you gave me could not have been a current figure.

Mr Metcalfe—I apologise if there is confusion. There is no intention to mislead here.

Senator HUMPHRIES—I am happy to have that happen rather than just pretend that somehow I asked the wrong question.

Mr Metcalfe—I think there may have been a problem in translation coming from you to us. I thought that everyone on this side of the table was talking about what is in the estimates, what is in the budget, and that is the figure of 4,500 that we have been talking about. I understand that you were asking what the budget is providing for in terms of the actual number of arrivals. There was a translations error. I think we are being quite upfront that what is in the budget papers prepared with the department of finance at the end of February is an estimate that by 30 June this year we would have had 4,500. Clearly, that number has been exceeded. Because of the quarantine no-win no-loss funding arrangements, we would expect additional funding to be provided on the basis of actual expenditure.

There was a reconciliation between the department and the department of finance on our actual expenditure and that is how we are funded. As Mr Correll says, that just points to the volatility of trying to produce figures on what might happen in the future because the numbers could swing quite significantly in either direction.

Senator BARNETT—Based on the figure that you now know—and you have just told us it is 4,973, including the crews—and your expectation through to 30 June, how much extra will your department require to meet the costs of servicing those people through to 30 June this year, which is an extra month or so?

Mr Metcalfe—We would have to do a recalculation based on all of those items that Mr Biddle indicated. That is usually done after the event—that is, a reconciliation of the actual expenditure. I cannot predict how many arrivals we will have between now and 30 June. There could be several or very few. I will not predict that. Given the variation in all of those issues, I cannot then predict what that hypothetical number of arrivals would cost. That is why, as the minister says, it is very difficult for us to produce research based upon hypothetical assumptions. We can say that we have put into the budget the best information we have. We have always been upfront about indicating the volatility of these particular issues. The only time you can get an accurate figure for expenditure on IMA issues is after the end of the previous financial year, when you actually know what you have spent.

Senator BARNETT—What we do know that you have consistently underestimated the number of illegal arrivals into this country.

Senator Chris Evans—That is not true. The two or three years before that we had a figure of 100 or 200 in the budget and we overestimated.

Senator BARNETT—I am looking at the last three years. In 2008-09 it was about 200 and you got 985, in 2009-10 you said it was 200 and you got 4,500. It is clearly going to be closer to 5,000 or more. This year you are estimating about 2,000.

Mr Metcalfe—For the purposes of the dollars in the budget. But that does not represent a professional assessment as to the number of IMAs that will arrive in Australia next year. I will give you that number on 30 June next year, but I cannot give it to you before then.

Senator BARNETT—It seems that, based on the figures in the budget documents we have got and the best estimates you have put into the budget documents, clearly you will over the next 12 months certainly be blowing the budget again. If you calculate out a couple of years, that is nearly a \$1 billion blow-out in the DIAC budget. There goes the government's surplus. It is gone; it will not happen in three years' time.

Mr Metcalfe—With great respect, Senator, I think that is an enormous leap in logic. That assumes that the current numbers will continue to arrive. We have had a long discussion about the many variables. If you and I had been sitting here in 2000-01 having the same conversation, we would have been talking about thousands of people arriving. But people did stop coming, because the conditions in Afghanistan and Iraq changed significantly. We went from having a refugee flow to a flow of people who were not refugees and people returned home.

Senator BARNETT—Do you have any independent expert advice or other evidence to corroborate the advice of DIAC that you will more than halve the number of irregular maritime arrivals in the next 12 months?

Senator Chris Evans—That was not the advice. You tried to verbal him. He was very clear to you about what that 2,000 represented. You asked him whether he had independent evidence to support DIAC advice. It is not DIAC advice; it is a figure put in the budget as a starting point for funding. It is not an estimate of arrivals. The secretary has been at pains to tell you that about 10 times today and numerous times at the previous estimates hearing. We can do around and around. It is your time; I am relaxed. That is the answer to your question.

Senator BARNETT—I would appreciate, Mr Metcalfe, if you could respond to that—if you have outside or independent advice that might corroborate that.

Mr Metcalfe—As I have said, Senator, that figure of 2,000 is not an estimate by my department, the Australian government or anyone else as to what will occur. We will know what occurs when it occurs. What I do know, as we discussed previously, is that there are pleasing signs of changing circumstances so that people who may have been facing persecution are no longer facing persecution. That is a positive. There are other signals flowing through in relation to application and approval rates. However, it is too early to say where that will lead us. Without any hubris, I would regard this department as being the expert on these issues, and we are saying that it would be highly speculative and unsafe to produce such an estimate.

Senator BARNETT—Sure. But you are the experts on these issues and you have put figures in these portfolio budget statements—this document here, which is what we are relying on. We are the committee and it is now on the public record.

Mr Metcalfe—Yes.

Senator BARNETT—These figures are relying on the fact that there is an estimate of some 2,000 irregular maritime arrivals coming into Australia in the next 12 months. Is that correct?

Mr Metcalfe—That is correct. It has been made clear on many occasions that that is an estimate for financial planning purposes only and does not reflect a view as to what will in fact occur.

Senator BARNETT—So there is no reason to believe somebody else's assumption that that 4,500 would stay same. In fact, that there may be a significant increase in the number of irregular maritime arrivals over the next 12 months.

Mr Metcalfe—Without wanting to be drawn on that, I do not believe that a vast increase is likely. We are not seeing indications of that in terms of outflows. You could say, 'Why not have 4,000?'

Senator BARNETT—Do you think a small increase is likely?

Mr Metcalfe—No, I am not prepared to be drawn on that.

Senator BARNETT—Is any increase likely?

Mr Metcalfe—I am not prepared to be drawn on that. I am saying that I am not seeing anything that indicates a major increase. The figure of 200 could be there; the figure of 5,000 could be there. Both of those figures, as well as the figure of 2,000, are equally relevant in terms of an estimation.

Senator BARNETT—You are not giving us much confidence in the ability to predict the number of irregular maritime arrivals. You say 200 or 5,000 is equally possible.

Senator Chris Evans—I am glad you have got the message. That is what we have been telling you. We do not predict, we are unable to predict and the budget does not contain a prediction. If you have got that message now, good. You are right: we are not able to predict it.

Senator BARNETT—With great respect, this blows a hole in your budget big time. Your so-called \$1 billion surplus in three years, brought forward by three years, is simply illusory. It is simply a joke.

Senator Chris Evans—You might try for a TV grab, but you are going to have to do a lot better than that. It is done on the same basis that every Howard government budget was done as well. I am sure that every Howard government budget was wrong in terms of its estimates.

Senator BARNETT—Do you expect an increase in the number of irregular maritime arrivals this coming financial year?

Senator Chris Evans—I am not able to make an estimate of the number of arrivals. I am on the public record as saying that for a very long time. What I have been able to say to you today is that I think we are seeing improved conditions in our two major source countries—Sri Lanka and Afghanistan. That is particularly true in Afghanistan in relation to the Hazara minority and their treatment. They have made up the large part of the Afghan asylum seeking case load in Australia. We have seen in recent times, as a result of that new country information, much higher refusal rates on people's asylum claims. If that continues then I

think we would see a lessening of arrivals because people would not be found to be owed our protection. But there are a whole number of variables in all that. If the situation were to suddenly worsen in Afghanistan, our refusal rates would alter dramatically, I would think. If the conditions in Sri Lanka continue to improve then I would think that the asylum claim rates from Sri Lanka would plummet enormously. They have had two successful democratic elections and the civil war has ended. Things are very much on the change there. But I cannot predict those things; I do not know how those things will occur in the future. There may be other refugee producing countries in our region that go into turmoil. If there were a major civil war in East Timor, would we see more refugees? Yes. I cannot predict those things. No-one can. If anyone tells you they can, they are lying.

Senator BARNETT—I am not asking you to predict. I am asking for your best estimate based on the evidence that you are aware of. You have given a partial response, for which I thank you. Do you think there is a possibility or a likelihood of a more than doubling of the reduction in the irregular maritime arrivals into Australia in the next 12 months?

Senator Chris Evans—I am comfortable that the figure in the budget is a reasonable starting point for the funding of the department.

Senator BARNETT—It is the starting point, so it could do up?

Senator Chris Evans—It could go down. That is the point. I cannot suggest to you a better or more accurate calculation than that. Quite frankly, we could have chosen 3,000 or 1,000. They would be equally as defensible and equally open to question. It is an accounting—

Senator BARNETT—What about 4,500? Would that be equally defensible?

Senator Chris Evans—You could defend it and attack it on the same grounds as you could 1,000 or 2,000. Whoever was advocating it could not justify it.

Senator BARNETT—What, 4,500?

Senator Chris Evans—Yes. Who could justify for me whether the figure was 4,500, 3,000, 6,000 or 1,000?

Senator BARNETT—The 4,500 you have put in your budget papers this year is clearly underestimated, because it is going to be more than 5,000 by the time we get to 30 June, based on the figures that you have. Why could you not assume that it is going to be same or thereabouts for the next 12 months?

Senator Chris Evans—We would have been wrong last year and the year before on that basis.

Senator BARNETT—But you underestimated. In fact, in the past two years you grossly underestimated by more than 20 times.

Senator Chris Evans—We have been through that ad nauseam. You hope to make some political point about estimated of arrivals.

Senator BARNETT—It is not a political point.

Senator Chris Evans—This is about what is in the budget. I have told you and the department told you how they came to the figure of 2,000. They made it very clear that it is not an estimate of the number of arrivals expected. It is not done in consultation with the AFP,

ASIO, Uncle Tom Cobley or anyone else. It is a figure settled on for accounting purposes to produce budget papers. It is open to challenge; you can argue any way you like about it and you can be vulnerable on any figure you choose. We have made that clear to you. Quite frankly, I have nothing more to say about it. We have done it twice and we have been around and around. I cannot help any further.

Senator BARNETT—So when the Treasurer says that we will have \$1 billion surplus in three years time—just \$1 billion—and you have a \$327 million figure for this year based on 2,000, you are clearly saying that an assumption of 4,500 is quite probable in terms of irregular maritime arrivals—

Senator Chris Evans—I did not say that.

Senator BARNETT—That is an assumption.

Senator Chris Evans—No, you verballed me again.

Senator BARNETT—It is an assumption.

Senator Chris Evans—I did not say it was quite probable. Do not try to verbal me and the officers.

Senator BARNETT—It is an assumption.

Senator Chris Evans—If you want to go out and put out a press release that says the budget is going to blow out by \$1 billion, go right ahead. It is a nonsense, but go right ahead. The officers have given you the evidence.

Senator BARNETT—This is a nonsense.

Senator Chris Evans—The officers have given you the evidence and I have given you the replies. I cannot help you further. Go and write your press release. It will be a nonsense, but I cannot help you any further.

Senator BARNETT—You are not very confident about your \$1 billion surplus, are you?

Senator Chris Evans—I am not very confident that we can with any surety say that the 2,000 figure that is used for accounting purpose in that budget paper can be supported. No government has been able to predict the number of arrivals for the following year, and I cannot either.

Mr Metcalfe—Perhaps anticipating this discussion is the reason why we and the department of finance thought the best way into the future was to move to the rolling average figure. The one thing that you can know with certainty is what has happened in the year previous. That is why in 2011-12 and beyond the number that appears in the forward estimates is an average of the previous five years. Again, you could say: ‘Why not two years? Why not three years? Why not 10 years?’ There is any number of things you could do. But the figure of 200 has been used for a long time by governments. It is very clear that that was simply a nominal figure with the actual costs incurred to be settled between the department and the department and the department of finance after the end of the financial year. That measure is no longer particularly useful. That is why you will find well into the forward estimates numbers that are much more substantial than the 200 figure. Again, that does not reflect an estimation by anyone as to what is likely to actually occur.

Senator BARNETT—Thank you for your feedback. I will give you an example. You have provided an answer to question on notice No. 59 regarding the number of charter aircraft going to and from Christmas Island. From 1 July 2008 to 30 June 2009, 32 charter aircraft carried 2,526 people to and from Christmas Island at a cost of \$2.675 million at a cost per charter of \$83,000. In this financial year to date—that is, the 10 months through to 30 April—there were 62 charter aircraft carrying 6,500 people to and from Christmas Island at a cost of \$8.2 million, which is an average cost per charter of \$132,000. I put it to you that, based on that 10 months, that that is an increase of more than three times on the last financial year. The cost, for example, with respect to managing and operating Christmas Island is increasing markedly. Based on the figures that you have given us, we can have no confidence that the figures in the budget papers are accurate.

Senator Chris Evans—You have discovered an awful truth, which is that as the number of detained on Christmas Island increases the cost of running Christmas Island increases. You have got us; we confess; the costs have increased. I know it is amazing, but the costs have increased. The more people we have on Christmas Island the more it costs us. It was true of the previous government and it is true of this government. If one is at maximum capacity then clearly the costs will probably level out. That is just a fact of life. Does it cost us more to run detention services this year than it did the previous year because we have more people in detention? Yes, guilty. I cannot help you any further, Senator. It seems to me that it is not counterintuitive.

Senator HUMPHRIES—Chair, can I ask about the annual administrative expenses in program 4.2? They are expected to fall by about seven per cent next year over this year. This includes community detention services and onshore detention network. Given the significant numbers of people that are now being accommodated in this area—I assume this includes the expenses for hotels and things like that—

Mr Metcalfe—Sorry, Senator, I am having a lot of trouble hearing. You are speaking very softly and the microphones are not picking up the voices.

Senator HUMPHRIES—Does program item 4.2, onshore detention network, include the cost of hotels?

Mr Correll—Not where we are talking about irregular maritime arrivals. So for irregular maritime arrivals—

Senator HUMPHRIES—Sorry, Mr Correll, I am not talking about who is accommodating them; I am talking about whether that item covers the cost of hotels for anybody that DIAC needs to house.

Mr Correll—But that was the point. If the people being housed there were irregular maritime arrivals, the costings would go against the quarantined funding, I think. I stand to be corrected on that by our financial advisers.

Mr Metcalfe—In simple terms, any costs whatsoever associated with IMAs are in 4.3. You asked about the costs of ‘your expenditure on hotels’. Given that we have had IMAs accommodated in some hotels, some of the costs would be in 4.3 for hotels. There may be a very small number of occasions where we have had non-IMA detention clients, and they would be under 4.2.

Senator HUMPHRIES—So IMAs will be in 4.3 and non-IMAs in hotels will be in 4.2?

Mr Metcalfe—That is right. The whole basis for item 4.3 is to bring together the complete costs relating to IMAs into the one program area.

Mr Correll—There is another factor at play as well—that is, the Operation Sunlight changes to depreciation treatment, which basically is reducing.

Senator HUMPHRIES—We have been through that and I understand how that works. Can you explain to me why—

Mr Correll—Just to be clear, that represents a \$6 million difference against that item.

Senator HUMPHRIES—Okay.

Mr Correll—It would otherwise be \$6 million higher this financial year.

Senator HUMPHRIES—So that explains the fall from \$100 million to \$93 million, mostly.

Mr Sheehan—Yes, it does. It is between \$67 million and \$61 million for the administered component. That carries all the way through to the total of \$100,666,000 versus \$93,762,000.

Senator HUMPHRIES—Can I ask some questions about Christmas Island. I think you have already touched on the question of charter flights but I am not sure whether you have answered these questions. I think we have had figures for the partial year. How many charter flights have been operated between Christmas Island and the mainland during this financial year to date?

Mr Correll—Earlier today we provided an update to the earlier question on charter flights. It is an update on question No. 59 and it basically shows that, from 1 July 2009 until 30 April 2010, a total of 62 charter aircraft were procured by DIAC to support the processing of irregular maritime arrivals on Christmas Island.

Senator HUMPHRIES—Obviously those are the most recent figures you have?

Mr Correll—Yes. This has been updated only in the last 24 hours.

Senator HUMPHRIES—Is the cost of the flights included in that?

Mr Correll—Yes, it is. The 62 charters cost \$8,204,111.

Senator HUMPHRIES—Are those charter flights always between Christmas Island and the same destination or does it vary?

Mr Correll—No, not always. Many of them are to Perth.

Ms Wilson—The most recent charters have been further than Perth. They have been also to places like Darwin, Brisbane and Sydney. So it is a mixture.

Senator HUMPHRIES—Apart from staff what does DIAC bring to the island by charter?

Ms Wilson—We bring in freight on the charters as well.

Senator HUMPHRIES—I think you have gone through before the sorts of items. For example, fresh food comes in by charter, does it not?

Ms Wilson—That is right.

Senator HUMPHRIES—And larger non-perishable items come in by sea. Can the department advise whether the quality of the accommodation currently in use within the IDC on Christmas Island is compatible with its own standards outlined in the department's standards for design and fit-out of immigration detention facilities?

Mr Correll—The answer to that question would be broadly yes, although at present we are probably pressing for the average space allocation per person. Because we are operating the facility at present very much at the highest end of the search capacity it would have an average space per occupant that would be less than we would desire through our standards.

Senator HUMPHRIES—With respect, you do not desire things through standards; you set standards and you are expected to meet standards. I take it that you are saying to me you do not meet the average space per occupant standard set in your standards?

Mr Correll—At this point in time that would be accurate.

Senator HUMPHRIES—What is the average space per person provided for in the standards?

Ms Wilson—Sorry, Senator, I do not have the standards with me, but I can get that fairly quickly from the office for you.

Senator HUMPHRIES—As in this afternoon?

Ms Wilson—Yes.

Senator HUMPHRIES—I would also like to know what is the actual outcome of occupancy in those facilities. To what extent is the standard being breached?

Ms Wilson—I do not know whether we could do that readily, Senator, because there are a variety of accommodation amenities at the detention centre, including demountable accommodation, the main North West Point facility and the marquees. It would probably be different in each of those situations and different in every compound, depending on the configuration of the bedding.

Senator HUMPHRIES—Are you saying that in every one of the compounds the standard is being breached?

Mr Correll—I think we would have to look at the position in every compound. The fact that we have the numbers we have in North West Point at present would mean that clearly we are over our standard overall. But to answer that question compound by compound, we would have to look at it compound by compound.

Senator Chris Evans—We are very frank, Senator. We are stretched at the moment and we are not operating in ideal circumstances. I would think that our space issues would be below standard but, not knowing precisely what the standards are, it is certainly more crowded than desirable. We have been very open about that. Anyone who has been to the centre knows that. We invite and show through hundreds of people. So it is pretty obvious that, at the moment, the conditions are crowded.

Senator HUMPHRIES—Will the Curtin facility meet the department's standards?

Mr Correll—Yes, with the work we are looking at doing at Curtin. Are you talking about accommodation standards or broad standards across the board?

Senator HUMPHRIES—Any standards that apply to it.

Mr Correll—In all our facilities we look at developing consistent with our standards.

Senator HUMPHRIES—That means yes, you will, but you will comply with the standards?

Mr Correll—Absolutely, yes.

Senator HUMPHRIES—Taking into account the pressure on the Christmas Island facility, what steps are you taking to bring those facilities within the department's standards?

Mr Correll—The best way to achieve that is to reduce the numbers on Christmas Island.

Senator HUMPHRIES—Or to increase the size of the facility?

Mr Correll—Yes, that is true. There have been extensions to the facility through the establishment of the Lilac and Aqua compounds, which have increased the overall bed capacity by a figure of 600. So that has been a level of assistance. There is another thing that we are looking at. There have also been moves of some people to the Northern Immigration Detention Centre and processing is well advanced. So through both those measures we have been looking to take pressure off the North West Point facility.

Senator HUMPHRIES—Do you have an expected point at which the facilities will comply with the department's standards? Are you projecting a point where this will—

Senator Chris Evans—This is very fluid and it is not driving how we are operating currently, as you would expect. The reality is that when we open Curtin and take the suspended Afghan males out of Christmas Island and move them to Curtin—currently we have a capacity of 300 so we could pretty well go to that in the first stage—there will be 300 fewer people on Christmas Island. If the current numbers were to stay the same, but we do not expect them to stay the same because we would expect, given past history, to have more arrivals, that would be 300 fewer people on the island. That is one factor. As you know, we issue lots of information on daily rates but it does move from day to day. The fewer people we have on the island the more likely we are to hit the standards. We are now trying to get some of the families off because we need space and we have those single males going to Curtin within a couple of weeks. But if you are asking whether we are aiming for the standards I think the answer is no, we are aiming to accommodate people appropriately and to deal with a large number of people when we do not have enough accommodation on Christmas Island.

Senator HUMPHRIES—On the last occasion you gave us figures for the design capacity of the various compounds at Christmas Island. I assume that those design capacities have not changed since the last estimates?

Ms Wilson—That is correct.

Senator Chris Evans—Did you give Aqua and Lilac last time?

Mr Correll—At the last estimates Aqua would have still been in construction mode. We may have given an estimate but we can say that Aqua and Lilac now clearly provide 600 beds if that is not included in the data that you have, Senator.

Senator HUMPHRIES—Is that 600 beds between the two of them?

Mr Correll—Correct.

Senator HUMPHRIES—How many in each?

Senator Chris Evans—The last beds only just came on line because of the weather conditions.

Ms Wilson—About 200 in Lilac and 400 in Aqua.

Senator HUMPHRIES—How many detainees who were granted a permanent protection visa have departed Christmas Island by month, including July, in the current financial year?

Ms Wilson—I think we provided details to you in response to a question on notice about people who departed.

Senator HUMPHRIES—That would have been for the last round of estimates.

Ms Wilson—Yes. I think we would need to take that question on notice to update it, Senator.

Senator HUMPHRIES—Could I have an update of that please? At the moment are there any people on Christmas Island who have been accommodated in demountables?

Mr Correll—Yes.

Senator HUMPHRIES—Whereabouts are they?

Mr Correll—We have demountables in the Aqua and Lilac compounds. We also have demountables at the construction camp and the adjacent Phosphate Hill complex.

Senator Chris Evans—Basically everything, apart from the new detention centre, is mining camp-type demountables. A lot of them are good quality modern construction, but they are demountables.

Senator HUMPHRIES—Are any people accommodated in tents at the moment?

Ms Wilson—We have seven marquees in North West Point and we have marquees also in Phosphate Hill, so the marquees are in use at the moment. If you remember from last time, the marquees have electricity and floorboards, air-conditioning and power also—they are not standard tents.

Senator HUMPHRIES—How many people are being accommodated altogether in marquees?

Ms Wilson—We have 360 across both facilities.

Senator HUMPHRIES—What plans do you have, if any, to expand Christmas Island at this point in time?

Senator Chris Evans—Expand Christmas Island, or the detention facilities on it?

Senator HUMPHRIES—You might need to get around to expanding Christmas Island itself, but the detention centre for the moment.

Senator Chris Evans—I will have Mr Correll answer that question. Basically, we do not have any major expansion plans but some work is still going on in moving staff and making further parts of Phosphate Hill available. Mr Correll might want to take you through that.

Mr Correll—Presently we have staff and some contracted service providers located in some of the demountable accommodation in the Phosphate Hill complex. Our intention is to refurbish other accommodation, which is currently underway. Existing unused and somewhat overgrown apartment blocks on the island, which are called the Poon Saan apartment blocks, are being completely refurbished. We are part way through that work. At the present stage our intention is to be able to move staff and contracted service providers into those Poon Saan units and, in so doing, to create additional accommodation in the demountable area, with the existing demountables for use by families in particular.

Senator HUMPHRIES—You said you were moving staff out of the detention centre and into those apartment blocks?

Senator Chris Evans—Staff are not in the detention centre but they are in that Phosphate Hill Construction Camp area, in some accommodation which is less than desirable. But we had to ramp up staff numbers as well at the time of increased arrivals. These units will allow us to move them out and then make that into an area where we can place families. Our most pressing need is accommodation suitable for families with children. We are just trying to explain that that is not a planned expansion of new buildings but a reorganisation of our resources. We have been able to move the staff out to private accommodation and we have upgraded, which gives us some extra capacity and flexibility.

Senator HUMPHRIES—Approximately how many beds would that create for family detainees?

Mr Correll—Approximately 190 beds.

Senator HUMPHRIES—Are there any plans in relation to the casino at this stage?

Mr Correll—We would be very interested in obtaining accommodation—again, for staff and for contracted providers—potentially in a location like rooms at the casino, should those rooms be fit for purpose, as provided through a private operator. At this stage they are not fit for purpose, and until they are we would not be looking to utilise those rooms.

Senator HUMPHRIES—How would they become fit for purpose?

Mr Correll—They would become fit for purpose because the owner would ensure that the rooms had been appropriately prepared, that the electricity supply was working effectively, that the water supply was working effectively, that there was adequate overall sewerage supply and that electricity certification had been properly given—

Senator HUMPHRIES—Are you in negotiation with the casinos owners for an upgrade for that to happen?

Mr Correll—The casino is under a lease arrangement through the Attorney-General's Department. The Attorney-General's Department has been in discussion with the owners on our behalf.

Senator HUMPHRIES—Why is the Attorney-General's Department leasing the casino?

Senator Chris Evans—They are not, but they are the territories department.

Ms Wilson—They are responsible for governance.

Mr Metcalfe—They run the two territories.

Senator Chris Evans—Do they administer the island?

Mr Metcalfe—Yes.

Senator HUMPHRIES—So they are acting as the landlord at the moment at the casino?

Mr Metcalfe—As the owner of the underlying land on which the lease of the casino sits.

Senator HUMPHRIES—That is right.

Senator Chris Evans—The bottom line is that we have been in negotiations with the owner and, effectively, if the accommodation were available commercially, and up to scratch we, or the contractors or Serco would probably take up some of the accommodation because accommodation is tight on the island. There is not any accommodation available at the moment, but if there were commercially I think there is a market for it. We have been encouraging people on the island to make accommodation available both for locals and for staff to try to alleviate some of the accommodation pressures, which is why I think we purchased Poon Saan.

Mr Correll—We did.

Senator Chris Evans—We purchased the Poon Saan units and we are refurbishing them to provide staff accommodation. So that will add quite considerably to the stock on the island, but there are still pressures. At the moment no rooms that meet the required standards are available at the casino for staff.

Senator HUMPHRIES—If the casino rooms were brought up to scratch they would be used, presumably, for IDC staff, not for detainees?

Senator Chris Evans—Oh yes, certainly.

Mr Correll—Staff or provider staff, not necessarily only DIAC staff; it could be contracted provider staff.

Senator Chris Evans—That is more likely to be Serco or other providers.

Senator HUMPHRIES—At the moment does the department provide the island's government with any form of gratuity or compensation for the impact on infrastructure as a result of the use made by staff, detainees, contractors and so on of the island's infrastructure?

Ms Wilson—We make a payment of \$280,000 to the local council in lieu of rates.

Senator HUMPHRIES—That is not really compensation though, is it?

Ms Wilson—It is an amount that has been consistent over many years.

Senator HUMPHRIES—In a sense that is just paying the rates applicable to the various facilities owned by the government, or operated by the government on the island. But when you have vehicles passing up and down the roads and you are putting strains on the other infrastructure—power, water and so on, on the island—does that give rise to compensation payments of any sort, or compensatory mechanisms?

Mr Correll—No, not compensatory mechanisms, although we work closely with the Attorney-General's Department on the issue of infrastructure requirements for the island associated with the detention operations there. That is then reflected in the latest budget. For example, there is provision in the latest budget for improvements to infrastructure and

services. That money is part of the appropriations of the Attorney-General's Department. From memory, it is of the order of \$47 million for that.

In addition, the government announced earlier a package of measures for infrastructure and services of \$50 million. In total, the government has invested \$97.4 million in infrastructure and services on Christmas Island. That covers water and water treatment, power, education services, health services, roads and roads aspects, as well as things like air services and housing on the island.

Senator HUMPHRIES—Has the government or the minister extended the contract of the independent reviewers on Christmas Island beyond the expiry date of 31 December 2009?

Mr Metcalfe—Senator, I will ask Mr Fleming to answer that. Mr Fleming is the new head of the border refugee and international policy division. I think it is probably his first time appearing before the committee in that regard.

Mr Fleming—At the moment the contracts expire on 31 December.

Senator HUMPHRIES—Last?

Mr Fleming—No, 31 December coming.

Senator HUMPHRIES—There are no plans to extend them at this stage?

Mr Fleming—We are looking at options at the moment.

Senator HUMPHRIES—How many reviews have the reviewers conducted on Christmas Island?

Mr Fleming—As at 19 May, 121 independent merit reviews have been finalised and there are 257 clients currently going through the independent merit review process.

Senator HUMPHRIES—Could you describe the outcomes of those reviews?

Mr Fleming—Of the 121, 29 per cent overturned the department's negative assessment.

Senator HUMPHRIES—Have any negative decisions of the independent reviewers been challenged in the original jurisdiction of the High Court or in the Federal Court?

Mr Metcalfe—Yes.

Senator HUMPHRIES—Do we know how many?

Mr Fleming—I think there are currently 17 cases before the High Court challenging the non-statutory process.

Senator HUMPHRIES—None of them have been heard, I assume.

Mr Fleming—That is correct.

Senator Chris Evans—They are people on Christmas Island and on the mainland, Senator.

Senator HUMPHRIES—Right, so 17 in both places.

Mr Metcalfe—That is right. Some of those folks, for example, would be in Villawood, having been refused by us and transferred to Villawood. They are seeking judicial review of that decision.

Senator Chris Evans—It is not judicial review, is it? Is it a High Court application?

Mr Metcalfe—Judicial review is the way to describe it.

Senator Chris Evans—That is its technical term.

Mr Metcalfe—It is a review by the High Court of Australia, the judiciary.

Senator HUMPHRIES—Turning to other facilities, are there plans to expand the capacity of the northern IDC in Darwin?

Ms Wilson—No.

Senator HUMPHRIES—What is its present capacity?

Senator Chris Evans—Would it be 500 or 550?

Ms Wilson—It would be 550.

Mr Metcalfe—I cannot give you the exact figure, but it is in the vicinity of 500 to 600.

Senator HUMPHRIES—You said 550, Ms Wilson?

Ms Wilson—I am just confirming that, Senator.

Senator HUMPHRIES—While you are looking for the figure, I will ask whether the department has any plans to build a new facility in the Northern Territory?

Senator Chris Evans—We have no plans. We have been looking for accommodation options for families and single men, but there are no plans.

Mr Correll—Certainly there are no plans to do that. As I commented to Senator Hanson-Young earlier, we have been looking at a wide range of options for additional accommodation. That would have included possibilities in the Northern Territory and virtually all states. But there are no plans for the Northern Territory.

Ms Wilson—The northern IDC capacity is 554, Senator.

Senator HUMPHRIES—With the exception of the facilities we have been talking about at Leonora, are there any plans to build a new facility anywhere on the mainland?

Mr Correll—This is similar to the response to the earlier question. We have been looking at, again, various different options in a range of locations. But no specific plans or decisions have been taken on that at this point.

Senator HUMPHRIES—But options are being considered?

Mr Correll—Yes.

Senator Chris Evans—We have been looking in the first place mainly at things we could house people in that were largely established. We are not looking for a site to build a new 1,200-bed single men's detention centre. The discussion we had about Leonora was about finding sites where we could house people relatively quickly and conveniently to suit their needs. That is what we have been out looking for.

Senator HUMPHRIES—If you are looking in Western Australia at the moment, as you have confirmed, are there any other states or territories where you are looking at un-mothballing facilities?

Mr Metcalfe—Mr Correll said we have been pretty well looking everywhere, apart from the ACT.

Senator Chris Evans—People have been coming forward once the word got out. We have had people making us offers they thought we could not refuse about all sorts of things. I understand Mr Correll and the officers have been very popular.

Mr Metcalfe—Very popular.

Mr Correll—When we did get some publicity we were flooded with offers.

Senator Chris Evans—People who have properties they had not been able to shift. Not all of them were ideal.

Mr Metcalfe—What we are clearly going through is a careful process of assessing what is available against the sorts of considerations Mr Correll outlined in detail with Senator Hanson-Young about whether the facilities are suitable, how quickly they might be available, proximity to services and so on.

Senator HUMPHRIES—In Budget Paper No. 1 at page P1-30, there is a reference to providing \$143.8 million for capital funding for additional immigration detention facilities. Can you break that figure up, please? I assume most of it is for Curtin.

Mr Correll—Yes, the vast majority of that would relate to Curtin. The \$143.8 million includes a figure of \$22 million for upgrades and enhancements to essential amenities and security at Christmas Island. So, \$22 million is for Christmas Island.

Mr Metcalfe—That is not additional accommodation; it is for security upgrades and other issues, closed circuit television and that type of thing.

Senator HUMPHRIES—So there are no extra beds in that \$22 million?

Mr Metcalfe—We have already described the additional beds that have already come on stream and there are no further plans. So this is largely upgrading facilities. Is that right, Ms Wilson?

Ms Wilson—Senator, We talked to you about the new aqua and lilac compounds. It is about putting more recreational and amenities space into there. We have accommodation, but we have not got enough internet rooms, libraries and things like that. It is about upgrading what is already there but not adding beds.

Senator HUMPHRIES—Right.

Mr Correll—This is also \$15 million for the Northern Immigration Detention Centre. But, again, that is exactly the same circumstances. Because northern has previously been used largely for foreign fishers, and foreign fishers had a relatively short turnaround time in the centre, we have needed to look at putting additional facilities in there for activities. But it is not increasing bed capacity at all. There is \$1.5 million for Villawood, Sydney. Ms Wilson might know the details about that one.

Ms Wilson—That is about more interviews rooms and more client amenity space again.

Mr Correll—And there is \$1 million to upgrade the facilities at Port Augusta, which are being used for unaccompanied minors.

Senator HUMPHRIES—Again, there are no beds in that; it is about better facilities?

Mr Correll—Yes. The remainder of that amount is for Curtin—the preparation of Curtin for use.

Senator HUMPHRIES—That is a bit over \$100 million?

Mr Correll—Yes. That funding is spread over two years.

Senator HUMPHRIES—You already answered a number of questions on the Curtin facility. I want to add a question to that. What will be the estimated operating costs of the Curtin facility once it is operational—at least stage one?

Mr Correll—I think we have a figure we can give you. We cannot just bring this one up off the desk.

Senator HUMPHRIES—Can you tell me whereabouts in the PBS? I assume it is part of another figure in the PBS. Can you point me to where that is?

Mr Metcalfe—I think it will be within the 4.3 figure.

Mr Biddle—Senator, the operating cost for Curtin detention centre is 4.3 under the administered line we spoke about before.

Senator HUMPHRIES—What specific line in 4.3?

Mr Biddle—That is the \$327 million we spoke about for community and detention services. That includes the extra Serco costs on page 59.

Senator HUMPHRIES—This is the \$327 million figure?

Mr Biddle—Yes.

Senator HUMPHRIES—Do you have any idea what the staffing establishment will be once it is operational at stage one?

Mr Correll—Yes, we do. But I do not know whether we have that at our fingertips.

Ms Wilson—We have an agreed structure, but I do not have it with me. I can get that for you, Senator.

Senator HUMPHRIES—Are you still looking for what the operating costs would be?

Ms Wilson—Yes.

Senator HUMPHRIES—Can you tell me how many staff there will be, particularly how many DIAC staff and Serco staff? I assume it will be a Serco facility. I think you said you were looking at accommodating single, male Afghans there, that was your present expectation.

Mr Correll—Correct.

Senator HUMPHRIES—I assume that there will be medical, health, recreation and education facilities there as per the other centres?

Mr Correll—Yes.

Senator HUMPHRIES—I have never been there, but I am advised that almost everything that was on the site when it was operational under the previous government was sold off except for a couple of buildings that were—

Mr Correll—No, not quite. There is a number of demountables on the site there now. It has been used as a facility intermittently for defence personnel for particular exercises. It has a large dining facility that is fully equipped and operational. It is certain not the case that the facility has been left sitting there for a long period of time. It has been used by Defence.

Senator HUMPHRIES—That is good. That is all I wanted to ask about Curtin. I want to ask about accommodation of asylum seekers in motels and hotels. Did you say that generally there were not very many IMAs in that type of accommodation?

Mr Metcalfe—I said the opposite, Senator. Mainly, the use of motels relates to IMAs and family groups. But there would be occasional compliance case that might be in that situation as well.

Senator HUMPHRIES—What is the most recent figure for the people being accommodated in hotels and motels on the mainland?

Ms Wilson—There are approximately 115 in Brisbane and 71 in Darwin.

Senator HUMPHRIES—How many hotels and motels in Brisbane and Darwin?

Ms Wilson—One in each location.

Senator HUMPHRIES—Are these all IMAs and in family groups?

Ms Wilson—That is right.

Senator HUMPHRIES—Does that mean they all have children?

Ms Wilson—Most of the family groups involve children. Some of them could be brothers and sisters who are over 18.

Senator HUMPHRIES—Obviously, to have got to this point they would have undertaken their health, security and character checks.

Ms Wilson—Yes.

Senator HUMPHRIES—I assume that none of them have had their protection applications refused.

Ms Wilson—The people we move in are generally on a positive pathway. However, until the process is finished you cannot anticipate the outcome, I guess.

Senator HUMPHRIES—But it is still true that none of them has had their protection applications refused?

Senator Chris Evans—With increased refusal rates, we are going to be dealing with more people who have actually been refused at the first step of the process who will then still be in detention while their applications are reviewed. It is fair to say that, for groups that were being seen as on the positive pathway, it is now much more debatable that they will be. I am just noting that that situation is changing.

Senator HUMPHRIES—You are saying that, if their situation is undetermined, they might well be in hotels or motels if they are families, but that, if they have already had a rejection at some stage, if their initial application has been refused, they are very unlikely to be in hotels or motels?

Senator Chris Evans—At this stage. But I am just making the point that soon we are going to be dealing with a cohort who may well have been refused and who are undergoing appeal. That is true of some of the single males. Families tend to have been later arrivals, so most of them are not at that stage yet. I am just making the point that we will be accommodating families, hopefully not in hotels, who will still be going through their appeal process et cetera. That is why we were making the points earlier about longer term engagement with the department, because not as many of them are getting up on the first application.

Senator HUMPHRIES—What are the names of the hotels in Brisbane and Darwin where they are being accommodated?

Mr Correll—The hotel in Brisbane has been given substantial media coverage—the Virginia Palms, at Boondall. In Darwin it is the Asti.

Senator HUMPHRIES—I assume it is possible that in the future other hotels or motels might need to be looked at for similar accommodation purposes. Are there any other hotels that have been approached about possibly accommodating IMAs.

Senator Chris Evans—Can I just make the point before the officer answers that it has been the practice of the department under successive governments not to advertise the locations. Clearly they are not secret in a sense, but the department usually does not confirm where people are, for privacy and security reasons. Clearly they have given you those names because they have been in the paper, and the Asti in Darwin has been used over many years for all sorts of purposes—there is a long-term relationship. But we would be reluctant to be naming people we have had discussions with or put out feelers to or to be naming sites where in the past governments of both persuasions have accommodated people. I know that governments of both persuasions have accommodated people in Perth, Adelaide, Darwin, Brisbane, and I presume Sydney and Melbourne as well. I am just suggesting that we do not particularly want to discuss them. There are not large people in other sites.

Senator HUMPHRIES—I understand all of that, but that was not my question. I just want to know whether other sites are being considered and whether any other establishments have been approached.

Mr Correll—As part of the accommodation trawling we are doing we are certainly looking at whether there are options with motel-style accommodation as well.

Senator HUMPHRIES—There has been media speculation about other sites such as caravan parks and monasteries. Where do those discussions or ideas sit at the moment?

Senator Chris Evans—There has been media discussion, and I have been on the record, but I did not use the word ‘monasteries’. I did talk about church camps, because I had in mind some of the holiday camps that churches used to run, and former agricultural colleges. As you know, there is a range of the old-style camping grounds cum holiday parks that have not done

so well in recent years. They are occasionally on the market. I have used those as examples of things we would have a look at if they suited our needs.

Senator HUMPHRIES—And you are looking at them at the moment?

Senator Chris Evans—Yes.

Senator HUMPHRIES—You obviously cannot identify any that have been earmarked for definite use?

Senator Chris Evans—There have no decisions taken.

Senator Parry interjecting—

Senator HUMPHRIES—That's an idea!

Senator Chris Evans—I am sure Senator Parry has something in Tasmania that he would sell me if I asked.

Senator PARRY—I was thinking of Parliament House, given the long breaks we are getting now. We could utilise this building.

Senator HUMPHRIES—How much is it costing to house these people in hotels on a monthly basis?

Mr Correll—I think it would be inappropriate on several grounds for me to comment on that. Firstly, that represents a commercial transaction with the owners of those hotels. Secondly, I am not sure when the Commonwealth is in a position where it is seeking value for money in future negotiations it really wants to put that information into the public domain.

Senator HUMPHRIES—Hotels publish their rates every day publicly on the internet and on big signs outside.

Senator Chris Evans—Senator, we are not paying the rack rate.

Senator HUMPHRIES—I know you are not.

Senator Chris Evans—We have had articles in the paper making all sorts of claims that are not right because people have looked at a website and said, 'This is the meals menu and this is the rack rate.'

Senator HUMPHRIES—Then dispel it by giving us the truth.

Senator Chris Evans—I am happy to take on notice how we handle that. I had not thought about how we might handle that, given Mr Correll's answer. We are happy to transparent about these things, but I would want to think about what is—

Senator HUMPHRIES—I do not think that anyone is going to be shocked to learn that you have negotiated a reduced rate.

Senator Chris Evans—No.

Senator HUMPHRIES—Why you cannot tell us I do not know. I would appreciate it if you took the question on notice.

Mr Correll—I will take that question on notice. That is a rate involving not only one party, it involves another party as well. There are some ways to do business here, and I do not think it is by unilateral call in that area.

Senator HUMPHRIES—I do not have a problem with you telling us confidentially on the basis that it does not go on the public record. We just want to know what sort of issues the taxpayers are having to deal with there.

Senator Chris Evans—I think we tried that with Ms Julie Bishop, so I think I will either tell you on the record or I will not tell you.

Senator HUMPHRIES—You can take that approach if you want, Minister.

Senator Chris Evans—I am just saying—

Senator HUMPHRIES—I do not think this committee has any problems with treating information confidentially that is provided to it. I think it is unfair to impute—

Senator Chris Evans—I am not imputing against you, Senator. I just want to think about that. One of the things about confidential briefings is that they leave everyone in a bit of a difficult position. We will take it on notice and I will think about it. I have not thought about how we might handle that. I am happy to be transparent about how we are spending taxpayers' money, but the question of the rate that we are paying at each hotel is a commercial issue and I will take it on notice.

Senator HUMPHRIES—I am happy even to have a global figure for what is being spent across the board.

Senator Chris Evans—Yes.

Senator HUMPHRIES—Do the arrangements include the cost of meals for the detainees? Yes, they do. Thank you, Mr Correll.

Mr Correll—No, we will include that in taking the question on notice.

Senator HUMPHRIES—Sorry, I was interpreting for Hansard's purposes. Can you tell me as well whether they use private cooking facilities in the hotels? I am not sure how many hotels have this capacity, but is there any capacity provided for them to cook for themselves?

Mr Correll—I think we will have to take that on notice. It would depend on the facilities available in the various rooms.

Senator HUMPHRIES—Again, I am giving you the chance to respond to issues raised in the media. There were reports of asylum seekers and crew members off boats arriving on the mainland, I think in Darwin, wearing facemasks—the little cloth sort for shielding sneezes and things like that. Is that true and would they have been supplied with those facemasks by the department?

Ms Wilson—Is it normal practice to move people to the mainland after health checks. As Mr Correll mentioned earlier, there is an immediate health check once they get on island and anyone who shows symptoms of anything like TB will be immediately separated until they are screened. We also wait for X-rays to come back on lungs to tell us if there are any issues that are underlying. It has been normal practice that if we have not got all the X-rays through we will get people to mask themselves in public areas in the process of them being moved from Christmas Island to other centres. But they have been cleared already through their initial health checks on the island; it is just a precautionary measure.

Senator HUMPHRIES—You are saying that, because they have had a preliminary screening but not a final screening, you are not entirely sure of their health status?

Mr Metcalfe—It is an absolute abundance of caution. If there was any suggestion of concern, the person would be kept isolated. This sounds like an extremely conservative protocol.

Ms Wilson—It is.

Senator HUMPHRIES—If it is unnecessary, why is it happening?

Mr Metcalfe—It sounds to me like it is an extremely conservative protocol to avoid any doubt whatsoever.

Senator Chris Evans—If anyone has a communicable disease, we isolate them on the island. We do not bring them to Australia.

Senator HUMPHRIES—That is right.

Senator Chris Evans—They do not even mix in with the rest of the population on the island.

Senator HUMPHRIES—Which is why, if you are moving them from the island when they are healthy, you would not need facemasks would you, Minister?

Senator Chris Evans—I am not aware of this situation. I am happy to take it on notice. I know that when you go around Asia you see people wearing them all the time. It does not mean they have got anything.

Senator HUMPHRIES—This is not Asia.

Senator Chris Evans—If you walk around Sydney you see people wearing them too. I have never been partial to one myself. We can take on notice that particular incident and get back to you.

Senator HUMPHRIES—I will return briefly to hotels. Are the people in the hotels entitled to use room service?

Ms Wilson—No.

Senator HUMPHRIES—Do we know how many people have been transferred in the financial year to date to Darwin hospital with illness? Have any of those IMAs been transferred to Darwin hospital with serious illnesses?

Ms Wilson—Of the IMA group, Senator?

Senator HUMPHRIES—Off Christmas Island.

Mr Metcalfe—We would have to take that on notice because I want to give you a correct answer.

Mr Correll—The number would be a very low number to Darwin hospital, but we will take it on notice to be precise. There are no cases that come to mind, but we will take it on notice.

CHAIR—There might be fishing people. I know they go with suspected TB.

Ms Wilson—That is what I was thinking of, Senator. The IDC accommodates both fishers and IMAs. We need to make sure we get the right group.

Senator Chris Evans—We certainly had a person in Perth recently who had some medical condition and was medivaced to Royal Perth Hospital. From time to time people are taken to mainland hospitals for various reasons, but not with communicable diseases.

Senator HUMPHRIES—An idea of numbers would be good. I do not need to know what their individual conditions are but I think it would be nice to know how many we are talking about.

Mr Metcalfe—We will take that on notice.

Senator HUMPHRIES—I presume that they have to be reasonably seriously ill to be transferred on the mainland.

Mr Metcalfe—That is a medical decision.

Senator HUMPHRIES—I realise that, but you would not go there for a sore toe.

Mr Metcalfe—No, there is provision of services in the facilities.

Senator Chris Evans—Some might come ashore for an operation. Christmas Island has medical facilities and there is the hospital, but if it is beyond at that capability they would be brought to the mainland.

Senator HUMPHRIES—Are any of these alternative facilities, such as the hotels or motels, or any of the other facilities being considered at the moment being managed or proposed to be managed under the Serco contract?

Mr Correll—Yes, in that the Serco contract would provide for guarding related services. Where there are alternative places of detention established in a motel or where we would be looking at new sites or different sites, yes, it would have impacts for Serco services. In the discussion about Leonora earlier I mentioned that when our officer visited there they went with one of our contractor providers; in fact, that was a representative from Serco who was also there to look at the facilities available. Serco would be actively involved in any of the facilities that are used and are actively involved in the guarding services for the two hotels that we mentioned earlier.

Senator HUMPHRIES—When Serco is engaged in providing services in respect of a new venue, like a hotel or something like that, is there some sort of special trigger in the contract that stimulates a higher price level because they are dealing with several more locations? Are there any financial consequences other than paying a higher per capita amount for each detainee?

Mr Correll—There are clearly additional costs involved because we are dealing with increased numbers of clients or different locations. The contract is structured to provide for various different configurations of accommodation. It is not just locked into the accommodation picture as at the start of the contract.

Senator HUMPHRIES—Is it based on a per capita daily payment to Serco for each detainee? Is it per capita weighted for the kind of facility they are in? Is it based on a

minimum number of sites and there is a penalty for an increased number of sites? How does that work?

Mr Correll—Yes—and I will correct this if I get any of this wrong. There is a per capita component, although it is not simple per capita, it is more of a stepped type of arrangements in a series of bands. And, yes, there are different costs involved depending on the different broad purposes of the facility and also on the level of security involved. Different locations involve different potential cost overheads. Having a small number of people in, say, a single hotel facility gives a higher overhead cost or total cost than if you can provide more for a critical scale and mass. Again, in a discussion we had earlier we were talking about looking at ensuring that there is a critical scale in accommodation because the costs associated with the service provider services are relevant to the scale of operation.

Senator HUMPHRIES—Has Serco had to engage extra staff as a result of those additional responsibilities on those extra sites?

Mr Correll—Yes.

Senator HUMPHRIES—Do you know whether those staff have been engaged overseas?

Mr Correll—I do not know the answer to that with precision.

Ms Wilson—The staff have been through local advertising and training within Australia, but my understanding is that at the higher management levels they have brought in some management from their UK operations to supplement what they have here.

Mr Correll—At the moment, the manager on Christmas Island for Serco was formerly managing operations in the United Kingdom.

Senator HUMPHRIES—I would like to know how many extra staff have been engaged.

Mr Correll—We would have to take that question on notice.

Senator HUMPHRIES—Of course. I would also like to know where those extra staff are working.

Mr Correll—Yes.

Senator HUMPHRIES—So you are satisfied that Serco has enough staff to deal with the extra constraints, or the extra pressure on that contract at the moment?

Mr Correll—Serco has needed to recruit significant additional staff. The growth in the arrivals has placed pressure on all staffing requirements—departmental staff as well. Serco has responded to that and has recruited substantially. We are quite comfortable that it is proceeding rapidly with that recruitment activity and it has already recruited large additional numbers.

Senator HUMPHRIES—There was a report about the transfer of 34 detainees from Christmas Island to Villawood on 5 April, that you described, Minister, as being on a negative pathway. So they had been refused refugee status and they were, as you put it, in the process of being sent home or sent away. What has happened to those 34 people? Have they now left the country?

Senator Chris Evans—I will see whether the officers have more detail, but effectively, those persons are on a negative pathway. A number have gone—I do not have the numbers in front of me—through the independent review process and have also been refused. A number of them are now subject to the appeal to the High Court. As I recall—and I will get the officers to check the information—when the first of those that failed at the appeal process and we were making arrangements for their removal, we were contacted by lawyers representing them who sought assurances that we would not remove them because they were lodging an action in the High Court. I am not sure whether that is all of them, but certainly some of this cohort have been subject to this legal action. I do not know the best person to supply that detail.

Senator HUMPHRIES—In answering this question, could I have a bit more precision than a number, please.

Senator Chris Evans—That is why I was saying I do not have that. I do know that some of that cohort are a part of this High Court action. As we went to commence removal action they took proceedings in the High Court and we are looking at having those proceedings brought on as soon as possible to test their claim.

Mr Fleming—We do not have that information broken down in that way, but we can take that question on notice.

Senator HUMPHRIES—Back in April we were told that these people were on their way out of the country.

Senator Chris Evans—Senator, what you were told was that they were on a negative pathway. On every occasion I made it clear that many of them still had the opportunity to seek independent merits review. What I am saying to you now is that some of them have been through that process and others are having it completed. But of those who failed in that review—and the department's decision to refuse them refugee status was upheld—we were seeking travel papers and making arrangements to have a group of them removed from the country.

They then had their legal representatives contact us and say that they were lodging an action in the High Court. I just want to make it clear that they were on a removal pathway. A group had failed that review and, as I say, as the department was making arrangements to remove them by seeking travel papers and such things, that action was commenced. Mr Fleming may be able to help you now with the total numbers, but certainly the advice to me was that, as successive persons came to the point of being on track for removal, more applications were lodged on their behalf joining, if you like—and I know that these are not the correct legal words—the action in the High Court. Perhaps someone has a better technical explanation than I do for that.

Mr Fleming—My understanding is that eight separate actions have been filed covering 17 individuals.

Senator HUMPHRIES—I take it that all of these people, therefore, are still in Villawood?

Ms Larkins—I do not think we can confirm that, Senator Humphries. I think we just need to look at that 32 in a little more detail before we can give you a response on their current immigration status.

Senator HUMPHRIES—But if they are on a negative pathway, they have been refused refugee status—

Ms Larkins—Some of them may have gone home voluntarily. I just do not have the figures in front of me.

Senator HUMPHRIES—Either they are all in Villawood or they have gone?

Ms Larkins—I do not even think we can confirm that they are all in Villawood, but Ms Wilson is better placed to say. They may have moved.

Senator Chris Evans—We can get you the exact information. To characterise it for the information you are seeking, most of them would still be there or in another detention centre. I think most of them are there. But as they have been put on the removal action list, as it were, we have had successive applications for them to be part of this action in the High Court. So we are now up to 17. I think we started with eight.

Mr Fleming—I think we started with eight individuals.

Senator Chris Evans—Now we are up to 17.

Mr Fleming—The other possibility is that some of those 32 may not have had their merits review decision handed down either. So there is any number of stages in the process that they might be at.

Senator HUMPHRIES—If they had an initial refusal and they have not gone home, they must still be in some form of immigration detention centre?

Mr Metcalfe—That is correct, Senator.

Senator Chris Evans—Unless they elected to go voluntarily, which I do not think they have.

Senator HUMPHRIES—That is what I have said. Either they have gone or they are here in immigration detention and nowhere else.

Senator Chris Evans—I think at least one of those persons is still on Christmas Island. We will get the breakdown for you as best we can.

Senator HUMPHRIES—I said that 32 were transferred but I think 34 were transferred to Villawood on 5 April. Of course, 89 detainees were also transferred to Villawood on 27 March. So all of this group had their claims rejected and were said to be on a negative or a removal pathway. According to DIAC, as at 17 May there were still 122 IMAs at Villawood. Have all these people had their refugee status refused?

Ms Larkins—We have not got that data, Senator Humphries. We have not got it broken down by the date of transfer. We can get that for you. We can take that question on notice but we do not have that with us now.

Senator HUMPHRIES—If you could, please. Can you assure us, Minister, that none of these people who have been transferred from offshore to Villawood have been given a right of access to Australian courts by virtue of that transfer?

Senator Chris Evans—Senator, the advice I have very strongly is that moving people to the mainland does not impact on their legal rights. Those excise offshore persons carry with them those legal rights whether or not they come to the mainland. I will ask Mr Metcalfe, who is a lawyer and is more experienced in these things, to reply formally. I note, however, that under the previous government quite a few people were brought to the mainland off Christmas Island.

The previous government operated under that same advice because they brought people here for medical and a range of other reasons, not in large numbers—I will have to go back and check—but 10s rather than hundreds. The previous government also operated on that assumption. I would rather that Mr Metcalfe, who is more capable in these areas, answer the question more specifically.

Mr Metcalfe—Senator, I can confirm what the minister said. The legal status of irregular maritime arrivals, as I am sure you know, is determined by their place of arrival. For those who arrive at excised offshore places that brings the status of being an offshore entry person. We take them to Christmas Island for processing. If a person with the status of offshore entry is subsequently moved from Christmas Island to the Australian mainland, it is simply a case of transferring a detainee from one place of detention to another. Their underlying status as an offshore entry person does not change. An offshore entry person does not gain any additional rights or access to any different processes by virtue of being transferred to the mainland. Their status remains unchanged. That is the framework that was put in place in 2001 and it has not changed in that time.

Senator HUMPHRIES—Is it not true, Mr Metcalfe, that under the previous government detainees who had been rejected were not transferred to the mainland except for things such as medical emergencies? When their claims had been rejected they were then removed off the island; they were not housed on the mainland before they were sent home?

Mr Metcalfe—I would have to check. I do not have a complete recollection on those issues as I was not in the portfolio throughout the whole time. I think, to be safe, from my perspective and from yours, I should take that question on notice. I certainly do recall that people were transferred from Christmas Island to the mainland. Medical reasons were the reasons that come to mind. It was understood that that did not affect their underlying status.

Senator HUMPHRIES—If we had the same legal advice as Minister Evans says that he now has, it would be strange if we were not able to freely bring people to the mainland and house them there while awaiting transfer to other countries. There must be something different about the situation.

Mr Metcalfe—What was happening at that stage, of course, was that by late 2001 people were being taken directly from Christmas Island to Nauru and then to PNG.

Senator HUMPHRIES—You are saying that, had these people not been transferred to Villawood or to the mainland, they would still have been able to mount these eight separate legal actions in the High Court?

Mr Metcalfe—Oh yes. These cases are being brought in the High Court in its original jurisdiction under section 75(5) of the Constitution. That is capable of occurring from Christmas Island or from the mainland; that makes no difference to the Constitution. Christmas Island is part of Australia for constitutional purposes. It would be interesting to see how various arguments are put in court. But I do not think there is any doubt—there has never been any doubt—that the High Court has an original jurisdiction for any person in Australia, regardless of what status they may be given by the parliament.

Senator HUMPHRIES—An offshore non-citizen is—as far as you are aware—capable of bringing an action in the original jurisdiction of the High Court.

Mr Metcalfe—That has certainly always been my understanding. So far as I recollect—and I was involved in preparing the legislation in 2001—that was our understanding back then.

Senator HUMPHRIES—Are transfers from Christmas Island subject to the transitory persons provisions of the Migration Act?

Mr Metcalfe—No. I understand that that the transitory persons provisions relate to transfers from Christmas Island to overseas countries.

Senator HUMPHRIES—Directly to overseas countries, not via the mainland?

Mr Metcalfe—Let me be more specific. The transitory persons provisions were introduced to permit the bringing into Australia of persons from overseas countries such as Nauru.

Senator HUMPHRIES—Who do not have visas or passports?

Mr Metcalfe—That is correct. I think the definition of ‘transitory person’ is in the Migration Act but my understanding is that transitory persons essentially are people being brought into Australia from Nauru, for example, for medical treatment.

Senator HUMPHRIES—Under what provision are they transferred? Is there a provision in the Migration Act?

Mr Metcalfe—Transitory persons or offshore entry persons?

Senator HUMPHRIES—The IMAs who are refused protection visas.

Mr Metcalfe—For offshore entry persons there is no requirement. I will check on this and correct my advice on notice if I am wrong. However, my understanding is that the movement within Australia of offshore entry persons is simply understood to be able to occur because the underlying status accrues to the person because of the circumstances and the place of their arrival. The key section is section 46A of the Migration Act, which essentially places a bar on a visa application from an offshore entry person.

The only way that that person can access the Australian visa regime is if the minister exercises a non-compellable power allowing that person to make an application. I think we were talking yesterday about the circumstances in which that occurs—that is, if, after a refugee status determination process and health and security checks, it is determined that a person is in fact owed Australia’s protection.

Senator HUMPHRIES—I would still have thought that you needed a specific provision in the act to allow a person who is not a citizen, who does not have a visa and who does not have

a passport—at least not an Australian passport—to be transferred through the Australian mainland.

Mr Metcalfe—It is because the person is in Australia and is in immigration detention; therefore, they do not require a visa. In fact, a visa would give them a lawful status.

Senator HUMPHRIES—What section of the Migration Act says that?

Mr Metcalfe—That is provided for by section 46A, to which I referred, and the definition section, section 5, where the ‘offshore entry person’ concept is established. None of this has changed since 2001. It is the same regime that was in place in 2001. It was quite specifically understood that offshore entry persons, people arriving without a visa, at an excised offshore place—Christmas Island, Ashmore Reef and the Cocos, and then the extension to other islands in the north of Australia—keep that status forever and can apply for a visa only if the minister exercises a non-compellable power.

Senator HUMPHRIES—My advice is that when we were in government we put in place the transitory persons provisions to allow for people to be transferred from Nauru through Australia to overseas locations.

Mr Metcalfe—That is correct. An ‘excised offshore’ person is in Australia; it is unlawful and therefore the movement of that person within Australia from Christmas Island to the mainland or to Cocos—

Senator HUMPHRIES—An excised offshore part of Australia?

Mr Metcalfe—Precisely. The underlying status of that person and the bar on them being able to make a visa application remain with that person regardless of where they are in Australia. I understand that the transitory person provisions were introduced in 2002 through an act called the Migration Legislation Amendment (Transitional Movement) Act 2002. That contemplated the different circumstances of a person who was outside Australia, in a foreign country—in Nauru or in Papua New Guinea—being brought into Australia. It is an offence to bring a person to Australia without a visa. It is an offence for the master, captain et cetera of the vessel to bring a person to Australia without a visa.

That legislation was devised to allow people to be brought to Australia without a visa, and it enabled them to be kept in Australia in detention in those particular circumstances. Interestingly, it did provide that if they had been in Australia for six months they were, in fact, able to seek access to a refugee status determination process and review by the Refugee Review Tribunal. So they accrued some rights to access the statutory arrangements. That does not apply to offshore entry persons, who do not have rights to access the Refugee Review Tribunal. Their review process is through the independent review that we were talking about earlier.

Senator HUMPHRIES—Are any of the issues inherent in this legislation about the right to be held in detention under the Migration Act, the right to pass through Australia and so on—any of those issues we have just talked about—being canvassed before the High Court in any of those eight actions to which you just referred?

Mr Metcalfe—I am sure that lawyers for the applicants will canvass many things. I have not looked personally at the particular claims that are being brought. My understanding

though, in general terms, is that they are essentially arguing that there has been a breach of natural justice associated with the process. But I am not aware of whether there are technical arguments relating to the operation of that legislation.

Proceedings suspended from 3.42 pm to 4.02 pm

Mr Metcalfe—Could I complete an answer, Senator?

CHAIR—Yes. We do not have a minister here, though, so I will be assisted by Senator Humphries as to whether he is happy to proceed.

Senator HUMPHRIES—If I have any questions for the minister, I will wait for the minister to come.

CHAIR—Mr Metcalfe, you are happy with that?

Mr Metcalfe—If there are any questions I believe should be answered by the minister, I will indicate that.

CHAIR—You are happy if we keep going without Senator Evans here?

Mr Metcalfe—Yes, I am quite happy. The minister indicated that he may be a few minutes late.

CHAIR—Let us continue.

Mr Metcalfe—I will complete the advice I was giving to Senator Humphries earlier. It would be useful if I referred you, Senator, to section 5 of the Migration Act, which contains the definitions for an offshore entry person and the definitions for a transitory person. I refer you to section 46A, which provides for offshore entry persons being unable to make a visa application unless the ministerial non-compellable power is exercised, and I refer you to section 80, which provides that, if a person with offshore entry person status is transferred to the mainland, that transfer does not affect that status, as I described earlier—that underlying status that attaches to them as a person—even if that person travels through international waters. It contemplated that, if a transfer was effected by sea and the person left the Australian territorial sea around Christmas Island and travelled through international waters prior to approaching the Australian mainland, that status was not affected, even though in practical terms the transfers in the majority of cases are effected by air.

I also refer you to section 198B, which is used to bring a transitory person to Australia, and section 198C, which provides that, if a person, being a transitory person, is brought to Australia, the person may request the RRT for an assessment as to whether that person is a refugee. I confirm that those provisions have not changed since they were introduced in 2001 and 2002.

Senator HUMPHRIES—Thank you for that. The committee has received a document that I think is from DIAC headed *Immigration detention statistics summary*, which sets out, as at 7 May 2010, all the places of immigration detention and the break-up between men, women and children in each place. Can we have an update of that, please?

Mr Metcalfe—That is until 7 May, is it?

Senator HUMPHRIES—Yes, 7 May.

Ms Wilson—The updated one for 21 May is due out shortly.

Senator HUMPHRIES—It is due out shortly?

Ms Wilson—Yes. It is prepared every fortnight.

Senator HUMPHRIES—We can look at that. This does not contain countries of origin. Is it possible to get that information with countries of origin added in?

Mr Metcalfe—We can probably read that out to you.

Ms Wilson—On the third page in the version I have dated 7 May, it has ‘People in immigration detention by nationality’.

Senator HUMPHRIES—Yes, but that is the total population in immigration detention. I was hoping to get it by place of detention.

Ms Wilson—Place of detention by nationality?

Senator HUMPHRIES—Yes. For example, in Villawood, how many are there of each nationality are there? In northern IDC, et cetera?

Ms Wilson—We are putting that together in response to Senator Hanson-Young’s question this morning anyway, so we will be providing that later.

Senator HUMPHRIES—Great. I have some questions about the Serco contracts and I will put those on notice. I want to ask about health, character and security assessments. Are you able to tell me how long it is currently taking for ASIO to make security assessments of offshore entry persons?

Mr Correll—That is a difficult question to answer because, depending on the individual case circumstances, that time can vary quite dramatically, from weeks and months at one end of the spectrum to a matter of several days at the other end of the spectrum. We would have data on the overall broad average time for processing those security assessments on Christmas Island, but I just highlight that they need to be treated with caution because the circumstances of individual cases have quite dramatic impacts on the time lines involved. We would have that information available. I would just want to make sure that our colleagues at ASIO had no concern with us tabling that, but that data is available.

Senator HUMPHRIES—All right. If you will take that on notice, I am happy with that. ASIO still has a presence on Christmas Island, I assume?

Mr Correll—Not necessarily continuously.

Senator Chris Evans—He would have to kill you.

Senator HUMPHRIES—What?

Senator Chris Evans—He would have to kill you if he told you, Senator.

Senator HUMPHRIES—Right. He is doing that slowly anyway.

Mr Correll—They certainly have.

Senator Chris Evans—Don’t feel picked on. He does it to me too.

Mr Metcalfe—That will make our staff newsletter, Senator. It is correct to say that ASIO of course are intimately involved in the processing. They deploy staff regularly to undertake that work.

Senator HUMPHRIES—I think on the last occasion we asked whether every IMA was interviewed by ASIO—I cannot recall the answer. Can you tell me whether it is the case?

Mr Correll—The answer would have been no.

Senator HUMPHRIES—That is right. There were special issues that might give rise to concerns that would lead to an interview, weren't there?

Mr Correll—Yes.

Senator HUMPHRIES—Can you tell me how many detainees in this financial year to date have been referred to ASIO for security checks on the initiative of DIAC?

Mr Correll—Detainees generally, rather than IMAs?

Senator HUMPHRIES—No, I am thinking of IMAs.

Mr Correll—In relation to IMAs, all IMAs participate in what is called an entry interview. I think we described that earlier in the proceedings. That entry interview is then accessible to both ASIO and the Australian Federal Police. They will use that piece of information from the entry interview plus potentially any other information they might have to make a judgment about who they wish to interview. It does not quite work along the lines of DIAC referral: it is more a referral of who ASIO wants to interview.

Mr Metcalfe—There are standard procedures about security checking also laid down in the security checking handbook, Senator. We closely adhere to those procedures. That applies beyond the IMA caseload to a whole range of people that ASIO need to assess.

Senator HUMPHRIES—How many IMAs in the course of this financial year have had ASIO security checks?

Mr Metcalfe—We will take that on notice.

Senator HUMPHRIES—Can you also tell me how many have received negative assessments?

Mr Metcalfe—We will take that on notice as well.

Senator HUMPHRIES—Are there any cases in which ASIO has changed its assessment in the light of later information or for any other reasons?

Mr Metcalfe—We will take that on notice.

Senator HUMPHRIES—How many people are arriving as IMAs without documentation at the moment?

Mr Metcalfe—We could probably give you a general answer and then provide more detail on notice.

Senator HUMPHRIES—Yes.

Mr Correll—I think the answer would be substantial numbers of IMAs would be arriving without documentation. It may be a practice of people smugglers to want to ensure that they

take possession of appropriate travel documentation before the vessel gets near to a relevant point where they would be intercepted. So significant numbers are arriving without travel documentation. I would have to check to determine whether that is widespread or just significant numbers, but it is quite a substantial proportion who would arrive without travel documentation.

Mr Metcalfe—It is certainly the bulk, yes.

Senator Chris Evans—Senator, I know the opposition spokesman seems to have focused on this a bit but it has always been thus that a lot of people arrive with no documentation or with false documentation—not false documentation necessarily to mislead us but to get them through a transit country where the people smuggler has given them, if they are Afghani, a Pakistani passport or a travel document et cetera. It has always been thus. Yes, many come without any travel documentation, some of which they have travelled without because of concerns about carrying it with them, or they have travelled on false documentation which they would destroy or present but not claim to be that person.

Identity, as you know, is one of the huge issues confronting us in this area and many others. The Palmer and Comrie reports focused on the problem with Cornelia Rau and others about identity. The one thing we have done is roll out biometric testing of all persons who arrive on Christmas Island. Each submits to a biometric test. We try to match that against various databases to which we have access under our exchange agreements with other countries. That has been a big help in the identity process. It is not a total answer to the problem but it is a big step forward. Mr Correll is better on the detail than I am but, yes, people arrive without papers; yes, they always have, and I suspect they always will.

Mr Correll—That is a practice that applies to air arrivals as well where papers can be disposed of on the last leg of the flight into Australia. It is not an unusual practice.

Senator HUMPHRIES—But in such instances, you also have cases, haven't you, of people destroying documentation because they may feel that the real evidence of who they are or where they come from is unhelpful to their chances of being accepted.

Mr Metcalfe—Certainly identity fraud is a key issue that we have to deal with to get to the bottom of who a person is, where they really come from, and therefore what their situation might be upon returning home. Yes, this is a major feature of our work.

Mr Correll—This is where the biometrics aspect is very important because it can, and has, identified identity fraud circumstances.

Senator HUMPHRIES—Would it be true to say that nobody whose identity cannot be ascertained is capable of obtaining refugee status in Australia?

Mr Metcalfe—Yesterday I think we went through a discussion about how we seek to establish identity. There is significant instructional material and training developers about establishing a person's base identity, particularly where the client offers us an identity, what documentations they have or do not have, and a range of additional material. Ultimately we have to make an assessment as to who the person is, what their nationality is and what their claims are. Part of the refugee status assessment does go to credibility—an assessment by a

trained Australian officer as to whether the person is telling the truth or what the particular circumstances might be.

These are very complex and deeply personal issues at times as to whether we are being told the truth, whether we are being told mainly the truth or whether we are being told complete lies. All those issues are factored into our decision making and are factored into review processes that occur as well.

Senator HUMPHRIES—If you believed that a person was lying or was not providing truthful information, would that indicate that they were capable of being granted refugee status?

Mr Metcalfe—That would raise serious claims of credibility on the basis that they were misleading to us. That would often lead to a decision that a person would not be granted refugee status.

Senator Chris Evans—But, Senator, of course it is not that simple because, having done that, you then have a person and you do not know who they are, a person who is not a refugee, but who is in your detention. What do you do with them then? You cannot establish that they are a national of another country. You cannot get papers for them.

When we came into government, I inherited a number of cases that previous ministers had been dealing with. Previous ministers had a whole range of them beforehand. Identity issues are among the most challenging for the system for ministers. Sometimes you have people whose mental health condition is such that they may not know even who they are. There will always be an element of best judgements, but it is one of the most difficult issues that confronts the system when people either will not tell you or do not know their own identity.

Mr Metcalfe—That is right. We do see those cases. There have been some pretty celebrated cases over the years. It is one of the hardest parts of our job.

Mr Correll—We have a very wide array of training materials for our people in the area of identity management. Indeed it is an area in which we have some very high capability in the organisation. In the final analysis, if there is a difficult particular case, we also have a specialised unit, which is our national identity verification unit. It can undertake far more intensive investigations to establish, in particular, uncertain cases of identity. That is constantly dealing with a caseload.

Senator HUMPHRIES—Yes.

Mr Correll—It is a difficult issue but we have extensive training in the organisation and skill sets to try to address it.

Senator HUMPHRIES—I want to ask some questions about the processing freeze that was announced last month. The department has an objective to ensure availability for immigration processing for people who make an application to the Australian community. I might have mis-stated the wording of the way in which it is described, but one of the objectives of DIAC is processing applications for immigration or asylum.

Mr Correll—Yes.

Senator HUMPHRIES—How does it reconcile that departmental objective with a decision not to process for a period of time the applications of people from two particular nations?

Senator Chris Evans—Let us be clear: this is government policy. Mr Metcalfe cannot answer that other than to say that he is charged to implement government policy.

Mr Metcalfe—That is right.

Senator Chris Evans—Our policy is that he is required to suspend processing of those applicants. I have to take the rap for that as the government, not the department.

Mr Metcalfe—I was just going to add that we discussed this with Senator Hanson-Young. There is, in our view, very strong legal advice that we are not under an obligation to immediately process an application. Ultimately we do have an obligation to process an application. The minister has made it clear that ultimately applications would be considered but there is no compulsion on it happening on day one, on day 10, on day 60 or on day 90. That is the legal underpinning of the policy approach that the government has taken.

Senator HUMPHRIES—Okay. Is there a provision in the Migration Act that allows the department to defer or to suspend the processing of asylum seeker applications?

Mr Metcalfe—The processing of asylum applications from irregular maritime arrivals does not occur under the Migration Act. Previous to the discussion we were having about offshore entry persons, by definition they are unable to make an application pursuant to section 46A unless the minister allows them to make an application.

In practice that means the entire process of entry screening and refugee status determination is an administrative process taken under the department's general administrative responsibilities, but it is not a statutory process under the Migration Act.

Senator HUMPHRIES—It is a process, though, that is prescribed or governed in some way by Australia's international obligations, is it not?

Mr Metcalfe—It is. Certainly we believe that our process, of establishing whether a person is raising prima facie claims that may go to our protection obligations and, if so, providing them with assistance and considering those claims, is absolutely in accordance with our international obligations. I make the point that that process for IMAs is not occurring under the Migration Act. What occurs under the Migration Act is that, if the department forms a view that a person is owed protection and meets the health, character and security requirements, the minister is invited to exercise his non-compellable power, which allows the application for a visa to occur. The protection visa process thus occurs very quickly because all the requirements have been met. That is the way that operates.

For the sake of completeness, I point out that in relation to persons who apply onshore there is a statutory entitlement to apply for a protection visa. That is given effect. The suspension is being put in place administratively through a ministerial direction that we will consider other applications in advance of applications of people from those two countries. As we heard yesterday, there are very few applications, particularly from Afghanistan, onshore. There are some from Sri Lanka, but we have many more from other countries, particularly China. Those other countries where the country information is not changing in the way that it

is for Afghanistan and Sri Lanka, nationals of those countries are being processed before any applications from Sri Lankans or Afghans onshore. We are very confident that that is in accordance with our legal obligations.

Senator HUMPHRIES—You are saying that there is nothing in Australian law to prevent the indefinite detention of an offshore applicant for asylum.

Mr Metcalfe—We have had advice over the years that migration detention, or detention for administrative purposes associated with migration, must not be arbitrary in constitutional terms. There is no statutory provision on the maximum period of time for which a person can be held in immigration detention. There is a general view that that cannot be indefinite detention, but it certainly can apply for a significant period of time.

Senator HUMPHRIES—Has the department or the minister sought legal advice on the implications of the decision to freeze applications of people from these two countries?

Mr Metcalfe—I am sorry—

Senator Chris Evans—Yesterday I indicated to Senator Hanson-Young that we acted on the basis of legal advice. We took legal advice before we made the policy decision.

Senator HUMPHRIES—Okay. In April the foreign minister and you, Minister, claimed that other countries also had frozen the processing of protection claims from Sri Lanka and Afghanistan. Which countries are they?

Senator Chris Evans—We dealt with this yesterday also, but the prime example I used was Australia under the Howard government.

Senator HUMPHRIES—I know that it was a different world in many respects, but I do not think it was a different country.

Senator Chris Evans—No.

Senator HUMPHRIES—Which other countries have had such a freeze on the processing of such claims, as you said in April?

Senator Chris Evans—I went through it yesterday, but a number of the countries have indicated informally that they have done this, albeit not by formal means. There was some uncertainty around that information, but I can get you a full answer on notice, unless one of my departmental officers can help. Mr Hughes, who is handling that matter, is not here today because he had to go to his mother-in-law's funeral.

Mr Fleming—Just to build on the minister's answer, one of the issues is that other countries can manage these things by putting certain cases to the bottom of the pile but we get through our pile so quickly that we cannot get the same effect that way.

Senator HUMPHRIES—So these are very informal arrangements and we do not necessarily know when these things are happening if they are not publicly announced, do we?

Senator Chris Evans—One of the differences in this country, which creates a lot of advantages and a whole range of consequential issues, is that we mandatorily detain people. A whole set of consequences flow from that that other countries which do not detain people do not have to deal with. For instance, many countries leave people in the community for many years without processing their applications. Part of the problem, as Mr Hughes always tells

me, is trying to compare apples with oranges. It does make comparisons difficult. I always hate it when he says that, I might add.

Senator HUMPHRIES—Madam Chair, I have a brief meeting to attend in the ministerial wing. I will be 10 minutes or so, but Senator Barnett will be asking some questions in my absence.

Senator Chris Evans—I hope it is an execution, is it? Are you crossing over, or is it an execution?

Senator HUMPHRIES—It might be getting someone who is crossing over from your side.

Senator BARNETT—On what basis, or on the receipt of what information from what source, will the department make a further assessment as to whether the freeze on the processing of claims from Afghan and Sri Lankan asylum seekers should be lifted or continued?

Senator Chris Evans—That is a decision for cabinet.

Senator BARNETT—What are the criteria, the protocol and the procedures that relate to that decision?

Senator Chris Evans—It is a decision of cabinet.

Senator BARNETT—Does that mean that there are no criteria or protocol?

Senator Chris Evans—Obviously we will get—

Senator BARNETT—I am asking about protocol; I am not asking about cabinet decisions.

Senator Chris Evans—No, but you asked what protocol would be applied. I am telling you that it is a cabinet decision. So consideration will be given by cabinet. I am making the point that the department will not be making a decision. It is a cabinet decision.

Senator BARNETT—But what criteria apply? Is it the same answer?

Senator Chris Evans—It is the same answer. We have indicated the rationale behind the original decisions, and we have indicated that we will review those decisions. But that is a decision for cabinet. The criteria that cabinet applies will not be made public at estimates.

Senator BARNETT—Perhaps you can recap the rationale behind the decision that was made. We did touch on that last night, but I would like you to summarise it.

Senator Chris Evans—I think it is fair to say that we did it at length. In summary, the Australian government considered the fact that there were significant changes in country information occurring in both those countries. We had increased reporting of changed circumstances, particularly in relation to the caseload that Australia was seeing. We had started to see a change in decision rates from applicants from those countries. Based on that country information and the fact that a number of serious organisations were beginning to revise, or were about to consider revising, their advice on those countries, we decided to suspend processing new applications from arrivals after the date of decision. That decision was taken by cabinet and publicly announced. We have the advantage of continuing to process those applicants who had already arrived in Australia. Part of the consideration for us is

assessing the outcome of asylum claims from those who had already arrived. Consideration will be given to the changing country information, international experience and a whole range of reporting when the government considers whether or not to extend the suspension.

Senator BARNETT—Just regarding this issue about the relevant country information, can we focus on Afghanistan for a minute. Remind me: it was six months for Afghanistan, wasn't it?

Senator Chris Evans—No later than six months.

Senator BARNETT—And Sri Lanka was three months?

Senator Chris Evans—That is correct.

Senator BARNETT—What is the differential between the two? I presume that that was primarily related to the country information that you have with respect to—

Senator Chris Evans—Yes, they were separate independent decisions on assessing Sri Lanka and the rapidly improving circumstances there and expected further changed country information reporting. We decided on a suspension of three months for Afghanistan, given all the factors and reporting at play. The decision was taken that six months would be a more appropriate time frame.

Senator BARNETT—But that was based on an improvement in the country conditions?

Senator Chris Evans—The reporting on Afghanistan has been changing. A lot of people misunderstand this and they sort of say, 'But Afghanistan is still an unhappy place; therefore, everyone must be a refugee.' Of course, the reality is that millions and millions of people all around the world live in countries that are unhappy places. Some of them would be refugees and others may not be. That assessment is by a relevant authority assessing their claims against the refugee convention. Just because a place is unhappy or there is violence in certain parts of the country does not make everyone who leaves that county a refugee.

Increasingly we are getting new country information, which points to improvement in governance after the democratic elections there and changed safety conditions in some of the provinces. It is quite a mixed picture, depending on which province you are in et cetera. One of the key factors is that a large majority of the Afghan asylum seekers who have come to this country in recent years have been of the Hazara minority, and there is increasing information that the conditions of the Hazara minority have improved in many parts of Afghanistan. They have been a much persecuted minority in Afghanistan over many years, but with the election of democratic governments and changed circumstances there is increased reporting that they are more able to access education and jobs and to live in relative safety.

That is a complex picture and I do not want to pretend that it is simple. It is much more complex than I have described, reading the country information. But it is on the basis of that sort of reporting that we are seeing changed country information. I must say that our experience in recent months of the assessment of refugee claims by the department is that the percentage of Afghans succeeding in their asylum claims has dropped considerably. We do not have final numbers on that and people have review rights, but there is very much a changed pattern of decision making occurring, reflecting that new information. While a decision maker considers the individual claim—they consider Guy Barnett's claim against what may have

happened to him—clearly, what the state of the country is like is an issue. If Tasmanians as a group are persecuted on the mainland—

Senator BARNETT—As they are.

Senator Chris Evans—As they are. Then that would be a significant factor in his individual claim. So country information is very important.

Senator BARNETT—Indeed, I can see that. The Hazara people, I think, have been persecuted over many years.

Mr Metcalfe—For centuries, I think. But I think we are seeing, as the minister said, that while there may be elements of discrimination our decision makers are reaching the view in quite a few cases that it does not amount to persecution for the purposes of the convention.

Senator BARNETT—How many of our irregular maritime arrivals are Afghani and how many of the Afghani are Hazara?

Mr Metcalfe—I will see whether we have a figure. I think we have said that around 70 per cent of our IMAs are Afghans. That number fluctuates but across the course of the year it is about 70 per cent.

Senator Chris Evans—Mr Fleming, do you have a breakdown within the Afghanis?

Mr Fleming—Within the Afghanis it is nearly 100 per cent Hazara.

Senator BARNETT—Really—nearly 100 per cent?

Mr Fleming—Yes. And we had three non-Hazaras.

Senator BARNETT—So this is a very—I will not say isolated—dedicated focus on the Hazara people.

Mr Metcalfe—It is quite a specific issue. That is why the minister said that, while Afghanistan is a complex country with different ethnic groups, tribal groups and security situations in different provinces, we are seeing a fairly specific group of people coming from a fairly specific place with a specific set of circumstances applying. So, while the suspension applies to all persons from Afghanistan, in effect we are talking about people of Hazara ethnicity. The information we have been receiving in recent months has led to a more optimistic view as to their future back home.

Senator BARNETT—Can you give any key performance indicators for the Hazara people in relation to access to education, health and jobs and, in particular, safety, security and the avoidance of persecution? Do you have statistics to support that?

Senator Chris Evans—Not so much statistics; we rely on reporting from the United States State Department, NGOs, the Finnish government and the UNHCR. We can take this question on notice and refer you to some of the key sources of information. They do not necessarily have statistics, but they report on what they know about the country information and the treatment. We can send you some of the key references.

Senator BARNETT—Thank you. That would be appreciated. Clearly, there was a significant shift amongst the Hazara people with respect to their safety, security and those other key performance indicators for the decision to be made.

Mr Metcalfe—Yes, that is right. A year ago we were finding virtually all Hazaras to be refugees. With the information that has become available to us over the last few months, we are now coming to the view that a substantial proportion is not refugees. As I said, I did not want to get drawn into particular figures because it is fairly early days and our teams are continuing to examine those issues closely. But that was very much one of the key factors around the decision for us take stock as to what the situation is.

Senator BARNETT—I do not have the decision in front of me but I think it was on 21 April or thereabouts. It has been about a month, is that right?

Mr Metcalfe—I think it was earlier. I thought it was about 8 April.

Senator Chris Evans—It was about 8 April—so about so six weeks.

Senator BARNETT—Six weeks?

Senator Chris Evans—About 8 April.

Mr Metcalfe—It was 9 April, Senator.

Senator BARNETT—Six weeks or so or thereabouts. Is there any reason to believe that there has been a significant change in the conditions, or can you confirm that it is consistent with what you have just outlined over that six-week period? Is that a tough question?

Senator Chris Evans—As I said, it is a decision for government. With the Afghans it is a six-month suspension—so we are six weeks into a six-month suspension. I have not been looking to make—

Senator BARNETT—It is something that you would monitor?

Senator Chris Evans—Yes. We are following any new reporting. We will be monitoring the outcome of our decision maker's decisions. If there is a new UNHCR or State Department report, obviously that would be taken into account.

Senator BARNETT—I appreciate that. Thanks, Minister. Was one of the key events the election and the fact that the new government was more conciliatory towards those people?

Mr Metcalfe—I would describe it as one of several factors. I think the minister outlined the range of factors that all add up to the particular situation in which people find themselves in their day-to-day lives.

Senator Chris Evans—I just make the point that these decisions are made by individual decision makers, not by the government or by the department per se. They are officers of the department, so I have no control over and no engagement with the decision maker. We have large numbers of decision makers who assess each claim. Trends have emerged and the circumstances on which they will be hanging their decisions will be different across the caseload—but you do get a trend.

Senator BARNETT—I appreciate that. The evidence we had before from the department was that the freeze is in place for six months, and consequently three months with Sri Lanka. The prediction was that that would not continue. That is my understanding of the evidence.

Senator Chris Evans—They can operate only on the basis of current government decisions.

Senator BARNETT—That is right. With respect to Sri Lanka, conditions have improved. I think that is reasonably common knowledge. Can you point to any particular events?

Senator Chris Evans—We made the announcement after the conduct of the general parliamentary elections. That was the second election. They had had the election of the presidency and then they had the parliamentary elections. While there were some issues around that, generally they were accepted as being democratic elections. That is a sign of normality returning to the country. We have knowledge that the number of people held in camps in the north are coming down quite quickly. At one stage it was 250,000 or 300,000 and I think the numbers are now down to under 100,000. So people are leaving the camps and are being resettled back in their own territories. There are a range of factors like that—the elections and increased security. Last night I referred to an article that was posted on the UNHCR site a few weeks ago which talked about the returns and people being able to resettle. I think we made public at the time that the UNHCR is currently reviewing its country assessment as its current one is quite old.

Senator BARNETT—I am not an expert on Sri Lanka by any means.

Senator Chris Evans—Nor am I.

Senator BARNETT—But most independent objective assessments of where things are going indicate that that will continue to improve over a period. Therefore, there would be either a reasonable expectation or a fair expectation that the government policy could be extended further than the three months.

Senator Chris Evans—We will make that decision at the time. In the longer term we are looking at whether or not improved country circumstances mean that most Tamil people from Sri Lanka would be able to return and live peacefully and safely in Sri Lanka. If they are able to do that, they are not found to be refugees and therefore they are not in need of resettlement. Again, you do not want to be too definitive about what might happen. Things may turn sour again. We just do not know. The decision makers make a decision at the time of considering the application. But the signs about Sri Lanka and the reporting about Sri Lanka are much more positive than they were a year ago or a year and a half ago. But that could be fluid. As I said, there is some significant changing in country reporting and there are a couple of other significant reports due in the next month or two which could be influential.

Senator BARNETT—We will watch this space. I think you have given us the numbers of Afghans and Sri Lankans.

Mr Fleming—I have a minor correction. I think I inadvertently said before that we had only three non-Hazara Afghans. I do not have the absolute number but it is substantially below one per cent of non-Hazaras.

Senator BARNETT—Thank you. You can let us know if it is any different. Thanks, Mr Fleming. What is the estimated cost of holding the Afghani and Sri Lankan irregular maritime arrivals that we currently have?

Senator Chris Evans—Do you mean the additional cost in delaying their processing?

Senator BARNETT—Yes.

Senator Chris Evans—We will have to take that question on notice, Senator, so that we can give you a decent figure.

Mr Metcalfe—That was sort of caught up in the discussions we had this morning, Senator. But if we can provide a specific figure we will.

Senator BARNETT—It would be good if you could to the best of your ability.

Mr Metcalfe—Yes.

Senator BARNETT—How many Afghanis and Sri Lankans have been issued visas by Australia at overseas posts in the past year? Can you advise which posts, what kinds of visas were issued and whether any protection visas were issued?

Mr Metcalfe—I will take that question on notice because we will have to go post by post and visa by visa. No protection visas would have been issued overseas because they are issued only in Australia. But we would have taken a significant number of refugees or people under the special humanitarian program, and those folks are largely processed through our post in Dubai. So I think we will see a substantial number of refugee or humanitarian visas being granted in Dubai and probably quite small numbers of visas being granted for tourist or business purposes. But we will take that question on notice.

Senator BARNETT—Regarding the Afghanis, I think it was in Amman, Jordan—at the primary post.

Mr Metcalfe—No, Dubai.

Senator BARNETT—Was it Dubai?

Mr Metcalfe—Yes, Dubai. There would probably be some work done as well in Islamabad for Afghans.

Senator BARNETT—I thought you said in evidence yesterday that it was Amman.

Senator Chris Evans—My recollection is like yours: that someone talked about some processing at Amman. Is that right?

Mr Fleming—We were talking about processing in Amman, but that would be an Iraqi humanitarian caseload primarily, not Afghani.

Senator BARNETT—When was the last time Australia processed a protection visa from either of these two nationalities, either onshore or offshore? We have dealt with the offshore because you were saying that that does not happen.

Mr Metcalfe—We certainly process refugee visas. We will check on the protection visas onshore and let you know, but the numbers will be very small. I think we heard yesterday from the principal member of the tribunal that only one or two Afghan cases came to them. They would have gone to them from us—following a refusal of a visa by us. We may have approved some as well but the numbers would be quite small. We will take that question on notice, Senator.

Senator BARNETT—And just let us know where that was done, if you can. I presume that you would know that.

Mr Metcalfe—Yes. If it was a refugee visa it would have been done through our offices in Sydney or Melbourne. That is where those visas are processed.

Mr Metcalfe—I think we have covered that. We spoke this morning about the fact that UNHCR is active under regional cooperation arrangements in considering asylum cases in Indonesia. Malaysia I would need to check because of the way they might operate there. If we can add anything further to what we have said, I will take that on notice.

Senator BARNETT—You may have touched on this earlier. Are there any countries that have made a similar decision to Australia regarding the freeze? If so, can you nominate the country?

Mr Metcalfe—We were discussing that before, I think. I do not know whether the minister has anything to further to add on this issue other countries and whether there has been a suspension or a freeze. We had just had a discussion about that.

Senator Chris Evans—I have said all I can say on the matter. But we took the details on notice. Mr Hughes is not with us and he is the international expert. I will get him to provide any more detail we have.

Senator BARNETT—I have a supplementary question to that which relates to our legal obligations. The Human Rights Commission has a view that we are in breach or we are acting inconsistently with the UN Covenant on Civil and Political Rights and the Convention on Human Rights. I want to get on the record from the department and the minister your confirmation that we are not acting in breach of any international convention by making this decision.

Mr Metcalfe—The advice given to us indicates that the decision to suspend processing is lawful and that the decision to suspend processing is not unlawful or in breach of an international obligation. The fundamental point is the absolute requirement that we not refole a person who is a refugee. Clearly, that is not happening. It is simply that we are taking longer to consider a case than previously. I would note that we will still be considering cases much more quickly than many countries overseas, where asylum claims take years to determine.

Senator BARNETT—I think the Human Rights Commission is not the only entity. You would be aware of other entities in Australia, including NGOs, that have a view that we are acting either in breach or inconsistently with international obligations.

Senator Chris Evans—I was a bit surprised, Senator, that you were making a statement supportive of the Human Rights Commission. Given your track record in this regard, I was a bit shocked.

Senator BARNETT—It is very rare for me, indeed. I would not say it is a supportive statement. I am trying to get on the record is whether you have advice and legal advice to support your claim that it is legal?

Senator Chris Evans—I made it clear yesterday that we act at all times in accordance our legal advice. We have confidence in that legal advice. If people have legal advice to the contrary, that is the way lawyers work. We have sought the appropriate legal advice and we are confident in it.

Senator BARNETT—I can pass that view onto the Human Rights Commission, Minister. We have touched on this, but is the department aware whether the UK, the US, Canada, New Zealand or other resettlement countries have visaed Sri Lankans and Afghans in the last two financial years?

Mr Metcalfe—As refugees, I assume?

Senator BARNETT—Yes.

Mr Metcalfe—Certainly they would have. We would have to take on notice and provide you with what information we can, probably based on international material, about what the situation would have been for those countries. But, like Australia, the United States and Canada in particular are major resettlers of refugees and they would be resettling people from those countries.

Senator Chris Evans—I met with the UK's special envoy to Sri Lanka and he assured me that they were returning Tamils to Sri Lanka. That was some time ago when he was in Perth for a conference. I had a chance to meet him. They were returning Tamils to Sri Lanka at that time. People's claims were being assessed, but those found not to be refugees were being returned to Sri Lanka. That is certainly his advice to me and that is consistent with departmental advice. I will take on notice the other country experiences.

Senator BARNETT—Thank you for that. Have those countries refused to process onshore asylum claims?

Mr Metcalfe—I will check. My understanding is that they have not ceased processing. But I suspect that all of those countries have much longer processing times than Australia does. As the minister indicated, because we have a legal requirement of mandatory detention, we focus very rapidly on making assessments and decisions where information is clear and allows those decisions to occur. What we have now seen is changing and evolving information that makes us believe it would be sensible to defer some of that decision-making. If we were to have a look at decision-making in the United Kingdom, they have a backlog of many tens of thousands of asylum claims. The United States has backlogs of huge proportions, as does Canada. So the immediacy of our situation is quite different from other systems because those folks are usually not in detention, they are in the community, and they may be there for years can before a decision is made on their status.

Senator BARNETT—I know, but my question is slightly different to that; that is, do those countries refuse to process onshore claims from those two nationalities? You may not know that.

Mr Metcalfe—No, I will have to take it on notice.

Senator BARNETT—I am happy for you to take it on notice.

Mr Metcalfe—I have said that I will take that on notice. But, in taking it on notice, I point out that the systems are, to quote Mr Hughes, apples and oranges.

Senator HUMPHRIES—I think you said there was a predominance of Hazara among Afghan refugees and that you had evidence that the position of Hazaras in Afghanistan was improving such that it was likely in the future that they would be able to be safely returned to Afghanistan. I met a delegation of Australian Hazaras and representatives, or advocates for

them, about six months ago. They told me that they were very concerned about their position in Afghanistan and described discrimination against them as being systemic to the point where the Afghan government was actually complicit in that discrimination. I include actions which have led to the deaths of Hazaras. I would not have taken from that meeting any impression at all that the position of Hazaras was improving. Are you confident that the information on which you are relying is more up to date than that which I was given only six months ago?

Mr Metcalfe—Yes, Senator.

Senator HUMPHRIES—Can you describe what kind of evidence you have of that?

Senator Chris Evans—I took a question on notice from Senator Barnett earlier. I just want to be clear about this. There are established sources of country information provided by independent organisations, such as NGOs, the UNHCR and the United States Department of State, who report on countries and the conditions that impact on various groups inside those countries—the level of persecution, safety et cetera. They are independent sources which are made available to our decision-makers to make their individual decisions. The government does not have a formal view which then directs the decision-makers. It has operated the same in Australia for 30 years or more—post-war, I suppose. Individual decision-makers decide individual cases. What we are describing is what we have taken from the reporting we have seen of those source materials. They are the source materials that our decision-makers use, but they make the decisions.

I am sure that the Hazaras I have met with in recent months would contest some of that information, that is right. I think people will generally contest reporting on countries that are going through difficult times. People will contest the information about Sri Lanka and they will contest the information about Afghanistan. Decision-makers just have to make the best decisions they can with the information that is available. But they use reputable sources established over many years and they respond to that changed information, just like the tribunal did yesterday—the tribunal was discussed in this committee yesterday. I would not want to pretend it is not contested, and I also make it clear that it is not a government directive, but it is guidance to decision-makers based on independent sources and those sources are quite varied. The officers are better placed to comment.

Senator HUMPHRIES—As well as those international organisations, we have the advantage in this country of having a substantial population of expatriates. Has DIAC or anyone else in the government used those communities to verify the information that you receive from other sources?

Mr Metcalfe—I will check on that. We certainly engage with the community quite regularly. I will need to check whether reports of those conversations find their way into the country information service that is accessed by our officers. The other key aspect here, of course, is that we have an embassy in Kabul. We receive reports from the embassy about their assessments, what they are observing and what is being reported to them from people in the country. But the minister is quite correct: we provide the most up-to-date and objectively based information that we can to our decision makers. We have seen some changes in that

information in the last few months, and that has led to the changes that we have been describing.

Senator HUMPHRIES—Senator Barnett has already covered this, but that raises the question that assessing individual circumstances of particular applicants is still surely the best way to make a determination. To not consider someone's application because they fall into a category which is now considered somehow different in nature might be said to be treating people with a complex range of circumstances in an inflexible way.

Senator Chris Evans—Some people might say the same about issuing them with a temporary protection visa, but we will not have those arguments here. All I can say in response to that is that everyone will have their claims assessed against the refugee convention. No-one will be refused, no-one will not have their claim assessed and, under this government, not only do they get their claim assessed but they get a review, which was not the case under the previous government.

Senator HUMPHRIES—They also get extended detention, which this government said it would not engage in.

Senator Chris Evans—I am happy to match my detention statistics with yours any day of the week.

Senator HUMPHRIES—You have been spending a great deal of time over the last two days comparing yourself with the previous government. You are relying on the standards used by the previous government to justify some of your decisions.

Senator Chris Evans—We have had about four questions from Labor senators here. I could have encouraged them to let me take you through your record at great length, but I have resisted. But it is not too late.

Senator HUMPHRIES—We can still get to 11 o'clock if you want to use that device.

Senator Chris Evans—I have no social life here; I am prepared to stay.

Senator HUMPHRIES—Can you confirm to me that it is not inconsistent with Australia's international obligations for us to announce that we are treating the processing of applicants from a particular country differently from applicants from other countries?

Senator Chris Evans—I went through this at length last night with Senator Hanson-Young. We have acted on the basis of legal advice that directly addresses those concerns. We are confident that we do not breach international or domestic law.

Senator BARNETT—Minister, by the end of this financial year you say that we expect migration to have fallen between 230,000 and 250,000. You have indicated that the figure would fall about 20 per cent by 30 June based on recent visa applications and grants. The visa-capping bill came in yesterday. I have not read it in full and you know it better than anyone. I will have a look at it and I am sure it will be considered carefully by the Senate committee. As a preliminary measure, I am asking whether it provides a full discretion to the minister with respect to capping visas generally, not just skilled visas. Will you get a discretion across all visas?

Senator Chris Evans—It is broader. Obviously we will go through this in detail. It is designed effectively to allow us to manage the program and not have the program distorted. The particular circumstance we are addressing at the moment is that we do not have 30,000 cooks out of a skilled program of 100,000. We think the other measures will fix that problem, but we think it is a useful device for a minister to have if they think the program is being distorted. It has broader applicability, and you will get a briefing.

Senator BARNETT—I am sure we will get to the bottom of it. But it gives you discretion with respect to all visas, not just the skilled visas.

Senator Chris Evans—It give us the power to make a regulation to cap. I think that is the best way to describe it.

Senator BARNETT—They seem extraordinarily broad powers at first instance. I am sure we will get to the bottom of it. It is not just skilled visas but across the board.

Senator Chris Evans—Unfortunately I do not have the right officers here to help. I must admit I have not focused on it the last week or two.

CHAIR—We will no doubt ask all these questions of the department when we conduct the inquiry. Are there any other questions on this outcome?

Senator BARNETT—Was there a question asked about the 27 Indonesian crew members in the Darwin motel room?

Mr Metcalfe—I do not think you asked that.

Senator BARNETT—The headline in today's *Age* is 'Boat crew stowed in city motel', and the story is about Indonesians awaiting trial in Darwin. The article states:

THEY are accused of being people smugglers and face long mandatory jail sentences. But 27 Indonesian crew of asylum-seeker boats are living in Darwin motel rooms, with minimum security.

Can you give us a status report on that and tell us whether it is accurate and precise?

Mr Metcalfe—Let me do some checking and we will come back in a few minutes. I will keep the officers here. If we are moving on to outcome 5, I will ask that those officers stay here. We will come back as soon as we have that information.

Senator BARNETT—You may have covered this, but I would like the current capacity and current number of detainees at the Darwin immigration detention centre.

Mr Metcalfe—We have covered that.

Senator BARNETT—Can the minister respond to the offers that have been expressed in the *West Australian* by Premier Barnett regarding the Leonora option for the department, which I understand is being investigated by the department? Is the minister willing to consult with the Premier and, indeed, other premiers and chief ministers in respect of options for immigration detention centres and the best options for their state or territory?

Senator Chris Evans—I will make a primary point. If we are looking to commercially rent or lease motels, hotels or camping grounds from private operators, it is not a question that requires intergovernmental relations. But I am keen to maintain constructive relations with state governments in handling these matters. Mr Correll, our deputy secretary involved in these matters, spoke to the WA Premier's department last week on Friday, and I had the

opportunity today of having a personal conversation with the Premier. That was a constructive discussion. I assured him that we were more than happy to engage with them on any longer term plans we had, or more permanent plans, in relation to any facilities we might utilise in Western Australia. He was constructive about that and Mr Correll will again be in contact with the head of the Premier's department on those matters if we are pursuing things in Western Australia.

Senator BARNETT—You indicated that it is a matter for the federal government and private operators with regard to appropriate hotels, caravan parks or whatever, but is it not such an important/sensitive issue that you would ordinarily in the normal course of events, in accordance with normal business practice, consult with your fellow state and territory governments?

Senator Chris Evans—We have ongoing relationships, and maybe the department might talk about that, but if I have one detainee that I want to put up in the Perth motel while his wife is in hospital having a baby, would I ring the Premier about it? No. If I were to move 500 people into the middle of the Premier's electorate in a disused hostel, I would probably give him a buzz because I would figure he might have a view about it. It is a question of proportion and permanence.

If we are looking to establish a permanent detention centre in a particular zone, of course we would have a chat to the state government. What we have done in recent events is, effectively, find a commercial proposition and have a look at it and the department has had a chat with the local town council, as we did with the Mayor of Port Augusta before we reopened our existing facility. As I say, I have had a constructive conversation with the Premier and—

Senator HUMPHRIES—Chair, could I interrupt. I see officers leaving. I have a couple of follow-up questions from outcome 4. Before anyone leaves I just want to make sure that I will be able to do that.

CHAIR—Outcome 4 departmental officers need to come back.

Mr Metcalfe—I thought we had finished.

Senator HUMPHRIES—I am sorry, I thought I had too. I forgot there are a couple of follow-up things I have to ask.

Senator Chris Evans—Senator Barnett, the simple answer is that if we are looking to do anything major or permanent then we would certainly be having a chat to the state governments. Mr Correll will stay in contact with the chief of the Premier's department in Western Australia. I have always had a very positive and cordial relationship with the Premier; we get to open a lot of things together.

Senator BARNETT—My supplementary question is: is it normal business practice that you would liaise with the relevant bodies? You have mentioned local councils. What other key stakeholder groups would you liaise with in advance of establishing, say, a motel with a couple of hundred irregular maritime arrival people?

Senator Chris Evans—Mr Correll or Ms Wilson is probably better able to answer that.

Senator BARNETT—You must have some practices and policies in place.

Mr Metcalfe—Yes, and it is quite routine.

Senator BARNETT—I would like to know what they are.

Mr Metcalfe—Mr Correll will take you through it.

Mr Correll—There are a wide range. For example, the work being done at Curtin at the present stage involves contact with a wide range of organisations in Western Australia, such as the police forces, health authorities, the local community, with discussions there, and contact in areas—

Senator BARNETT—How do you discuss these matters with the local community? Do you send out a flyer and have a community meeting?

Mr Correll—No. We would normally start with the shire president and perhaps the CEO of the council. From there we would look to broaden that as we are progressing, and according to the circumstances of the particular case involved. Essentially it would be hooking in with a wide range of services—educational services, where schools are involved—and certainly the dominant ones would relate to policing, medical, potentially transportation services as well. It is a wide array of contacts.

Senator BARNETT—This is leading somewhere. Mr Correll, do you have a policy and practice document that your officers use in your communication with the key stakeholder groups when you are establishing these facilities or using a local city motel, for example? Do you have a document that your officers use?

Mr Correll—I am not sure it is a formal policy instruction. We have a type of checklist document that is used.

Senator BARNETT—Do you have a copy of that?

Mr Correll—Not with us, no.

Senator BARNETT—Could you provide that?

Mr Correll—We could take it on notice, yes.

Senator BARNETT—If you have a checklist document that is exactly what I would like to have a look at, please. I am happy for you to take that on notice.

Mr Correll—We are happy to do that.

Senator BARNETT—One thing I would like to know is how you communicate with the local community, such as the neighbours, and the feedback from those surrounding the hotel. We have had the incident in Brisbane where there was some consternation by local neighbours—that was reported at least. They were concerned that they were not advised and informed. That is why I would like to know what your normal practice is.

Mr Correll—Certainly. We will provide that on notice.

Senator BARNETT—Do you have any response to the Brisbane incident, as I have referred to it? Was that just a sort of error in normal practice, or the box was not ticked on that one, or is that something that you do not normally do and do not liaise with the neighbours?

Mr Correll—That was a difficult situation. Undoubtedly there were contacts made in relation to Brisbane, but it is difficult in a motel situation like that, in that particular location.

We have had contact, for example, with the local police there. I understand the police are involved in activities with the children at the location. But the extent of where one can do a doorknock of the local community, it is very difficult in a particular circumstance like that. Also, as I think we have mentioned, it has been quite a standard feature of detention facilities to use alternative places of detention over a number of years. In motel situations like that, it is quite difficult to be able to essentially, household by household, try to cover it. So the way we would normally address those sorts of things is dealing with the local community representatives.

Senator BARNETT—So you would not ordinarily communicate with the immediate neighbourhood?

Mr Correll—No, we would not do that.

Senator Chris Evans—Senator, as Mr Correll has pointed out, this has been going on for years and years; it is not something that started under this government. But part of what happens is that you might use a motel for two or three people every few months. In recent times, we have increased the level of usage. For instance, we have had a relationship with the one in the Northern Territory for a long period. There is actually nothing new about it, but a reporter decided it was suddenly very special and so it became highly newsworthy. But for a lot of the locals, they would tell you, ‘Oh, they’ve been keeping people there for years.’

Senator BARNETT—But I think there were more than 20. How many were in that Brisbane hotel, can you recall?

Ms Wilson—There were 115 in the Brisbane one. But, as the minister said, Senator, we have been using both facilities over an extended period of time under both governments.

Senator BARNETT—At any one time, 150?

Ms Wilson—No, varying levels, but we have used both facilities to accommodate clients in the past.

Senator BARNETT—But ‘varying levels’ would be very low levels, would it not?

Ms Wilson—I do not have that detail.

Senator BARNETT—I am not sure that you would have had 150 there at any one time. Anyway, I just make the point, and I think you should think about it at least—that if you bring 150 people into a motel you should have a practice of communicating with the immediate neighbourhood.

Senator Chris Evans—Senator, we are sensitive to it. But the point I was making earlier is that there is a difference in terms of the numbers of people you are bringing into a facility or if you are establishing a new facility, and the level of consultation would vary according to those things. We are sensitive to those issues. We do try to consult. As you saw with the Leonora shire president, they are very supportive of us using some of their facilities there. When I went to Curtin air base, I was met by the shire president and the shire clerk of Derby, I was given gifts and I was welcomed because they saw it as a good economic opportunity for the region.

Senator BARNETT—Did you declare the gifts?

Senator Chris Evans—I am not sure if I have: that reminds me. I think it was a book explaining the delights of the region, Senator.

Senator BARNETT—Okay.

Senator Chris Evans—I will get it valued—you have reminded me. All I am saying is that they were very supportive, and they have been consulting with the local community. I think we have been knocked over in the rush by local contractors offering to do us a favour.

Mr Correll—We have.

Senator BARNETT—You will let us know, Mr Correll, about the figures?

Mr Correll—I will.

CHAIR—That is the end of questions on outcome 4.

Mr Metcalfe—Chair, we can answer Senator Barnett's question about the crew. I think that will bring us to the end of outcome 4.

Mr Correll—Senator, yes, there were crew, but the total number of crew involved in the hotel was 10. They were all in the hotel because they were all either family members or were unaccompanied minors. That is the reason they were in the hotel and not in the northern detention centre.

Again, this is not unprecedented; this is exactly normal. We have a facility adjacent to the Northern Immigration Detention Centre, called Berrimah House, that is utilised for unaccompanied minors and a crew. That facility was full, so we went from there to the alternative place of detention.

Senator BARNETT—I appreciate that, but these 10 crew are considered low risk. I just put that on the record.

Mr Correll—Yes, and their family members and unaccompanied minors.

Senator BARNETT—And their family members and unaccompanied minors?

Mr Correll—Yes.

Senator BARNETT—What was the total number?

Mr Correll—Ten.

Senator BARNETT—How many crew specifically?

Mr Correll—The total crew in Darwin is just over 100.

Ms Wilson—There are 140 crew in the detention centre. There is father-son in the hotel.

Senator Chris Evans—We have the situation where a crew member may turn up, usually a former Indonesian fisherman, who has been recruited for this purpose and who might have his 12- or 13-year-old son with him helping crew the boat. We have had quite young boys who, I guess, traditionally go to sea with dad fishing and who have gone to sea with dad on one of these excursions. So we have ended up having quite a young boy and his father, and we look at putting them into alternative accommodation rather than throwing a 13-year-old boy into the detention centre.

Mr Correll—These are kids from the fishing villages on the coast of Indonesia. That is what we are talking about.

Senator BARNETT—I notice, according to this report, that the prospects are potentially serious, in the sense that the judge in question, in this report at least, is concerned about the mandatory sentencing of between two years and—

CHAIR—That is not fishing crew though, is it?

Senator Chris Evans—No. A number of the judges have made commentary that the mandatory sentence provisions for people smuggling activity requires them to jail people for a certain period of time.

Senator BARNETT—That is right.

Senator Chris Evans—These are not minors but, because many of these people are poor fishermen from Indonesia with varying degrees of understanding about what they are involved with, some of the judges have expressed the view that the penalties are too harsh. That is what is dealt with in that article.

Senator BARNETT—That is right, but that law does apply to the crew, does it not?

Senator Chris Evans—Decisions about juniors—

Senator BARNETT—I am not talking about the juniors; I am talking about the crew.

Senator Chris Evans—Yes, crew.

Senator BARNETT—So it does apply to them?

Mr Metcalfe—Those penalty provisions were introduced some years ago to reflect the seriousness of people smuggling, and there are both minimum and mandatory sentences in there. But the parliament, obviously, has formed a view that it is a very serious crime.

Senator BARNETT—Indeed.

Mr Correll—I would add that my understanding is that prosecution action is not initiated by the AFP in relation to minors. However, the AFP does work to establish clearly the age of the children concerned. But if it is established that they are minors no prosecution action is proceeded with and the individuals would be returned.

Senator BARNETT—Thank you.

Mr Metcalfe—Madam Chair, if that is the end of the program—

Senator HUMPHRIES—I asked some time ago whether the officers would stay back while I asked a few more questions. I have not had a chance to ask them yet. I have just a few questions. Among the sites being considered for possible overflow accommodation, which we talked about before, is Kenmore Hospital at Goulburn one of those locations?

Mr Correll—Firstly, if I were to pull out a list of all the accommodation options that we are looking at it would be a very long list of pages. Having said that, we have had a look at a number of sites and Kenmore may be one of those. I think it has been raised and it is on our list. So the answer would be, yes, it would be on a very long list. Is it anywhere near a preferred site or an option we are looking at hard at the moment? Not at the present time

Senator HUMPHRIES—I asked before about the running costs of the Curtin facility, and you were fishing that out; you were trying to extract it from a larger figure. I had the impression that you were going to give me that figure when you had it pulled out.

Mr Correll—We had hoped to but we struck some difficulty getting that figure out of the estimates. We will have to provide that one on notice, I am afraid. We cannot get that one to you today.

Senator HUMPHRIES—I want to ask about those people the Minister referred to as having been refused asylum, who had been sent back to countries of origin and who previously had been on Christmas Island. Typically, what is the pathway that they take to get there? I assume that Afghans are included amongst those who have been refused asylum and returned.

Senator Chris Evans—We will double-check this, but at this stage we have not reflected in the figures the return of Afghan asylum seekers. I do not think any have been returned in recent times. There are none reflected in the figures at this stage, although there are some who are very close. If you are asking me about the figures that were presented to you and whether they included Afghans, the answer, I think, is no.

Mr Metcalfe—Not in the figures presented.

Senator Chris Evans—Not in the figures presented.

Ms Larkins—Not in the figures presented.

Senator Chris Evans—I think that the largest group was the Sri Lankans.

Senator HUMPHRIES—Then let's take the Sri Lankans. How were they typically returned? By what route were they taken back to Sri Lanka?

Ms Larkins—It would depend. We use a variety of routes. I am happy to take on notice our most common routes, but it really depends on airline availability and how many people were returning at one time. Sometimes we have taken charters with a number of people and then we can take a more direct route. At other times we use commercial airlines. We use a number of routes.

Senator Chris Evans—A number were flown out of Perth. I remember we took a group to Perth but we could put only two or three, or one or two, on a flight. The airline would only agree to take a certain number per flight, so we had to stage it. We could not put 10 on the one flight.

Ms Larkins—There are some restrictions as to how many we can have on international flights.

Mr Metcalfe—I thought we covered this last night but it may have been with another senator. I think I indicated that there are obviously a variety of exit points from Australia and international airports. Returning to Sri Lanka, the usual transit point would be through Singapore.

Senator HUMPHRIES—Sorry, from where to Singapore?

Mr Metcalfe—From either Perth or, if people had been accommodated on the east coast, then obviously it might be Sydney or Melbourne.

Senator HUMPHRIES—Not from Christmas Island to Singapore?

Mr Metcalfe—There is no direct flight, of course, from Christmas Island to Singapore. I think there is an occasional one to Kuala Lumpur.

Ms Larkins—I could not be specific on the routes we have taken out of Christmas Island.

Mr Metcalfe—I will check on that but, as Ms Larkins has indicated, where numbers are sufficiently large—this has not happened in recent times—we have had examples in the past of charters directly overseas returning people. We have had that in the past taking people back to China or to countries in the Middle East and elsewhere.

Ms Larkins—I have just been advised that we have had two removals that have gone through Kuala Lumpur on the way back to Sri Lanka.

Senator HUMPHRIES—Perhaps you could take the three or four most common countries of repatriation and just give us the most common routes taken for taking people back there. That would be useful.

Senator Chris Evans—On the point that was made yesterday, just for completeness, some airlines are less cooperative than others in accommodating our requests. Sometimes it is a bit more circuitous than it might have been if that particular airline will not let you. There might be a direct flight but if the airline will not take the passengers you have to do other things. It is not necessarily the most logical or the simplest direct flight if that particular airline is not as cooperative as others. It is a bit more complex, unfortunately. As I said, we had about eight or nine who were going back to Sri Lanka and we had to do them in ones and twos.

Senator BARNETT—My final question relates to a cross-portfolio issue, but it relates to this as well. I wonder whether you have in planning any significant or substantial communications or advertising campaign relating to the government's plans to address the border protection initiatives and to promote the border protection initiatives. Have you got those planned in the near future?

Mr Metcalfe—No. We had a discussion about this last night. Primarily the Australian Customs and Border Protection Service does have work in train in relation to campaigns, particularly focused overseas. The Department of Immigration and Citizenship has been doing work on some very targeted information into ethnic communities in Australia of the same ethnicity as the arrivals. I have indicated that we are looking at mechanisms such as ethnic radio and ethnic newspapers. Our YouTube channel will have some information later in the week that may be accessed by some people as well. The budget is not significant. It is in the region of \$100,000 or so, but it is something we believe will be quite well targeted. We do not see any benefits in broad advertising in this area because we need to target it to people who are talking in these sorts of situations, and in the right languages.

Senator BARNETT—Thank you very much.

Mr Metcalfe—I was going to say that, if we have come to the end of program 4, I made some general comments in my opening statement yesterday but I think I should put on the record that a number of our staff have been doing some very hard work and displaying a great deal of resilience in these areas. I thank Mr Correll, Ms Wilson and her division, Ms Larkins and Mr Fleming and their divisions and our staff on Christmas Island and our manager there,

Zdenka Zrno, who has done a very good job. We have asked a lot of people, and we will continue to ask a lot of people, for advice. I just think it is worth recognising and it is important for me to place on the record my thanks to them for what, at times, is pretty thankless work. But it is important work and it needs to be done very professionally, and I am confident that they will continue to do that.

CHAIR—Thank you, Mr Metcalfe. I think you are right and I am sure this committee supports your comments.

[5.32 pm]

CHAIR—We will now move to outcome 5.

Senator HUMPHRIES—I have a couple of questions, but I am not sure where they will fall. There was some media about a kit prepared for Victorian schools called *All of us: multicultural perspectives in Victorian schools*. Is that an issue under outcome 5 or outcome 6?

Mr Metcalfe—We can take outcomes 5 and 6 together if you wish.

Senator HUMPHRIES—That would be handy.

Mr Metcalfe—Settlement and multicultural and citizenship issues do run together.

CHAIR—Do you want to take them together?

Mr Metcalfe—We are happy to do so. It is the same officers.

CHAIR—All right; let us do that.

Mr Metcalfe—We are very happy to do so. I suspect that this is probably more outcome 6, but Mr Fox is the relevant division head and is happy to take questions in both programs.

Senator HUMPHRIES—In respect of this kit, I understand that it was launched in Victoria. It has been used by some schools. There has been some controversy about it. The federal education minister has urged schools to teach a balanced curriculum and advised that they should consult a number of different sources. Can I ask whether DIAC had any involvement in the development of the kit that the students in Victoria have been provided with?

Mr Fox—I believe that publication is a Victorian government publication.

Senator HUMPHRIES—With no input from DIAC?

Mr Fox—No.

Senator HUMPHRIES—In that case there is nothing further I want to pursue in relation to that issue. I refer to the Diverse Australia Program. There has been an announcement about a number of grants that were made. I think the minister wrote to us a couple of weeks ago to advise us of these grants. Without going through each one individually, could we have a broad description of the kinds of objectives which the grants have been designed to achieve?

Mr Fox—The Diverse Australia Program is a program that was announced with that title last year by Mr Ferguson. I guess the program succeeds the Living in Harmony Program that has been in place for a number of years. It is a program that is designed to address, in the broad, social cohesion. It is a program that is looking at increasing respect for and tolerance of

difference within communities, encouraging communities to think about others within their community and respecting diversity in the main. I can give you the detailed description out of the PBS of what that program is, but that is the tenor of the grants that we provide.

Senator HUMPHRIES—Has it been renamed purely for cosmetic reasons or is there a different focus to the Living in Harmony Program?

Mr Fox—A different focus. There has been a different emphasis, more on social cohesion issues, and a different purpose. Indeed, in this year's budget papers you might have noticed that the Diverse Australia Program and the national action plan to address social cohesion will be merged from 1 July 2010. That will now be called the Diversity and Social Cohesion Program.

Senator HUMPHRIES—I will come to the Diversity and Social Cohesion Program in a moment. I notice that under one of these programs—and I am not sure which one—there is a grant to the Refugee Council of Australia. On page 265 of Budget Paper No. 2, the grant is referred to but the reason for the grant is described as 'to preserve the solvency of the Refugee Council'. On page 68 of the PBS the grant is described as a grant to have the Refugee Council provide advice to the government. Which exactly is it?

Mr Fox—I think they are two separate grants.

Senator HUMPHRIES—For what amounts?

Mr Fox—The one in my program is for \$120,000 and that was provided to the RCOA this year through the Diverse Australia Program grants that we had.

Senator HUMPHRIES—Which one is for \$140,000?

Mr Fox—I believe that is one in outcome 2, although I am not sure whether that is the outcome.

Senator Chris Evans—Senator, I was just checking because we used to fund them for a sort of annual consultation and we moved more to core funding. I am trying to make sure that we give you the whole picture. I think it might be across programs. I will see if someone else can pull it together.

Mr Fox—I should just clarify that the program I will be funding, the RCOA, for \$120,000, is through our Settlement Grants Program rather than the Diverse Australia Program. I apologise.

Senator HUMPHRIES—With respect to the Diverse Australia Program—

Mr Fox—It is actually out of our Settlement Grants Program.

Senator HUMPHRIES—Can you tell me what services are being delivered by the grant in that program for the Refugee Council?

Mr Fox—As is referred to in the papers, the \$120,000 that was put there was to ensure the ongoing financial viability of the Refugee Council. We have been working together with them to develop a work program. Those activities will include engaging with the department on policy options and operational activities, providing input into relevant research, increasing public awareness and media sensitivity to refugee issues and representing the Australian non-government sector at a number of international fora.

Senator HUMPHRIES—Before these grants what kind of annual contractual arrangements or grants were made to the Refugee Council?

Mr Fox—As you mentioned, there was another grant which I think was of the order of \$140,000. That is within outcome 2.

Senator HUMPHRIES—But that is for this coming financial year?

Mr Fox—I understand that that has been in place for a number of years. Again, we will have to confirm that, as the minister said.

Senator HUMPHRIES—You mentioned the Diversity and Social Cohesion grant program. I see that one of its purposes is to counter extremism. How will it do that?

Mr Fox—We will be working with our colleagues in the Attorney-General's Department to come up with criteria that we will use in forthcoming grant rounds to encourage people to submit applications that will help in addressing violent extremism at the community level.

Senator HUMPHRIES—I think that the former National Action Plan that the Howard government administered targeted Islamic communities particularly through grants.

Mr Fox—That is right.

Senator HUMPHRIES—Is it intended that this program will do the same kind of thing?

Mr Fox—It is not specifically targeted at the Islamic community; it is open to any communities in which there might be some concern about extremism. Islamic communities would be included in that, but it is not exclusively targeted at Islamic communities.

Senator HUMPHRIES—So theoretically it could not be focused particularly on Islamic communities but generally across the board?

Mr Metcalfe—It is about countering violence and extremism.

Senator HUMPHRIES—I am not sure whether that answers my question. I am not trying to specify what might be the sources of violence or extremism, but I would have thought that there would have been a focus that you would want to maintain with such grant programs.

Mr Metcalfe—Certainly. We are very conscious of and work closely with the Attorney-General's Department in this area. I think what Mr Fox has said is that it is not specifically targeted towards one religious community in Australia. We will certainly be ensuring that it focuses on countering violent extremism.

Senator HUMPHRIES—When will the terms of reference or grant guidelines be available?

Mr Fox—We are working on those now and they will be available for the commencement of the next funding round, which we expect to be early in the next financial year.

Senator HUMPHRIES—Am I right in saying that this program is about \$1.1 million smaller in size than the program it replaces?

Mr Fox—There are some savings that have been associated with that program, but I think we need to do a little adjustment on the figures there. I might get my colleagues to explain that. In fact, there has not been as a significant reduction as that.

Senator HUMPHRIES—This is not the depreciation issue coming out again is it?

Mr Metcalfe—It is either that or Operation Sunlight.

Mr Biddle—We have not finished the internal budgets for the allocations amongst those three programs, so the total is right—the total on that page reflects the total change in movement for that sub-outcome. The actual line there is probably carrying a larger proportion of the depreciation expense than it actually will when we finish the internal allocations.

Senator HUMPHRIES—Could you just say that again?

Mr Biddle—When we finish the internal budget allocations I expect that that 29295 line will be slightly higher. But the total program for 6.1.1 reflects the movement of depreciation. I just think that sub-line has taken more of a share of the depreciation than the other two lines. That is on page 76.

Mr Metcalfe—We have a lot to thank the accounting profession for!

Senator HUMPHRIES—Yes.

Senator Chris Evans—Mr Biddle explained it to me in much the same way. I am totally reliant on his interpretation. It is not his failing; it is mine.

Senator HUMPHRIES—Is the announcement that was made on 11 May, under the heading ‘Strengthening Australia’s national security capacity’ where it was announced that there would be \$9.7 million in additional funding to counter violent extremism and the threat of home grown terrorism in the Australian community’, linked to one of these grant programs?

Mr Fox—I think that is a statement from the Attorney-General’s portfolio.

Senator HUMPHRIES—It is actually a statement made by four ministers, one of whom was the Minister for Immigration and Citizenship.

Mr Fox—One of the components, as you have said, of the Diversity and Social Cohesion Program would include some work on countering violent extremism, so part of that program will be directed towards countering violent extremism. We will be broadening the guidelines for the program to include reference to countering violent extremism. It does not mean that the entire program is directed towards countering violent extremism, but it will be a component. It will be available as part of that contribution.

Senator HUMPHRIES—I am still not clear how that works. Is that \$9.7 million going to be represented at all in the grant program that we are discussing?

Mr Fox—I think that \$9.7 million is an amalgam of a number of programs across government.

Senator HUMPHRIES—Including a program in this portfolio?

Mr Fox—Including part of the Diversity and Social Cohesion Program within the immigration portfolio.

Senator HUMPHRIES—Do we know how much of it will be represented in the DIAC portfolio?

Mr Metcalfe—Are you asking how much of the \$9.7 million mentioned in that budget press release is coming from this portfolio?

Senator HUMPHRIES—Coming from or going to this portfolio, however you want to look at it.

Mr Metcalfe—That is right, yes. We will take that question on notice.

Senator HUMPHRIES—What is the progress to date with the HSS and the AMEP tenders?

Mr Fox—The HSS tenders closed yesterday, so we will start the process of evaluating compliance with the tender requirements and we will work through those in the coming weeks and months. The AMEP tenders closed some time ago, and we are in the process of evaluating those tenders right now with a view to an announcement in the coming months.

Senator HUMPHRIES—Returning to that Diversity and Social Cohesion grant program, is it possible to get a briefing on the criteria when they are formulated?

Mr Metcalfe—I imagine that they will be published in the Senate. On notice we can provide you with a copy of what is published.

Senator HUMPHRIES—But my question was whether it was possible to have a briefing on that.

Mr Metcalfe—You are asking for a personal briefing?

Senator HUMPHRIES—Yes. The committee might want one collectively, but I would like one personally if that is possible.

Mr Metcalfe—Sure.

Senator Chris Evans—This is with your multicultural hat on?

Senator HUMPHRIES—That is right.

Senator Chris Evans—We will arrange it for you and, if any other committee members want to come too, we will do it as a joint thing.

Senator HUMPHRIES—That would be great, thank you very much indeed. I think that covers most issues except for our usual discussion about citizenship ceremonies, Minister.

Senator Chris Evans—Oh, do not tell me that they are still a problem.

Senator HUMPHRIES—They are still a problem.

Senator Chris Evans—Do I have to come and do them myself?

Senator HUMPHRIES—It might solve a few issues if you did, to be perfectly frank. I have cast out a net amongst my colleagues to find out how many of them were also experiencing problems.

Senator Chris Evans—Do you mean in the Australian Capital Territory or more broadly?

Senator HUMPHRIES—No, I mean across the nation. We are encountering problems with the compliance by local government authorities—or territory government authorities in the case of the Australian Capital Territory—with the citizenship ceremonies code that the government issues. A number of my colleagues have reported problems. For example, I see

that the code specifies that there are certain people to be invited to each citizenship ceremony: the local federal member of parliament and a senator from a different political party to the federal member. It states:

The focus is on the invitation of elected representatives. Invited elected representatives cannot send a representative to act in an official capacity on their behalf. Where an invited senator is not able to attend another senator from that political party should be invited.

While a senator or member cannot be prevented from asking an individual to attend on their behalf, the nominated person should not be included in the official party and under no circumstances should that person be invited to speak.

My colleague the member for Swan, for example, reports to me that on at least two occasions that he is aware of, the local state Labor MLAs have not attended but have organised for a federal Labor candidate to attend on their behalf and that person has read the minister's message. That does not appear to comply with the guidelines. Were you aware that your message was being read by a nominee of a state MLA?

Senator Chris Evans—Senator, I am not aware of those circumstances. I will ask Mr Fox whether he has a response. I have been at a number of ceremonies where it just so happened that a state member had been represented by the Liberal federal candidate and was announced as representing. I am quite relaxed about that, quite frankly.

Senator HUMPHRIES—And that is not a breach of the guidelines.

Senator Chris Evans—No. We want respective members of parliament to take an interest in these things as well.

Senator HUMPHRIES—Absolutely.

Senator Chris Evans—I am entirely relaxed about that.

Senator HUMPHRIES—That is not what I am raising.

Senator Chris Evans—I know. I think she was part of the official party. I did not say she should be thrown out of the drinks. It is good that they are taking an interest—I have no problem with that—but, if they are acting in an official capacity, that is quite a different matter altogether. Mr Fox says he is not aware of that. Mr Fox, do you have anything to add?

Mr Fox—I am certainly not aware of the circumstances you described to which the member for Swan referred. I do not recall having seen correspondence about that. What I can say is that we recently reminded all people conducting ceremonies of those rules. Indeed, we focused particularly on the ACT after those issues that you raised. I understand that you have been invited to all ceremonies—both of them—that have happened since then. The points you raise do concern me. I am not aware of those things happening, but we have recently reminded councils of their obligation. From time to time I see correspondence expressing concern about either representation at the ceremonies or the conduct of those ceremonies. On each of those occasions I ensure that we follow up and remind people of their obligations.

Senator HUMPHRIES—Good.

Senator Chris Evans—I am happy for the member for Swan to refer the matter to me or Mr Fox and we will follow it up.

Senator HUMPHRIES—He might or I might do it on his behalf.

Senator Chris Evans—That is fine.

Senator HUMPHRIES—Other colleagues' comments come to me.

Senator Chris Evans—The federal candidate, Mr Hammond, is a very good candidate. I am very glad he comes along, but he should not be acting in an official capacity.

Senator HUMPHRIES—Right. Indeed. We agree on that. I am also informed by another colleague that the Willoughby City Council in Sydney does not regularly invite state or federal members to speak at their ceremonies, which I think also is a breach of the guidelines. You might care to remind them of their obligations.

Mr Fox—I do not think the code requires that they be invited to speak on all occasions. I think the presiding officer can conduct the ceremonies. But they certainly should be invited to the ceremony.

Senator HUMPHRIES—That is not my reading of the code, Mr Fox. I am looking at page 19 under the heading 'Speeches by official guests', which states:

Speeches by other official guests must immediately follow the minister's speech or the minister's message (if the minister is not in attendance). All elected local representatives at the federal, state or territory, and local government level, should over time have an opportunity to provide a welcoming speech to citizenship candidates. Not all elected representatives should speak at every ceremony.

Mr Fox—Which is why I said I do not think it is a requirement to speak at every ceremony.

Senator HUMPHRIES—I did not suggest that they should speak at every ceremony, but they should have the opportunity to do so from time to time.

Mr Metcalfe—Senator, your advice is that they are not being given that opportunity at the time.

Senator HUMPHRIES—That is right. In the case of Willoughby, for example, they are not being invited at all to the ceremonies, but they are certainly not being invited to speak if they are there.

Mr Metcalfe—We will seek to follow that up.

Senator HUMPHRIES—I will not compare the previous government with this government. It was the practice in the ACT prior to the last election for all four federal members to rotate in such ceremonies and to have the chance to address the ceremony. Since the election, I have received no invitations to speak at those ceremonies, in two and a half years. Local and federal Labor members have had many opportunities to do so, and do so regularly. I am sick of raising these issues here. We know what the code says. Can we please do something about it? I have written to the local minister and I have been ignored. But this is administered under your delegation, Minister.

Senator Chris Evans—No, Senator. I have always taken it seriously. In fact, I have widened the authority for members of parliament to participate in citizenship ceremonies. I have offered it to all federal members as a standing authority. Many of them have taken it up. I have encouraged them to do it and continue to do so without any political bias. I want all

members of parliament involved in citizenship ceremonies as much as they are able to or are willing to. That is my view. I am also very keen that the code is followed. I quite frankly get really irritated by petty party political games being played over them. I have no interest in that, other than that people ought to behave properly and abide by the code. I have made that clear to a number of colleagues on both sides of politics. If there is an ongoing problem, I think I will either vote for abolition of the ACT or see if there is something more constructive we can again try to resolve your concern.

Mr Fox—Certainly we followed up on the last occasion you raised that. We reminded the ACT Public Service office that administers those on behalf of the ACT government. They advised me that they would be writing formally to every member of parliament representing the ACT both federally and locally in those cases. I can only undertake to follow that up again. I was not aware of the—

Senator HUMPHRIES—We know that the minister has the power to deal with this. On occasions in the past ministers have even withdrawn their delegation to people to conduct these ceremonies. With respect, it is more than just a matter of following up. You can say that you exercise these powers in accordance with the code or you do not do it at all.

Senator Chris Evans—I understand your frustration, but you are now telling me that you have been invited but you have not been invited to speak. We have not taken up that issue with them previously. I will take up that issue now. I am concerned that the spirit of bipartisanship in the ACT does not seem to be terribly alive and well.

CHAIR—I do not recall being invited to speak when we were in opposition, either, unless you have changed those guidelines.

Senator Chris Evans—Yes. I must admit I have not had a lot of exposure to suggestions of rotation of speaking rights, but if that is in the code it will be applied.

Senator HUMPHRIES—In the ACT, we were strictly invited on a rotating basis. I am fairly certain that all members got an equal crack at that opportunity.

Senator Chris Evans—I will encourage the department to do another one at Parliament House because the other was so successful. Senator, I will make sure that you are on the official list for that one, which will probably be a bigger and better ceremony. But we will take up the issue that you raise.

Senator HUMPHRIES—Okay. I hope this is the last time I need to raise these issues in estimates.

Senator Chris Evans—I concur with that view, Senator. Mr Fox, fix it!

Mr Fox—I concur as well.

Senator HUMPHRIES—I think they are all the matters I wish to raise, Chair.

CHAIR—On outcomes 5 and 6?

Senator HUMPHRIES—On outcomes 5 and 6.

CHAIR—Senator Barnett?

Senator BARNETT—They are all the matters I have, Chair.

CHAIR—Well, before anyone changes their mind, we will adjourn.

Senator Chris Evans—Thank you, Chair. Thank you, Senators.

CHAIR—Thank you, Minister and Mr Metcalfe. I place on the record my appreciation of your officers, their diligent preparation for estimates and their knowledge of their areas. Questions have been taken on notice. They go to extreme detail and numbers that I cannot imagine you would have had with you. Your cooperation is noted and appreciated. Thank you very much.

Mr Metcalfe—Thank you very much, Chair, and thank you, Senators. We have some matters to follow up and we will respond to those matters.

Committee adjourned at 5.59 pm