

Senator Louise Pratt
Chair, Legal and Constitutional Affairs References Committee

5th September 2018

Inquiry into allegations concerning the inappropriate exercise of ministerial powers with respect to the visa status of au pairs and related matters.

Dear Senator Pratt,

I write to you in relation to the above-described Legal and Constitutional Affairs References Committee inquiry. I have not made the decision to correspond with you on this matter lightly.

On the contrary, I have reflected deeply over the last months as these matters have been aired in the media domain and as I received many - sometimes persistent - invitations from a wide spectrum of media outlets to provide commentary, or grant interviews, in relation to any knowledge I may possess on the two specific cases under inquiry.

I submit the public record will show that I have assiduously declined to accept these invitations and have not placed any information onto the public record, simply pointing to the properly constituted inquiry which is being chaired by you under the auspice of the Legal and Constitutional Affairs References Committee.

As the former Australian Border Force (ABF) Commissioner at the time of these events, I had held some expectation that the Department of Home Affairs, or the ABF, may have engaged with me in their preparation for the multiple Senate Legal and Constitutional Affairs Committee hearings which have examined these matters to ascertain whether I had any personal knowledge which could assist in their provision of evidence at those hearings, or which could assist them in the provision of responses to questions taken on notice (QoNs) during those hearings - however this engagement did not occur.

In the absence of that engagement I was compelled to follow the evidence adduced at the public hearings and to read the submitted responses to the QoNs to satisfy myself that the public record accurately captures details of information of which I may be aware.

After monitoring the conduct of the Committee's public hearings today (5th Sept 2018), I feel duty-bound to provide the Committee with some additional information which I genuinely believe will assist in clarifying the sequence of, and bring a degree of cogency to, the chronology of events relating to what the Committee has described in short-hand as the 'Brisbane Case'.

Consistent with the observance of privacy principles adopted by Departmental witnesses and noting the likely public accessibility of this correspondence to you, I do not intend to identify in this letter the name of the person subject of the ministerial intervention. Suffice to indicate this person is identical with the person identified in the 'Brisbane Case'. I can elaborate on further details of identification through a non-public medium if necessary.

For the record, and to avoid any doubt, I have no pre-existing personal knowledge of the 'Adelaide Case'. My knowledge of the 'Brisbane Case' occurred incidentally in the course of my ABF Commissioner role as outlined below.

My former role as ABF Commissioner did not include the responsibilities of visa grants, visa revocations, visa cancellations or ministerial interventions, other than ABF field officers having a compliance enforcement role where visa recipients either breached their visa conditions or were suspected of intending to breach their visa conditions.

In mid-June 2015 I received a call from the Chief of Staff for the Minister for Immigration and Border Protection, Craig MacLachlan. He told me that he was ringing me on behalf of Minister Dutton, whom he referred to as '*the boss*'. He told me that the Minister's friend, whom he referred to as '*the boss's mate in Brisbane*', had encountered a problem with his prospective *au pair* who had been detained at Brisbane Airport by immigration officials due to an anomaly with her visa.

MacLachlan asked me to find out what detail I was able to discover in relation to the reasons for her detention and the likely outcome of that detention. I did not ask MacLachlan for details of the Minister's friend as I was confident of identifying the relevant case.

I immediately commissioned inquiries to be made at Brisbane airport operations through the formal command structure to acquire the requested details. Within an hour or so I received details of the case including the name of the *au pair*, her country of origin, and the reason for her detention as per the reported details of the 'Brisbane Case'.

The reason for her detention as it was advised to me was that operational officers at the airport had found evidence in her possession on her arrival which clearly indicated to them that she was intending to work for reward in Australia in breach of her visa entitlements.

I then contacted Craig MacLachlan and advised him of the details of the case, including the reason for her detention and that the operational intent was to keep her in detention until she could be removed from Australia, which would occur as soon as possible.

MacLachlan then asked me *'What needs to be done to fix this? Can the Boss overturn it?'*

I replied that if the Minister was minded to intervene he could task the Departmental Liaison Officer in his office to request an 'intervention Minbrief' from the Visa and Citizenship Group of the Department. MacLachlan thanked me and we ended the conversation.

I played no further part in this matter nor did I become aware, until recently, that a ministerial intervention had been effected in this particular case.

I respectfully submit this correspondence to the Committee, via you as Chair, in order that the record stands clarified in relation to this high profile public interest matter.

I have no doubt that while some will applaud my decision to clarify the public record others will take a dimmer view, and I therefore submit this correspondence to you under the auspice of parliamentary privilege bestowed upon the Committee's conduct and inquiries.

Yours sincerely

Roman Quaedvlieg.