

QoN No	Division	Senator	Subject	Question	Date/Page or Written
AE17/001	OSB	Senator Fawcett	Smuggling ventures	<p>Senator FAWCETT: If we can distinguish between the turn-backs or returns and pure disruptions, are you able to give us an idea of how many smuggling ventures have been disrupted before people actually even got on the boats?</p> <p>Mr Pezzullo: I would want to reflect on that. We do not always publicly announce—in fact, very rarely do we publicly speak of those matters, partly to ensure that our operational cooperation with relevant offshore partners is kept as confidential as it needs to be. We might have given some evidence—I remember both Major General Andrew Bottrell, and possibly the commissioner perhaps in general terms speaking of these matters—but I do not know that we have ever quantified numbers here. I might seek assistance from my colleague, the commissioner, and see if he has anything to add.</p> <p>CHAIR: This is really an issue that I would rather come to in outcome 1 in any case.</p> <p>Mr Pezzullo: Chair, we might reflect on how we might sensibly answer that in the public forum. Perhaps through the course of the day, Commissioner, you and I might reflect on how we might do that.</p>	27 February 2017 Page 11
AE17/002	International	Senator Hinch	US Resettlement arrangement	<p>Senator Cash: I am advised that on 21 February 2017 Minister Dutton specifically stated that the arrangement is not a people swap deal.</p> <p>Senator HINCH: All right, Minister. How does that gel with what he said to Andrew Bolt two nights before and before Foreign Minister Bishop then of course—</p> <p>Senator Cash: Unfortunately, I do not have what he said to Andrew Bolt in front of me so I would need to take that on notice, but again, as the secretary has stated, the minister has clarified his comments and again on 21 February 2017 he did say that the arrangement is not a people swap deal.</p> <p>Senator HINCH: Right, so you would now say that they are not linked?</p> <p>Senator Cash: I would say on behalf of the minister that the arrangement is not a people swap deal.</p>	27 February 2017 Page 12
AE17/003	Integrity, Security & Assurance	Senator Carr	Number of officers involved in response to the auditor's report	<p>Senator KIM CARR: I am interested to know what happened between 15 November and 13 January. How many departmental officers were involved in the response to the auditor's report?</p> <p>Ms Connell: I would have to take that on notice, but the audit report did involve quite a large part of the department from both our operational arm in the ABF and the departmental side.</p> <p>Senator KIM CARR: You cannot tell me how many?</p> <p>Ms Connell: No, I cannot tell you the exact number of officers who would have been involved.</p> <p>Senator KIM CARR: Can you take that on notice.</p> <p>Ms Connell: I can.</p>	27 February 2017 Page 14-15

<b>AE17/004</b>	Integrity, Security & Assurance	Senator Carr	Responsible officers for ANAO document transmission	<p>Senator KIM CARR: I am sorry if I am confusing you on this matter. This report here, that we have been discussing this session, how—</p> <p>Ms Connell: You are alluding to a process. I am just trying to explain the process that we have—</p> <p>Senator KIM CARR: Yes, thank you. Was there a central office that collated the response to the auditor's report?</p> <p>Ms Connell: We have a branch within the corporate area that has the responsibility of coordinating responses and working right across the department, pulling together the information within the time frames provided.</p> <p>Senator KIM CARR: How many officers are in that particular unit?</p> <p>Ms Connell: I can get that for you shortly, but it is quite a small branch within Corporate Group.</p> <p>Senator KIM CARR: Who signed off on the documents to the ANAO? Was there an officer that was responsible for the transmission of documents?</p> <p>Ms Connell: I would have to check which officer signed off on that report. It could be the Chief Operating Officer, but I will have to check for you.</p>	27 February 2017 Page 15
<b>AE17/005</b>	Integrity, Security & Assurance	Senator Carr	Procurement Report - Changes sought	<p>Senator KIM CARR: Can you indicate what are the areas that you sought to discuss with the Audit Office?</p> <p>Mr Pezzullo: We could quickly establish it. I do not have it to hand, but there surely would be a response from either Ms Connell or someone else at the back of the report that says that we disagree with whatever.</p> <p>Senator KIM CARR: But you would have sought other changes?</p> <p>Mr Pezzullo: Potentially, yes.</p> <p>Senator KIM CARR: What other changes did you seek?</p> <p>Ms Connell: If there were any errors of fact, obviously we would have corrected those. I do not have a complete chronology of what edits were made or what suggested changes were provided back to the ANAO. We will have to take that on notice.</p>	27 February 2017 Page 16
<b>AE17/006</b>	Integrity, Security & Assurance	Senator Carr	Procurement Report - Alerting the Minister's Office	<p>Senator KIM CARR: When did you first alert the minister or his office to the audit office's investigation?</p> <p>Mr Pezzullo: To the best of my recollection, and we will just clarify this, we regularly provide advice on ongoing audit matters where we are able to, within the strictures of section 19 of the Audit Act, which require nondisclosure of matters other than as approved by the Auditor-General. I would just have to check as a matter of fact when those briefings occurred.</p> <p>Senator KIM CARR: Can you provide that?</p> <p>Mr Pezzullo: We can probably do that through the course of the day, yes.</p>	16

<b>AE17/007</b>	Integrity, Security & Assurance	Senator Carr	Contracts Report - briefing to Minister	<p>Mr Pezzullo: Contract management. That would be stated in a schedule.</p> <p>Senator KIM CARR: But I take it you provided a separate briefing to the minister once you were aware of the draft contents?</p> <p>Mr Pezzullo: Only in a manner consistent with our obligations under section 19. But I will just have to establish as a matter of fact as to when those briefings occurred.</p>	27 February 2017 Page 17
<b>AE17/008</b>	International	Senator McKim	Resettlement timeline	<p>Senator MCKIM: But you see, that is not what Mr Dutton said, and it is not what you said a moment ago. I will just refer you back to Minister Dutton's direct quote: '... we'll have movement in the not too distant future ... in the next couple of months'. He was asked about people being resettled, not movement in a particular direction but specifically about people being resettled in the US. You have backed his statement this morning. So my question is very simple, and I will repeat it: what advice are you relying on?</p> <p>Mr Pezzullo: In relation to what?</p> <p>Senator MCKIM: In relation to Minister Dutton's statement and you backing his statement this morning—what advice from whom in the US government are you relying on?</p> <p>Mr Pezzullo: That there will be movement in the next few months?</p> <p>Senator MCKIM: Yes—resettlement, in the next couple of months.</p> <p>Mr Pezzullo: I would want to refresh myself as to what the transcript of that interview actually says, and I might confer with the minister in the meantime.</p> <p>Senator MCKIM: Unless you are alleging that I am inaccurately quoting him, I will read it to you again. He was asked about when people will commence resettlement in the US. So, this does not go to the process; it goes to the actual, physical movement of people: 'we'll have movement in the not too distant future'.</p> <p>CHAIR: I think the secretary has wisely said that he will take it on notice.</p>	27 February 2017 Page 22

AE17/009	Detention Compliance and Removals	Senator McKim	UNHCR report	<p>Senator McKIM: I am very happy to respond to you. The UNHCR published a report titled UNHCR monitoring visit to Manus Island, Papua New Guinea 11-13 June 2013, and I will quote from that report for you. They are referring to the way that Papua New Guinea conducts its refugee assessments, specifically in relation to the refugee assessments, specifically in relation to the Papua New Guinean migration regulation, which I am sure you are aware of, and they say this about the regulation that it:</p> <p>... incorrectly applies the limited exclusion provisions of the Refugee Convention to ordinary criminal matters more properly dealt with under Papua New Guinea criminal law, which could lead to wrongful denial of refugee status.</p> <p>Do you accept that?</p> <p>Mr Pezzullo: Well, I accept that a report was published three years ago that says that.</p> <p>Senator McKIM: Well, they have not changed the regulation.</p> <p>Mr Pezzullo: I would have to seek some advice about what was done to remediate any potential flaw, if such a flaw exists. Perhaps you could assist me, Senator: what is the date of that report?</p> <p>Senator McKIM: It is 12 July 2013. And the regulation has not changed since.</p> <p>Mr Pezzullo: But what has been put in place since is a status determination process, which has been done with our assistance and with the engagement of the UNHCR. So, I would have to take some more detailed advice. As I heard your very obviously plain reading of the statement there, it says that it could give rise to risk X. So, how you then put in place a status determination process and how you train your officers and put all the guidance down around those officers and their determination activities—that is how you deal with those sorts of risks. I would be very surprised. I will take it on notice, but I would be very surprised if something as clear as that—and you have read it out plainly, no doubt—that was just simply on the books 3½ years ago has not been attended to in terms of the actual apparatus that was put in place subsequent to that. It is 3½ years ago, I think.</p> <p>Senator McKIM: Yes. You are right about the date. And we will come back to this as well today. So, if you are able to seek some advice on that in real time, that would be appreciated. But I want to draw your attention to the fact that yes, it did say that it could lead to wrongful denial, but the more important element is earlier in the quote I read out—that is, the regulation 'incorrectly applies' something in the refugee convention. So, it is very clear. There is a risk there that it goes to later, but the assertion is that it incorrectly applies to the refugee convention.</p> <p>Mr Pezzullo: And what is on my mind is what has happened in the 3½ years since. I will have to have a look at that.</p>	27 February 2017 Page 22-23
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AE17/010	International	Senator McKim	Legal action in PNG	<p>Senator McKIM: I am happy to come back to that. Are you aware of the legal action currently afoot—and I am happy to ask this of the minister, if it is more appropriate—in the Papua New Guinea Supreme Court, which is basically alleging various breaches of the PNG constitution in terms of the way people seeking asylum and refugees have been dealt with by Papua New Guinea, including being detained indefinitely?</p> <p>Senator Cash: I would need to take that on notice and refer it to the minister, but I understand that the secretary may be able to assist you.</p> <p>Mr Pezzullo: There is some action on foot post the so-called Namah decision, which I think is operative here. Namah is a settled case, as you know. But I think there is a follow-on case that deals with, at least from the plaintiff's point of view, the assertion of ongoing wrongful detention.</p> <p>Senator McKIM: Just to be clear: that is one of the matters involved in the case. There is actually a range of matters.</p> <p>Mr Pezzullo: A range of matters, yes.</p> <p>Senator McKIM: So, my specific question, I guess, is: are you aware that this is under foot? Do you have any advice about the potential liability to the PNG government should the courts find in favour of the applicants?</p> <p>Mr Pezzullo: I would be a brave secretary providing advice to this committee about legal liabilities faced by a foreign government. I would not even begin to go down that path.</p> <p>CHAIR: And it is not part of your role—or our role—either, to question another constitutional entity.</p> <p>Senator McKIM: It is part of my role to ask this question: has the Australian government informed the Papua New Guinea government that the Australian government will cover any financial costs associated with this case, including financial costs or awards granted by the Papua New Guinea Supreme Court.</p> <p>Senator Cash: I would need to take that on notice and refer it to the minister.</p> <p>Senator McKIM: Mr Pezzullo, has your department informed your colleagues in Papua New Guinea that the Australian government will cover the costs of this case to the PNG government, including any awards made by the Supreme Court in favour of people seeking asylum or refugees?</p> <p>Mr Pezzullo: The costs in terms of any potential adverse finding?</p> <p>Senator McKIM: Yes.</p> <p>Mr Pezzullo: I am almost certain, but I would just want to check this, that we have had no such discussion as it relates to this case. As to whether such a request would be made as just part of general discussions about costs in terms of supporting PNG, in terms of them providing regional processing services, I could not exclude that. In relation to this case, I doubt it very much, but I will want to check.</p> <p>Senator McKIM: All right. So, you will take that on notice, I understand you to have said. Just to be clear: the question is—and there are probably a couple of parts to it—firstly, is the Australian government assisting the PNG government in terms of its legal costs—</p>	27 February 2017 Page 23-24
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<b>AE17/011</b>	Detention Services	Senator McKim	Use of new facility in PNG	<p>Senator McKIM: Is it the intention of the PNG government to use that facility for people who have had unsuccessful refugee status determinations and who do not accept voluntary deportation?</p> <p>Mr Pezzullo: I would be reluctant, in these proceedings, to answer on behalf of a foreign government. We could take it on notice and ask them. I am not sure if they have made a public statement to that effect. If they have we will repeat that, but otherwise we would need to ask them.</p> <p>Senator McKIM: We will come back to that.</p>	27 February 2017 Page 24
<b>AE17/012</b>	Legal	Senator Carr	Save the Children Settlement	<p>Senator KIM CARR: I am asking you to take that on notice. I would like to know how much the payments in regard to compensation are. Was the question there about record keeping? Wasn't the allegation that was made based on your assertion about the nature of records, and is that not directly pertinent to the capacity of this department—</p> <p>Mr Pezzullo: If you review our statement, which was publicly released as part of the settlement, it does make reference to the fact that the two independent reviewers who looked at this matter, Mr Philip Moss initially and then Adjunct Professor Doogan more recently, could not find evidence of the matters that were the purported basis for the removal—a request that was put to Save the Children in relation to these employees. For that reason, the department has expressed its regret about that—the course of action that was taken, the denial of procedural fairness and the related point about documents.</p> <p>Senator KIM CARR: Yes, and I am pleased that you have.</p> <p>Mr Pezzullo: That was an important thing to do.</p> <p>Senator KIM CARR: But that was not the question. If you cannot provide me with the individual breakdowns, then the aggregate breakdown of the compensation would be appropriate.</p> <p>Mr Pezzullo: I will take that on notice.</p>	27 February 2017 Page 27

<b>AE17/013</b>	People	Senator Macdonald	Stress leave and stress-related issues for staff	<p>CHAIR: Do you have any trends on stress leave and stress-related issues for your staff?  Mr Pezzullo: I am sure we could make that available on notice.  CHAIR: Perhaps this is even before your time, but is there a noticeable cohort in stress-related issues within the department?  Mr Pezzullo: Quite possibly, but I would like to take some advice on that. I know both from my leadership of Customs as well as from hearing the stories once I took over in Immigration that it was a very stressful period for folks involved in the transfer of persons from intercepted vessels into onshore detention and all the challenges of dealing with that. Whether the data shows some sort of spike in claims et cetera, I will have to check. I am sorry. I interrupted the commissioner.</p>	27 February 2017 Page 30
<b>AE17/014</b>	Refugee and Humanitarian Visa Management	Senator McKim	Average length of time for vetting process	<p>Mr Pezzullo: Just to be clear, whether you come into our onshore program or whether we engage in third-country assistance—and there are previous instances of us having done that—the refugee determination process is one thing, then under the Migration Act there are checks required for health, security and character as well. All of those checks will be applicable in this circumstance.  Senator McKIM: But that will not commence until after the RSD process has been—  Mr Pezzullo: No, we need to have referrals—we need actual cases before our vetters—  Senator McKIM: Do you have an average length of time for our vetting process—the average duration.  Mr Pezzullo: It is somewhat dependent upon the complexity of the case.  Senator McKIM: That is why I asked for the average.  Mr Pezzullo: In terms of qualified time periods I would take that on notice.  Senator McKIM: All right.  Mr Pezzullo: The experience we have had with the Syrian program is that in some cases it is relatively brief—a few weeks at least. In other cases it is protracted—it can be months. Your question was about the average. I will take that on notice.</p>	27 February 2017 Page 33-34
<b>AE17/015</b>	International	Senator McKim	Number of people involuntarily removed from Manus	<p>Senator McKIM: Thank you. Has anyone in any of the facilities on Manus Island been forcibly deported from Papua New Guinea?  Mr Pezzullo: Involuntarily removed?  Senator McKIM: Yes. Forcibly deported—you can call it what you like but I will call it forcibly deported.  Mr Pezzullo: Sure. We can both choose our terms. I believe, yes, there has been a limited number. Either Mr Colquhoun will have that or perhaps Ms Moy might have that number. But there have been some persons involuntarily removed from PNG.  Mr Colquhoun: Two people were recently removed to Nepal. They were found not to be owed protection. I believe some years ago two additional people—so is a total, I believe, of four.  Mr Pezzullo: But we will check.  Senator McKIM: Thank you. I am happy for you to clarify that or check it on notice.</p>	27 February 2017 Page 34

<b>AE17/016</b>	Detention Services Division	Senator Carr	Cost of burnt down building	<p>Ms Connell: Since 2013, we have changed our practices to avoid instances like this recurring. All assets, including those under construction, are now comprehensively insured by Comcover. There was immediate action taken to remedy that. As the secretary said, on this occasion, the builder was out of pocket and it was a cost to the taxpayer, but under the Comcover insurance, there would have been a cost in any event.</p> <p>Mr Pezzullo: The builder, as I recall it, was paid out for the proper performance of their duties. They built a building and someone came along and burnt it down.</p> <p>Senator KIM CARR: What was the cost of that?</p> <p>Mr Knockels: \$75 million.</p> <p>Senator KIM CARR: Do you concur with that number?</p> <p>Mr Knockels: I would have to get an exact figure down to the cent, et cetera, but that is an approximate—</p>	27 February 2017 Page 36
<b>AE17/017</b>	Enterprise Strategy and Reform	Senator Carr	Asset Register	<p>Senator KIM CARR: So all Australian government assets on Manus and Nauru are listed on the asset register and insured?</p> <p>Ms Connell: That is my understanding.</p> <p>Mr Pezzullo: We will come back to you on notice.</p>	27 February 2017 Page 36
<b>AE17/018</b>	Corporate Services Division	Senator Carr	New headquarters	<p>Senator KIM CARR: Mr Pezzullo, you referred to the new headquarters in your statement. You have asserted here that the total budget for the project is \$255 million. You say this is in nominal but not in net present value terms. What is the net present value term, if you were to apply that measure?</p> <p>Mr Pezzullo: Over a 30-year period? I am not good at maths at the best of times. I would not want to do the conversion in my head, so I will need to get you some advice. The nominal outlays are the cash outlays in each year. They are not out-turned in constant dollars, and nor is there an NPV calculation in that data.</p> <p>Senator KIM CARR: Would you give me that figure on notice, please?</p> <p>Mr Pezzullo: We can provide both.</p>	27 February 2017 Page 39

<b>AE17/019</b>	Corporate Services Division	Senator Carr	New location number of officers	<p>Senator KIM CARR: How many officers will move to the new location?</p> <p>Ms Connell: The number of offices?</p> <p>Senator KIM CARR: Yes. Presumably it is in the design phase, so how many are you anticipating the new facilities would accommodate?</p> <p>Ms Connell: The current executive offices in 6 Chan Street—</p> <p>Senator KIM CARR: Not just the executive officers; I want the whole lot. For \$255 million, or in net present value \$1.53 billion, what do we get?</p> <p>Ms Connell: As in human beings, officers?</p> <p>Senator KIM CARR: Accommodation for how many people?</p> <p>Mr Wright: The airport will house about 2,000 people and Belconnen is going to be built for 4,000. In terms of officers, I will have to take the exact number on notice—</p> <p>Senator KIM CARR: Thank you.</p>	27 February 2017 Page 41
<b>AE17/020</b>	Corporate Services Division	Senator Carr	Cost-benefit analysis of new headquarters	<p>Senator KIM CARR: And I asked the question: in any cost-benefit analysis surely that would have to be a consideration.</p> <p>Mr Pezzullo: I am not sure that it mandatorily is undertaken every time, but I will ask the chief operating officer if departments are obligated to check it on each and every occasion. Of course, the counterfactual is that in order to achieve that state you have to borrow those funds and outlay the cash in the year of incurring the debt. So these are larger government questions; they are not really matters for my department.</p> <p>Senator KIM CARR: Sure. It is reported here that the cost per metre—</p> <p>Mr Pezzullo: Sorry, Senator. We will take on notice the specific question of whether—not at a whole-of-government level, because that is not us; that is Finance—departments are obligated to have a comparator based around an owned building, which I think is your question.</p>	27 February 2017 Page 42

AE17/021	Detention Services Division (support from DCR)	Senator McKim	MOU with PNG Government	<p>Senator McKIM: I am not asking you to speak on behalf of the PNG authorities, but I am happy for you to take it on notice in the terms that you have described. My specific question is: given that we are funding garrison services on Manus Island and given that you have said that you would have an expectation that people would be kept safely, I am asking whether your expectations have been met in this case, when, in fact, two people who were witnesses, who gave evidence that, presumably in part, led to the conviction of this murderer, were not informed either time that he had escaped. In fact, they did not find out until many days after he escaped that he had escaped.</p> <p>CHAIR: Senator McKim, you have made your point for the media. Mr Pezzullo is not to be asked to give his opinion on whether this is a good thing or a bad thing, or whether people are safe or otherwise.</p> <p>Senator McKIM: Specifically, Mr Pezzullo—</p> <p>CHAIR: You have made your point for the media. Can we move on?</p> <p>Senator McKIM: No, I have not finished yet. No, we cannot move on. Specifically, Mr Pezzullo, could you please take on notice whether or not the set of circumstances I have outlined would place any of the garrison services contractors in breach of their contracts and whether it would place the Papua New Guinean government in breach of Australia's MOU with the PNG government?</p> <p>Mr Pezzullo: Whether it would place any of our contractors in breach of contract?</p> <p>Senator McKIM: Yes. I presume—</p> <p>Mr Pezzullo: Well, they have delivered their services. If this fellow—and I am taking on face value the facts as described—is serving time in a PNG correctional institution—</p> <p>Senator McKIM: He is not any more.</p> <p>Mr Pezzullo: I am struggling to see how the garrison contracts have any bearing, but I will look at it.</p> <p>Senator McKIM: I am happy for you to take that on notice. It is obviously a complex question. For clarity: I am specifically referring to the failure to notify. I am not suggesting garrison services are responsible for running the prison that the person escaped from. I am specifically asking a question about the failure—twice now—after two escapes, for people whose evidence was given in court against this person—</p> <p>Mr Pezzullo: Oh, I see: for the contractors to notify them?</p> <p>Senator McKIM: For the garrison services or someone at the regional processing centres on Manus Island to simply inform the witnesses that the person they gave evidence against had escaped; a dangerous person who has been convicted of killing and who the Papua New Guinean police commander said is 'a high-risk escapee'.</p> <p>Mr Pezzullo: I will give you an assurance that we will look at it but it is not immediately clear to me how that is a contractual matter. It is something where Australian departmental officers and their contractors would be guided by PNG police and other authorities. It is really for them to make decisions about who is notified about an escape. They might not want to notify for all sorts of reasons.</p>	27 February 2017 Page 46
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<b>AE17/022</b>	Detention Compliance and Removals	Senator McKim	Escapes - Failure to notify	<p>Senator McKIM: So, in the current circumstances on Manus Island, we are funding garrison services. We have an MOU with the Papua New Guinea government that covers some aspects of how the centres are managed. Do you have advice on whether or not those situations would mean that the duty of care in the particular case that we are talking about here and the failure to notify of two escapes would mean that your department actually does have a responsibility in this case to, as far as is practicable, ensure the health and safety of other persons—for example, detainees?</p> <p>Mr Pezzullo: You are asking whether I have advice to that effect?</p> <p>Senator McKIM: Yes.</p> <p>Mr Pezzullo: The answer is no, I do not.</p> <p>Senator McKIM: Would you seek that advice?</p> <p>Mr Pezzullo: Given that you have raised it now both before and after the break, I will take some advice on that question.</p> <p>Senator McKIM: Thank you. And my time has expired. I will put that question in writing to you, because there are a couple of other subquestions that I would also like you to take on notice, but I will provide those in writing.</p> <p>Mr Pezzullo: Which flow from the escape and the—</p> <p>Senator McKIM: And failure to notify. Thank you.</p>	27 February 2017 Page 48
<b>AE17/023</b>	Corporate Services Division	Senator Carr	Principal for the Canberra Airport Group	<p>Senator KIM CARR: Yes. Who is the principal—the lessor—in regard to the department's new headquarters building?</p> <p>Mr Pezzullo: I think that is publicly known. I will ask the chief operating officer to answer that question, if she is able to, and Mr Wright will also join us.</p> <p>Mr Wright: There are three different parties that we are dealing with. Canberra Airport is Canberra Airport Group.</p> <p>Senator KIM CARR: Are they the controllers of the land at the moment?</p> <p>Mr Wright: They are leasing the land at the airport.</p> <p>Senator KIM CARR: Yes, it is Commonwealth land, which they are leasing.</p> <p>Mr Wright: Correct, under a 49-year lease, I believe.</p> <p>Senator KIM CARR: And who is the principal there, for the Canberra Airport Group?</p> <p>Mr Wright: I would have to take that on notice. I do not know exactly who the principal of the Canberra Airport Group is.</p>	27 February 2017 Page 48

<b>AE17/024</b>	Corporate Services Division	Senator Carr	Principal for Benjamin Nominees Pty Ltd.	<p>Mr Wright: Correct. There are two different owners of the building. So, the three buildings we are having at Belconnen are 6 Chan, 5 Chan and part of ABS House, and they have different owners.</p> <p>Ms Connell: The other two are Challenger Management Services Pty Ltd, for 6 Chan Street and for 45 Benjamin Way, and then we have Benjamin Nominees Pty Ltd, who are the lessor for 5 Chan Street.</p> <p>Senator KIM CARR: Who is the principal there?</p> <p>Ms Connell: Benjamin Nominees Pty Ltd. I do not know the individual who heads up the company. Is that what you are asking?</p> <p>Senator KIM CARR: Yes. Who is the person who runs these outfits?</p> <p>Ms Connell: I do not know. We can take that on notice.</p> <p>Senator KIM CARR: Yes, if you could take on notice who is the principal of each of these organisations—thank you.</p>	27 February 2017 Page 49
<b>AE17/025</b>	Border Force Capability	Senator Carr	Number of armed officers in Canberra	<p>Senator KIM CARR: Right. It is not a very big requirement, is it, for officers in Canberra to be armed?</p> <p>Mr Quaedvlieg: Well, there are armed officers in Canberra. We have field operations. We have a counterterrorism unit team for the airport—</p> <p>Senator KIM CARR: How many are—</p> <p>Mr Quaedvlieg: I do not have that figure on hand, but I can find it.</p> <p>Senator KIM CARR: Do you have contractors who are required to be armed?</p> <p>Mr Quaedvlieg: No.</p> <p>Senator KIM CARR: So, it is only departmental officers who are authorised to carry arms?</p> <p>Mr Quaedvlieg: That is correct.</p> <p>Senator KIM CARR: And there are 957 of them?</p> <p>Mr Quaedvlieg: Globally, across the board, yes. But even in the case of one officer with a firearm in Canberra we would need to secure that firearm.</p> <p>Senator KIM CARR: Yes, I would presume you would need to store securely; I am just interested to know the size of this facility in Canberra.</p> <p>Mr Quaedvlieg: Sure. I can take that on notice, as I will the number of armed officers in Canberra.</p>	27 February 2017 Page 50

AE17/026	Corporate Services Division	Senator Gallacher	Conflict of interest register	<p>Senator GALLACHER: It is clearly not correct. The Public Works Committee is watching this broadcast and asking themselves, as I have asked them, 'Where is it?' And it ain't there. So, it did not get in 10 days ago, and it did not get in this morning when we asked for it.</p> <p>Mr Wright: I will take that on notice, but it has definitely left my office, and it has definitely been sent off, so—</p> <p>Senator GALLACHER: Your evidence was very clear. You said that the conflict-of-interest register was forwarded to the Public Works Committee 10 days ago. Is that correct?</p> <p>Senator Cash: Chair, the witness has said he will take it on notice and he will check for the senators.</p> <p>Senator GALLACHER: It is an important issue if a public servant is not giving correct evidence to a Senate committee.</p> <p>CHAIR: Well, that is not an appropriate comment.</p> <p>Senator Cash: And the witness has said he will take it on notice for you and go and check.</p> <p>Senator PRATT: Is it possible to provide the documentation and subvert what seems to be a bogged-in bureaucracy?</p> <p>Senator KIM CARR: Mr Wright said it has left his office. So, let's just establish what has happened. Is that right?</p> <p>Mr Pezzullo: Well, the officer has advised me that he has personally signed it off as a divisional officer, and I presume that there is other checking, and approval processes are being gone through. If it has not arrived at the committee, I will take that as a factually correct position. So, the officer has acquitted his part of the responsibility. He will check precisely as to the state of the paper.</p> <p>Senator KIM CARR: And in the process, if you can tell us where it is—that would be very handy.</p> <p>Mr Pezzullo: We will make inquiries.</p>	27 February 2017 Page 51
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<b>AE17/027</b>	Border Force Capability Division	Senator Carr	Weapons and ammunition purchase	<p>Senator KIM CARR: And in the tender documents it says 'light weapons and ammunition'. So, that is a term that is used officially.</p> <p>Mr Quaedvlieg: It is firearms.</p> <p>Senator KIM CARR: It is guns.</p> <p>Mr Quaedvlieg: Yes.</p> <p>Senator KIM CARR: Right. How many?</p> <p>Mr Quaedvlieg: I do not know. I will take that on notice. There are, as I mentioned, operational officers who are armed, but we also have a training facility, in terms of use-of-force training, which I would imagine would also have a stock of firearms and ammunition.</p> <p>Senator KIM CARR: Are you able to advise the committee of what weapons you are intending to purchase and their numbers? And, in terms of the RFT that has been listed here, what is the scale of the purchase?</p> <p>Mr Quaedvlieg: I will take that on notice. I would imagine that the armoury would be for the storage of existing weapons, and whether there are new ones for the ACT region I will take on notice.</p>	27 February 2017 Page 51-52
<b>AE17/028</b>	Border Force Capability Division	Senator Carr	Number of accredited senior officers	<p>Senator KIM CARR: How many senior officers are accredited?</p> <p>Mr Quaedvlieg: I do not believe there are too many. There may be a handful that are accredited, but it would be a large predominance of operational officers.</p> <p>Senator KIM CARR: So, if it is not too many, you will not mind telling me how many.</p> <p>Mr Quaedvlieg: I will take that on notice. I do not know, at any given point in time, how many senior executive officers—how do you define that, incidentally, for the sake of taking that question on notice, and for clarity? What is a senior officer?</p> <p>Senator KIM CARR: Secretaries and deputy secretaries and the like—are they accredited?</p> <p>Mr Quaedvlieg: I do not think any are at this point in time.</p>	27 February 2017 Page 52
<b>AE17/029</b>	Border Management Division	Senator Carr	Use of firearms - number of incident reports	<p>Senator KIM CARR: In terms of the use of the firearms, are there incident reports that are required after the use of any firearms?</p> <p>Mr Quaedvlieg: Yes, and 'use' is defined not just as a discharge; even drawing a weapon is classified as use. And there is a requirement, absolutely, under our governance arrangement for that to be reported.</p> <p>Senator KIM CARR: How many times have you had such reports issued?</p> <p>Mr Quaedvlieg: It is very rare. I will take the precision of the question on notice, but it would be a handful of occasions in the last couple of years, and I think in the main that would be in our maritime operations.</p>	27 February 2017 Page 52

<b>AE17/030</b>	Executive Division	Senator Macdonald	Warning labels on cigarettes	<p>CHAIR: Perhaps I could ask the minister if she could use her good offices to speak with the health minister to see how the Commonwealth does enforce its warning labels on cigarettes. We have passed laws to say you have to do it; is there any penalty if you do not do it?</p> <p>Senator Cash: I can certainly take that on notice.</p>	27 February 2017 Page 54
<b>AE17/031</b>	Border Force Capability Division	Senator Carr	Tender arrangements for uniforms	<p>Mr Quaedvlieg: There is continual replacement. Uniforms need to be replaced. They wear and tear. In perpetuity we will be needing to change over uniforms.</p> <p>Senator KIM CARR: There are no new tender arrangements being proposed?</p> <p>Mr Quaedvlieg: I am not sure. I will take it on notice.</p>	27 February 2017 Page 60
<b>AE17/032</b>	Corporate Services Division	Senator Carr	FOI Requests	<p>Senator KIM CARR: Of the 23,000 FOI requests that were lodged last year how many were completed on time?</p> <p>Mr Wright: I will have to take that on notice because, as I said, there are varying timeframes. To be clear I would like to take that on notice.</p> <p>Senator KIM CARR: How many requests for extensions were made by the department?</p> <p>Mr Wright: Again, I do not have those precise figures in front of me.</p> <p>Senator KIM CARR: Is it the practice of the department to seek an extension of time automatically?</p> <p>Mr Wright: No.</p> <p>Senator KIM CARR: It is not?</p> <p>Mr Wright: No.</p> <p>Mr Pezzullo: Are you asking about the entire case load of 23,000-odd applications?</p> <p>Senator KIM CARR: Yes.</p> <p>Mr Pezzullo: How many extensions have we sought?</p> <p>Senator KIM CARR: Yes.</p> <p>Mr Pezzullo: We will take that on notice.</p> <p>Senator KIM CARR: I am interested to know at what point you seek an extension. Is there a process now in train to manage the workload where you seek an extension, as a matter of course?</p> <p>Mr Wright: No, not as a matter of course. Generally, we do it up-front. It comes down to the type of request that is being put in. If the request appears to be voluminous in size then we will go back to the applicant to either revise the scope of the request, which is in line with the legislation, or to seek an extension to how long we have to provide the information.</p> <p>Senator KIM CARR: That is why I was seeking to know how many requests that the department sought for an extension.</p> <p>Mr Wright: I will take that on notice because I do not have the detail on that.</p>	27 February 2017 Page 63-64

<b>AE17/033</b>	Corporate Services Division	Senator Carr	Time between seeking an application and receipt by the applicant	<p>Senator KIM CARR: The statistics will give us an indication. Are you able to tell me, in that process, what the difference is in terms of the amount of time between seeking an application and receipt by the applicant?</p> <p>Mr Wright: Not off the top of my head, I could not tell you that exact figure.</p> <p>Senator KIM CARR: No, I did not expect you would. But if you could get that.</p> <p>Mr Wright: Yes, Senator.</p>	27 February 2017 Page 64
<b>AE17/034</b>	Detention Services	Senator McKim	February 2014 attacks on Manus - employment status	<p>Senator McKIM: Mr Pezzullo, can you please tell me whether any of the guards or staff members at Manus who were identified as being involved in attacks on detainees at Manus in 2014 are still working at Manus?</p> <p>Mr Pezzullo: I might ask Ms Moy to come and assist me. But I do not have any personal knowledge about whether individuals are still on the books or not. I am familiar with the incident that you refer to, but whether such staff members are in the employ of the company, I just do not know. Perhaps Ms Moy can assist us. Just to rephrase the question for her, Senator, did you say persons who were involved in the attacks?</p> <p>Senator McKIM: Yes. The question is: are any employees of the garrison services at Manus—or any other staff at the Manus detention centres or RPCs—who were involved in the February 2014 attacks still working at the RPCs?</p> <p>Ms Moy: Senator, for such a specific group of people for a specific incident, I would need to take that on notice and check against the individual employees. In terms of just as a general note, I can advise that our service providers are required under the contract to look at any poor behaviour—if we could describe it as any poor behaviour—and, as a general rule, those individuals no longer work within the regional processing centres.</p> <p>Senator McKIM: All right; thank you, Ms Moy. But you will take on notice whether—</p> <p>Ms Moy: I will take that question on notice for the specific event.</p>	27 February 2017 Page 67

<b>AE17/035</b>	Community Protection	Senator McKim	Detention Capability Review	<p>Mr Manthorpe: I was just confirming the secretary's evidence. The report has been released internally to our staff. We have briefed our staff on it and its implications, but we have not published it externally.</p> <p>Senator McKIM: Will you publish it externally, Mr Pezzullo?</p> <p>Mr Pezzullo: Given that we have established that we have not, I will have to confer with the commissioner. He and I will come to a view about whether a publicly-releasable version might be made available. It does from memory go to some details around detention risk assessments, so how you make decisions about the holding of for instance high risk or violent detainees, persons who might have a criminal history involving violence, how you keep detainees like that separated from other persons. We would have to reflect on that. I might ask the commission to perhaps join me in these remarks, but subject to ensuring that there is no compromise, Commissioner, to your operations, I do not see why we could not look at some version of a publicly-releasable document.</p> <p>Mr Quaedvlieg: Yes, I accord with those comments. I think there may be components that relate to operational decision making and therefore might reduce the efficacy of certain operational activities, but in the broad, in general principle, I think a public release of the document would be a good thing.</p> <p>Senator McKIM: Thank you, I am comforted to hear that. Just to be clear: I am not suggesting you ought release any element of that document that would compromise the safety of the people working in your organisation or, for that matter, the safety of anyone else. Perhaps if we could find some middle ground there that would be good.</p> <p>Mr Pezzullo: We will formally take that on notice. This is an opportunity for us to take on notice your request and look at whether a publicly available version can be released.</p>	27 February 2017 Page 68
<b>AE17/036</b>	Refugee and Humanitarian Visa Management	Senator McKim	Assessment of the quality of support provided by BMA	<p>Senator McKIM: Thanks for the provision of that. Should the committee take from that that there was no quality assurance in terms of the quality of services provided by BMA and that in fact the verification progress process just ensured validity? There had been a valid visa application lodged, the invoice was correctly rendered and there were some services provided—there is nothing in there that would suggest to me that there was any quality assurance work was done by the department. Would that be a fair outtake from that answer?</p> <p>Mr Manthorpe: I would not necessarily conclude we did not look at the quality of the service. The IAAAS contract is all about helping certain categories of people to make a visa application. If the visa applications had been made then, ipso facto, the service had been provided. I do not have any information as to whether there was a qualitative assessment of those visa applications. It may or may not have said something about what BMA did.</p> <p>Senator McKIM: Could I ask you to take that on notice, please—</p> <p>Mr Manthorpe: I am happy to do that.</p> <p>Senator McKIM: specifically in relation to whether there was any assessment of the quality of support provided by BMA, as opposed to the validity of visa applications made.</p> <p>Mr Manthorpe: I note that the answer also indicated that other providers exist, so if the</p>	27 February 2017 Page 68-69

				individuals required some further service it was possible for them to avail themselves of that, notwithstanding that BMA Lawyers went broke.	
<b>AE17/037</b>	Refugee and Humanitarian Visa Management	Senator McKim	Lawyer for Mr Burhala	<p>Senator McKIM: I cannot claim credit for that. So it is the case, is it not, that one of the directors of AUM Lawyers is a former colleague of Mr Burhala, who represented Mr Burhala before he fled the country owing millions of dollars to the Australian taxpayer. This colleague represented Mr Burhala in the Federal Circuit Court dispute over his tax debt. Are you aware of that?</p> <p>Mr Manthorpe: I would have to take that on notice. I am not aware of that.</p>	27 February 2017 Page 69
<b>AE17/038</b>	Refugee and Humanitarian Visa Management	Senator McKim	Notification from ATO in regards to Mr Burhala	<p>Senator McKIM: Thank you; I appreciate that. Finally on this matter, a report published in Fairfax on 29 January this year stated that the department continued to pay Mr Burhala's companies even after he became involved in a tax dispute with the ATO. If someone is in dispute with the ATO, allegedly owing money to the ATO as a result of payments from the department, would the department generally take that sort of thing into account? Is there a mechanism for the department to even be made aware that that dispute is in place, and would the department consider those matters before continuing to make payments?</p> <p>Mr Manthorpe: What I can say about that is that we were not aware of his financial issues until it received notice from the ATO.</p> <p>Senator McKIM: When was that?</p> <p>Mr Manthorpe: I am just looking at the notes that I have been handed. It does not seem to have a date. I might have to take the detail of that on notice. I can say that we immediately complied with the ATO's notice and did not pay any further moneys to BMA Lawyers. So, once we knew that Tax had an issue, and Tax informed us that they had an issue with them, we made no further payments.</p> <p>Senator McKIM: Was that a notification from the ATO?</p> <p>Mr Manthorpe: We received a notification in some form from the ATO, yes.</p> <p>Senator McKIM: And that notification was that there was a dispute or that there had been a finding?</p> <p>Mr Manthorpe: I would have to take the detail of that on notice. I do not have that with me.</p>	27 February 2017 Page 69-70

<b>AE17/039</b>	Corporate Services Division	Senator Carr	Conflict of interest declarations	<p>Mr Wright: People from the department; consultants working on the project on our behalf. It would not list individuals who are part of the tenderers. Their conflict of interest declarations were through the tender process. As part of the tender process they were required to put forward any conflicts of interest they may have.</p> <p>Senator KIM CARR: As I say, I cannot go into this because we are not in camera—</p> <p>Mr Wright: Correct.</p> <p>Senator KIM CARR: Does it include all officers?</p> <p>Mr Wright: As far as I am aware, it should include all officers who have been involved with this project, yes.</p> <p>Senator KIM CARR: I will ask you to check that please.</p> <p>Mr Wright: Yes, I certainly will.</p>	27 February 2017 Page 71
<b>AE17/040</b>	People	Senator Carr	Average salary of an SES officer	<p>Senator KIM CARR: What is the average salary of the SES officer there? The figure you have given me is obviously a sub-SES rank, at \$79,000.</p> <p>Mr Venugopal: Table 18 on page 142 has a salary table that provides the range of pay for all classifications.</p> <p>Senator KIM CARR: Okay. But that does not give me an average. It just gives me the bands. Do you have an average?</p> <p>Mr Venugopal: I do not have an average. I will have to take that on notice.</p>	27 February 2017 Page 73
<b>AE17/041</b>	OSB	Senator Pratt	Extra staff employed to bolster current arrangements	<p>Senator PRATT: How many extra staff have been employed to bolster the current arrangements?</p> <p>Mr Pezzullo: As the commissioner indicated, we would both be reluctant, because the department is also engage more broadly in the provision of support, through intelligence capacity and the like—we are starting to stray into the level of capacity and its deployment that has been put in place. It might be possible to reflect on your questions and think about how we might be able to answer them on notice without necessarily betraying our operational dispositions and functional capacity.</p> <p>Senator PRATT: I am asking about additional staff, which would not indicate how many underlying staff there are. Clearly, additional staff indicates a greater commitment, so I cannot see how that—</p> <p>Mr Pezzullo: I think the answer would be 'sufficient' additional staff, noting, going back to Mr Groves's advice, that is in some cases you are funded for additional capacity. The same people might be flying long hours patrolling or undertaking additional duties—for instance, as analysts—and it might be that they are pulling over time in doing so. You been given advice about the funding levels, but in terms of how many people we have deployed on the operation, the commissioner and I would want to reflect carefully on the extent to which we want to break that down for you.</p> <p>Senator PRATT: If you take that on notice.</p>	27 February 2017 Page 74-75

<b>AE17/042</b>	Border Force Capability	Senator Pratt	Patrol Ships	<p>Senator PRATT: There was talk of design flaws associated with that. I am just trying to reconcile what you are saying with news—</p> <p>Mr Pezzullo: When you say, 'talk,' Senator, sorry, what do you mean?</p> <p>Senator PRATT: There was news in the media last year. I can give it to you. WIN News said exclusively that the delivery date had been pushed back to mid-2017. There was some talk of production glitches.</p> <p>Mr Quaedvlieg: I will take it on notice, Senator. It is certainly not something that has been brought to my attention. My anticipation always was that they were going to be commissioned in mid-2017, and we are on track for that.</p>	27 February 2017 Page 75-76
<b>AE17/043</b>	Maritime Border Command	Senator Pratt	Number of attempted border crossings	<p>Senator PRATT: How many attempted border crossings have been intercepted or interrupted between PNG and Australia in the last 12 months? Do you have any records with you?</p> <p>Mr Quaedvlieg: We may have someone present that has the statistics. In general terms, we identify less than 10 attempted crossings between the southern coast of Papua New Guinea and the Torres Strait Islands and/or the northern tip of Cape York on an annual basis. Certainly, the last 12 months have not seen any abnormal spike in those numbers. I do not have the exact numbers to hand, but it would be less than 10.</p> <p>Senator PRATT: Could you please take on notice for me whether that date of the middle of this year was the original date?</p> <p>Mr Quaedvlieg: I am very happy to do that.</p> <p>Senator PRATT: I am keen to have that clarified, because the news certainly said that they were not on schedule. It would be great if you could check that.</p> <p>Mr Quaedvlieg: I shall try to source the archive material from that footage, and I will also look at the project schedule and come back to you with some advice.</p> <p>Senator PRATT: You said there were officers who could advise about those interceptions?</p> <p>Mr Quaedvlieg: Potentially. I will check in the next little while whether we have those on hand. If I can come back to you before the end of the day, I will.</p>	27 February 2017 Page 76

<b>AE17/044</b>	Maritime Border Command	Senator Pratt	Border crossings in the Torres Strait	<p>Senator PRATT: How many fishing vessels were found within Australian waters in that region?</p> <p>Mr Quaedvlieg: We have seen a bit of a spike in Vietnamese fishing vessels. We have intercepted nine vessels in this financial year to date, with 117 illegal fishers on board. But those have predominantly been off the east coast of Queensland, out in the Coral Sea.</p> <p>Senator PRATT: Does that represent an increase in illegal fishing in that region?</p> <p>Mr Quaedvlieg: In that region, yes. The numbers are broadly parallel to what we have seen in the last few years, but we have not had that concentrated cluster off the north coast of Queensland for a period of time. Absolutely that is a phenomenon.</p> <p>Senator PRATT: Given that is what is happening, you are still adamant there has been no decrease in resources to the policing of that region?</p> <p>Mr Quaedvlieg: In fact we have increased resources in that region.</p> <p>Senator PRATT: Please take on notice the provision of statistics for the past five years on the levels of prosecutions and interceptions, and the reasons for those interceptions.</p> <p>Mr Quaedvlieg: That is on fishing?</p> <p>Senator PRATT: Yes.</p> <p>Mr Quaedvlieg: I might have to refer you to AFMA, which is the prosecuting authority for that.</p> <p>Senator PRATT: Other interceptions as well—including border crossing interceptions. Perhaps you can break the question into two.</p> <p>Mr Quaedvlieg: From an ABF perspective, I can quantify the number of border crossings in the Torres Strait for the last five years, and, for the fishing interceptions, I can give that to you by vessel and fishers. But I cannot give you responses in relation to prosecutions because that is an AFMA responsibility.</p>	27 February 2017 Page 76
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AE17/045	Investigations	Senator Pratt	Exercised powers	<p>Senator PRATT: Please take on notice how many staff have been trained and how many are still to be trained on an appropriate definition of 'coercive power'.</p> <p>Mr Quaedvlieg: We might have to agree on what 'coercive' is. Our officers are trained across a variety of functions and actions. As I indicated, I think the majority of those are not coercive in nature.</p> <p>Ms Connell: I will just supplement the answer—</p> <p>CHAIR: The crime commission has what are strictly called 'coercive powers'—which means you do not have the right to remain silent and that failure to answer and cooperate is a crime in itself, as I understand it. That is probably a very poor description, but are those the sorts of coercive powers you are talking about?</p> <p>Mr Quaedvlieg: That is certainly my definition of coercive: where there is a capacity for an entity to summon someone to appear before a hearing and give evidence, where there is a requirement for that person to answer—they cannot remain silent—where that entity can issue a summons requiring someone to produce documents, and where they must produce those documents. Those sorts of powers are coercive in nature.</p> <p>CHAIR: Do you have those sorts of powers?</p> <p>Mr Quaedvlieg: We do not have those powers.</p> <p>CHAIR: It is only the crime commission that does, is it?</p> <p>Mr Quaedvlieg: I think some prudential authorities may have some as well.</p> <p>CHAIR: But the Border Force does not have those powers.</p> <p>Mr Quaedvlieg: We do not have coercive powers.</p> <p>Senator PRATT: Perhaps your definition of 'intrusive' might give us a better framework for my questions.</p> <p>Mr Quaedvlieg: What I will take on notice is how often our officers have, for example, exercised powers in the last 12 months for search warrants or have taken actions of that nature—actions at the upper end of intrusion.</p> <p>Senator PRATT: I will give you an example that is in the report: Some personal searches of passengers at international airports examined by the ANAO were unlawful or inappropriate, indicating weaknesses in the control framework. A number of searches of premises under the Migration Act potentially exceeded the authority of the warrant which authorised them, and officers routinely questioned people without documenting their legal authority to do so. Are those things that you would characterise as intrusive?</p> <p>Mr Quaedvlieg: Only the second one: the execution of warrants under the Migration Act. The other two that bookend that I would not characterise as coercive.</p>	27 February 2017 Page 87
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<b>AE17/046</b>	Detention, Compliance and Removals	Senator Pratt	Mobile phones used for illegal activity	<p>Senator PRATT: What evidence exists regarding the use of mobile phones for illegal activity?Mr Quaedvlieg: There are a number. A couple I can highlight to you is the conduct of a drug distribution and supply activity by a detainee in one of our centres whilst he was detained. Another very recent one was the use of a mobile phone to plan and facilitate an escape from one of our centres.Senator PRATT: The policy applies to all centres; is that right?Mr Quaedvlieg: That is right.Senator PRATT: How many centres have you identified this illegal activity taking place in?Mr Quaedvlieg: I will have to take that on notice, but the use of mobile phones for any number of nefarious activities in our centres is broad and across the network.Senator PRATT: So the illegal activity is not limited to the 501 community?Mr Quaedvlieg: No.Senator PRATT: If you could provide evidence on notice about that, that would be great.Mr Quaedvlieg: Yes, Senator.</p>	27 February 2017 Page 89
<b>AE17/047</b>	OSB	Senator McKim	Return of three persons to Indonesia	<p>Senator MCKIM: If we need Mr Pezzullo here for this I am happy to park it until he gets back. I asked a question that was taken on notice at the last estimates hearing in regard to the return of three people to Indonesia after their vessel broke down. For reference, it was SE16/076. The question was based on an Operation Sovereign Borders May update, which asserted that during the 1 May to 30 May period last year the government safely returned the passengers and crew of one vessel to their country of departure. I asked a series of questions and what we got back was: The Australian Government assisted the return of three persons to Indonesia after their vessel broke down. That did not really answer all of the questions that I put on notice, so I am going to ask them again, plus a couple of others. I realise this is a detailed question, so if you need to take this on notice that is fine. What was the date of interception and the date of return of the vessel? What were the nationalities of the people on board? Did Australian ABF or ADF personnel assist in repairing the vessel, or were the passengers transferred to another vessel? Were the passengers interviewed by ABF or ADF personnel? Mr Quaedvlieg: I vaguely familiar with that particular operation, but for the sake of accuracy I might take up your offer and take those on notice and come back to you with some detailed responses.</p>	27 February 2017 Page 92

AE17/048	OSB	Senator McKim	Number of people not returned on the basis of non-refoulement obligations	<p>Senator McKIM: That is what I assumed, but I just wanted to clarify it. If Mr Manthorpe or Mr Mansfield have further information they can provide it. On the basis that that is correct, and that was my assumption, can you provide data to the committee about how many on-water claims for asylum have been conducted and what the results of those were, just purely in numerical terms?</p> <p>Mr Manthorpe: I don't think I have data on that with me.</p> <p>Mr Mansfield: No, we do not, but to add to the commissioner's remarks, the on-water assessment process is to confirm the circumstances of people and their reasons for seeking to enter Australia. That is the purpose. And to ensure that for people who are returned the department is confident they do not engage Australia's non-refoulement obligations.</p> <p>Senator McKIM: How many people have not been returned on the basis that doing so might engage the non-refoulement obligations?</p> <p>Mr Mansfield: We would have to take that on notice.</p> <p>Senator McKIM: All right. To clarify, the questions I am asking are these. How many on-water assessments have been done—and perhaps if you have the numbers since 2013, since Operation Sovereign Borders started? And provide a breakdown annually, which I presume is possible. Also, how many people were not returned on the basis of the potential for engaging our non-refoulement obligations? Is it clear what I am asking for?</p> <p>Mr Mansfield: Yes.</p>	27 February 2017 Page 92
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AE17/049	Children, Community and Settlement Services	Senator McKim	RPC statistics	<p>Senator McKIM: No worries; thank you, I appreciate that clarification. I will ask a series of questions, Ms Moy. If you need to take any on notice, please feel free; if you have got the information here, we would appreciate it in real time. Firstly, what is the number of people inside the RPCs on Nauru and Manus Island? And if you could give the date that is relevant, that would be helpful; the most recent date if possible.</p> <p>Ms Moy: Certainly. The date is at 31 December—</p> <p>Senator McKIM: I will just stop you there. So you do not have any figures that are more recent than two months ago?</p> <p>Ms Moy: I can get you an updated version on notice, but these are the figures as at—we received these figures from the host countries. So I can get an updated version for you on notice, but I can tell you that as at 31 December it was 380 people in the Nauru Regional Processing Centre, and there are 866 people in the Manus Regional Processing Centre.</p> <p>Senator McKIM: Thank you. And are you able to break them down by gender and age, just in terms of whether they are children or adults?</p> <p>Ms Moy: I can do that for you, Senator. In Nauru Regional Processing Centre, there are 238 single adult males; six single adult females; 91 adults in family groups; male children, 29; female children, 16.</p> <p>Senator McKIM: Thank you. Are you able to break down the number of people who may be still in PNG or Nauru but who are not resident, if you like, in the centres? Or would they be included in those numbers you have just given us?</p> <p>Ms Moy: In terms of the numbers of refugees?</p> <p>Senator McKIM: Or of people seeking asylum. They are open centres, is that right? So people can come in and out.</p> <p>Ms Moy: That is correct.</p> <p>Senator McKIM: And, presumably, they could find somewhere else to live if they wanted to.</p> <p>Ms Moy: The transferees generally live within the regional processing centres, so they are individuals who have not received a positive hand-down in terms of their Refugee Status Determination. There are 206 transferees—within the regional processing centre—and there are 174 refugees still living within the Nauru Regional Processing Centre.</p> <p>Senator McKIM: Sorry, Ms Moy; just so that I am clear: the numbers that you provided before—the 380 in Nauru and the 866 on Manus—are they only the people that are resident in the centres? Or do they include people who maybe have walked out a month ago and they are now living somewhere else?</p> <p>Ms Moy: No; they are the individuals living within the centres. The only people who live outside of the centres are people who have been found to be refugees.</p> <p>Senator McKIM: Yes. And how many of those are on Manus Island and on Nauru?</p> <p>Ms Moy: I will just get those figures for you—unless Assistant Commissioner Woodford-Smith has them at hand.</p> <p>Mr Woodford-Smith: The number of refugees that we currently have on Nauru is 757</p>	27 February 2017 Page 93-94
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				<p>refugees.  Senator MckIM: They have had successful refugee status determinations.  Mr Woodford-Smith: They have been classed as refugees and they are living in the community, which is in addition to the refugees—the 174—that are living inside the regional processing centre.  Senator MckIM: Sorry, Mr Woodford Smith: are you talking about Manus or Nauru there, firstly?  Mr Woodford-Smith: No; I am talking about Nauru.  Senator MckIM: Nauru?  Mr Woodford-Smith: Yes.  Senator MckIM: Okay. How many people who are refugees are not living in the centre at Nauru?  Mr Woodford-Smith: 757 refugees live in the Nauru community.  Senator MckIM: Okay. And that is in addition to the 380 people—either refugees or people with negative determinations or, potentially, people that are still going through the process—that are living in the centre. Is that correct?  Mr Woodford-Smith: That is correct.  Senator MckIM: All right, thank you. Do you have the numbers for Manus?  Mr Woodford-Smith: I do. The number is substantially smaller. There are 64 individuals living in the ELRTC, the East Lorengau Refugee Transit Centre, and another 25 refugees settled within the greater PNG. That is as of 31 December.  Senator MckIM: If you are able to take on notice whether you have any more up-to-date figures.</p>	
<b>AE17/050</b>	Detention, Compliance and Removals	Senator Pratt	Number of occasions the department or service providers used force from 2013 until now per year	<p>Senator PRATT: I would ask you to take on notice—unless you have the figures with you—how many occasions the department or one of its service providers used force from 2013 until now in each year.  Mr Quaedvlieg: Kingsley Woodford-Smith has some statistics. I might get him to respond to that. If you want additional information over and above that, we are happy to take that on notice. I think he does have some statistics with him now, if you are willing to receive that?  Senator PRATT: Yes.  Mr Woodford-Smith: I do not go back to 2013-14, but what I do have are figures for the year 2014-15. There were 2,386 incidents of use of force. In the 2015-16 year there were 8,637 incidents of use of force.</p>	27 February 2017 Page 95-96

<b>AE17/051</b>	Detention, Compliance and Removals	Senator Pratt	501 Character Cancellations	<p>Senator PRATT: In terms of what you have said about the 501 character cancellations, can you, on notice, provide a breakdown of the type of detainee that force was used on—that is, refugees and asylum seekers versus those that might have the greater risk attached to them?</p> <p>Mr Quaedvlieg: Yes, I can take it on notice—with a qualification. I think it would be quite an onerous task to respond to that, and it might take a bit longer than a normal question on notice.</p> <p>Senator PRATT: Okay. I guess what we are really looking for is that the increase in—you have gone some way to demonstrating this in your answer by saying that it is in the change of the definition of force, but I guess what I am keen to know is whether people who are, for example, refugees or asylum seekers are being subject to more incidences of force. Clearly you have changed the definition of 'force'.</p> <p>Mr Quaedvlieg: We can certainly look at that, noting that they are about 35 per cent of the detention population. But just for clarity, it is not necessarily the case that a section 501 detainee is any higher a risk than IMAs—</p> <p>Senator PRATT: No, I understand.</p> <p>Mr Quaedvlieg: They are done on an individual risk assessment basis, and there are at least a handful of persons in detention who can be labelled as IMAs who are of high or extreme risk. So, there is not necessarily a difference in their risk profile as a cohort, and that is why we do that at an individual level.</p>	27 February 2017 Page 96
<b>AE17/052</b>	Detention, Compliance and Removals	Senator Pratt	Restraints for the 'elderly' 'frail' or 'disabled'	<p>Senator PRATT: You have said that people are not always physically restrained when they are moved around the onshore detention network. Are there incidences of people who are elderly or people who have a disability being physically restrained when they are moved around?</p> <p>Mr Quaedvlieg: I will take that on notice, noting that definition of 'aged' or 'elderly and disabled'—</p> <p>Senator PRATT: I guess 'frail' is perhaps a better word than 'elderly' in these circumstances.</p> <p>Mr Quaedvlieg: We will see if we can break down—I understand the premise and the intent of your question—under very clearly defined parameters what is 'elderly', what is 'frail', what is 'disabled'. I might just have to come back and qualify the extent of the answer we provide, but I understand what you are asking.</p> <p>Senator PRATT: Can you provide photos of the kinds of restraints that you are using, on notice?</p> <p>Mr Quaedvlieg: Yes.</p> <p>Senator PRATT: Has there been an increase in crime within the onshore detention network?</p> <p>Mr Quaedvlieg: The answer to your first question is yes, we can provide photographs, if they are not publicly available.</p> <p>Senator WATT: Do you have them there? Or would you be in a position to provide them this evening?</p>	27 February 2017 Page 97

				<p>Mr Quaedvlieg: Possibly. We will take it on notice to see if we can procure them during the dinner break.</p> <p>Senator PRATT: Thank you.</p>	
<b>AE17/053</b>	Detention, Compliance and Removals	Senator Pratt	Use of restraints statistics	<p>Mr Quaedvlieg: No. In fact, if you drop your definition or your threshold of what is a use-of-force incident, it actually by definition increases it. So, no, we are actually putting it out in the open. The point though is that with the increase in the section 501 cancellations and the general demeanour and antecedence of the people in that cohort, they are criminals, and they behave in that way and therefore we are getting a higher-risk behaviour in detention centres. And we need to apply use of force where it is, again, justified, and when it is it will be reasonable and proportionate.</p> <p>Senator PRATT: Because you have a lower threshold on the definition of force overall, perhaps you might revisit the figures I asked for between 2013 and 2017 in relation to the use of restraints. Frankly, if you have changed the definition, it is not really a good indication anymore of how intrusive your conduct is—</p> <p>Mr Quaedvlieg: Other than that we categorise by particular uses of force, and where restraints are actually used they are recorded as use of restraints.</p> <p>Senator PRATT: Yes, and that is why perhaps I might ask you for the statistics on restraints specifically.</p> <p>Mr Quaedvlieg: Sure, we can take that on notice.</p>	27 February 2017 Page 98
<b>AE17/054</b>	Legal	Senator Pratt	Dry Cell lawsuits or civil suits	<p>Senator PRATT: Can you explain the circumstances?</p> <p>Mr Quaedvlieg: She was the suspected of holding contraband. She was placed in a dry cell in the hope that she was going to give that up. She eventually did. I think it was a small quantity of drugs. But in subsequent auditing we found that the dry cell methodology was used and that was inappropriate. We do not run dry cells. It is not our policy. And the appropriate sanctions and remedial training was implemented.</p> <p>Senator PRATT: Was that on the basis of advice from the Australian Solicitor-General?</p> <p>Mr Quaedvlieg: We may have got some legal advice at the time, but in general terms it was a policy decision made by me. I do not think that it is an appropriate practice in our current custodial setting.</p> <p>Senator PRATT: Have you had any lawsuits or civil suits relating to the use of dry cells?</p> <p>Mr Quaedvlieg: Not that I am aware of, but I will check with our general counsel.</p> <p>Mr Quaedvlieg: No, she is shaking her head.</p> <p>Ms Connell: We will take it on notice.</p>	27 February 2017 Page 99

AE17/055	Legal	Senator Macdonald	Statutory provisions regarding 'dry cells'	<p>Mr Quaedvlieg: Yes, it was, and as I understand it that officer—and I would stand to be corrected—came from a correctional services environment, where this practice is common, and they have state powers to do it, and assumed mistakenly that it was also the same statutory power and policy of the department, but it is not.</p> <p>Senator Macdonald: Are you certain that some of the states in correctional service institutions actually have that power?</p> <p>Mr Quaedvlieg: I am confident, but it may vary from state to state or territory.</p> <p>Senator Macdonald: I was going to ask whether you or your general counsel could take as a question on notice to just refer me to some state legislation where—</p> <p>Mr Quaedvlieg: I can do that, but I can also give you, on notice, our statutory provisions which enable us to do that at the border.</p> <p>Senator Macdonald: Would the same legislation apply within detention centres as would apply at the borders?</p> <p>Mr Quaedvlieg: No, it does not.</p> <p>Senator Macdonald: Sorry: the wording of the statute that allows you to do it at the borders—if that were used in a context of detention centres, would that be sufficient without—</p> <p>Mr Quaedvlieg: Potentially not. The border powers relate to actions enabled to be taken under the Customs Act, which is about the prevention of prohibited goods coming into the country, whereas the detention centres are operated under the Migration Act, so they are different statutes.</p> <p>Senator Macdonald: You were asked whether there were any legal actions being taken by detainees for being put into dry cells, and the answer of course is no, because you do not do it, except on this one occasion. And I think you said that on that one occasion there was not any legal action.</p> <p>Mr Quaedvlieg: Well, there was not, but I was admonished by my chief operating officer in the break saying that I should not have been as definitive and they would like our counsel to check whether there is a litigation in place or not. But I have taken that question on notice.</p> <p>Senator Macdonald: It is just that I would be curious as to how someone who was perpetrating if not a crime then a misdemeanour could sue the authorities for trying to expose this crime or misdemeanour, depending on how it is classified. I guess there are some lawyers around who would make a field day out of it. But you cannot help me on that, because it has not happened to you.</p> <p>Mr Quaedvlieg: Not that I am aware of, no.</p>	27 February 2017 Page 101-102
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<b>AE17/056</b>	Detention, Compliance and Removals	Senator McKim	Number of people being held in prison on Manus Island or Nauru	<p>Senator McKIM: Ms Moy, I think my questions on offshore matters would be in your area. Is the department aware whether there are any people seeking asylum or people who are classified as refugees who are currently being held in prison on Manus Island or Nauru?</p> <p>Ms Moy: I will ask Acting Deputy Commissioner Woodford-Smith to provide a response.</p> <p>Mr Woodford-Smith: Right at the moment I am not aware of anyone who is actually in jail. I am aware that from time to time there are certainly people from the centre—transferees, asylum seekers, refugees—who have been imprisoned. But I cannot give you a definitive answer right now as to how many might be jailed at the present time.</p> <p>Senator McKIM: Could you take that on notice and perhaps if you would go back 12 months for the committee. I am not after names, but would be after reasons and length of sentence, or length of incarceration if it were a remand issue.</p> <p>Mr Woodford-Smith: We will do the best we can. I just want to caveat it. Because it is the sovereign government of New Guinea or Nauru we do not necessarily get the visibility of that—so it is more ad hoc.</p> <p>Senator McKIM: I understand that, so I am happy to ask: to the best of the department's knowledge—just stuff that you may have become aware of during discussions with either of those two governments.</p> <p>Mr Woodford-Smith: Okay.</p>	27 February 2017 Page 102
<b>AE17/057</b>	Detention, Compliance and Removals	Senator McKim	Critical incidents in Manus and Nauru	<p>Senator McKIM: I want to ask now about incidents in the RPCs on Manus Island and Nauru. Would you be able to provide the number of minor, major and critical incidents over the last six months in both Manus and Nauru?</p> <p>Mr Woodford-Smith: I do not have them broken down in that actual order. What I can say, though, is that we have recorded assaults, sexual assaults—sorry, assaults that are non-sexual—and that is probably about the degree that I have with me tonight.</p> <p>Senator McKIM: Could you run me through those, and what period we are discussing here.</p> <p>Mr Woodford-Smith: Starting with Nauru, and this will be for the period from 8 September 2013 through to 31 December 2016—</p> <p>Senator McKIM: I am just wondering if you have figures that are broken down into shorter periods of time.</p> <p>Mr Woodford-Smith: I might take that on notice if I can.</p> <p>Senator McKIM: I am happy for you to take the total figures on notice, but could you also break them down into those categorisations in the last six months, for both Manus and Nauru?</p> <p>Mr Woodford-Smith: Sure. I do have the figures since the last estimates. For Nauru, in the RPCs, assault-sexual: two events—</p> <p>Senator McKIM: This is since September last year?</p> <p>Mr Woodford-Smith: This is 1 October through to 31 December 2016. For assaults-sexual on a minor, there have been no incidents recorded since last estimates.</p> <p>Mr Pezzullo: Over the time period.</p>	27 February 2017 Page 102-103

			<p>Mr Woodford-Smith: Over that time.</p> <p>Mr Pezzullo: Because I don't think estimates was on 30 September, if I recall.</p> <p>Senator McKIM: That is right. These are from 1 October. So these are all from 1 October to 31 December.</p> <p>Mr Woodford-Smith: Correct.</p> <p>Senator McKIM: The last three months of last year?</p> <p>Mr Woodford-Smith: That is correct.</p> <p>Mr Pezzullo: The final quarter.</p> <p>Mr Woodford-Smith: There were two assaults on adults, three assaults on minors, 37 incidents of abusive/aggressive behaviour and no reported incidents of antisocial behaviour.</p> <p>Senator McKIM: Could you explain the difference between abusive/aggressive behaviour and antisocial behaviour.</p> <p>Mr Woodford-Smith: In our later figures we are merging those two together. Antisocial behaviour does actually drift into the abusive/aggressive behaviour. It is more of a layman's definition, if you like, between what is abusive and what is antisocial. Antisocial may be throwing a dish or something like that in the mess.</p> <p>Senator McKIM: Whereas aggressive behaviour will be throwing a dish at somebody in the mess.</p> <p>Mr Woodford-Smith: Quite possibly.</p> <p>Senator McKIM: Have you those breakdowns for Manus?</p> <p>Mr Woodford-Smith: I do. Since last estimates for the period 1 October 2016 to 31 December 2016: assault sexuals, there were nine; assaults, eight; abusive and aggressive behaviour, 125.</p> <p>Senator McKIM: Should we assume that the categories that you mentioned for Nauru but did not mention for Manus are at zero for Manus?</p> <p>Mr Woodford-Smith: That is correct, so for antisocial behaviour, zero.</p> <p>Senator McKIM: Assaults, sexual on a minor, zero on Manus.</p> <p>Mr Woodford-Smith: Correct. There are no minors on Manus.</p> <p>Senator McKIM: I understand, but just for the others, as well. Do you have comparative figures for the three months preceding.</p> <p>Mr Woodford-Smith: I don't.</p> <p>Senator McKIM: Could I ask you to take them on notice.</p> <p>Mr Woodford-Smith: Yes.</p>	
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<b>AE17/058</b>	OSB	Senator McKim	Illegal departure	<p>Senator McKIM: Are you aware of anybody, or are you as a department aware of anyone, that has been returned as a result of their boat being turned back or any other assistance from the Australian government who has been prosecuted or charged in regard to their illegal departure but has not been prosecuted as being an organiser—in other words simply for the fact of leaving illegally?</p> <p>Mr Pezzullo: We will have to check the records. I am not aware of any cases where anyone has been charged and then prosecuted for the act of departure. The prosecutions that I am aware of—whether there is more than one, I just cannot quite recall—relate to the organisation of the venture in question.</p> <p>Senator McKIM: Could I ask you to check that and come back on notice.</p> <p>Mr Pezzullo: We will check that, indeed.</p>	27 February 2017 Page 104
<b>AE17/059</b>	OSB	Senator McKim	People returned to countries of origin being prosecuted	<p>Senator McKIM: Thanks. If you need to take this on notice, obviously you can: could I ask whether people who have been returned, either through their boat being turned back or through other means assisted by the Australian government, have been prosecuted for things that they have told the Australian government they are fleeing from. In other words, if someone is alleging persecution and they have been assessed at sea and found not to be a genuine refugee and therefore returned, do you check those people to see whether in fact they are being prosecuted for the very things that they have told they are fleeing?</p> <p>Mr Pezzullo: General Campbell—going back two commanders—and General Bottrell, I and others have made it clear we make assessments under Operation Sovereign Borders as to whether such persons engage our protection obligations, and they are not, in any case, ever returned or taken back if they engage protection obligations. Have there therefore been circumstances where persons returned by whatever mechanism—I think you referred both to turnbacks but also to all the other facilitated activities that might be in question here—is then prosecuted, I think you said—</p> <p>Senator McKIM: Yes, charged or prosecuted for the things—</p> <p>Mr Pezzullo: I am not aware of any cases where that has occurred.</p> <p>Senator McKIM: How would you know, Mr Pezzullo?</p> <p>Mr Pezzullo: No such cases have been drawn to attention, but I will check to make sure that our records do not suggest otherwise.</p> <p>Senator McKIM: Do you have a mechanism to check that? I guess that is the fundamental of my question here?</p> <p>Mr Pezzullo: If a person has not engaged our protection obligations, and therefore there are no assurances or undertakings that we have entered into, we would not ordinarily follow through on matters in relation to which we have not sought assurances, no.</p>	27 February 2017 Page 104

<b>AE17/060</b>	Detention, Compliance and Removals	Senator McKim	Protocol for handcuffing detainees during transfer	<p>Senator McKIM: I am not sure I can do five, Chair, but I will do my best. Do you have a protocol that relates to the handcuffing of detainees during transfer?</p> <p>Mr Pezzullo: I might ask the commissioner to speak to detention and transfer arrangements.</p> <p>Mr Quaedvlieg: Yes, we do. Each detainee and their transfer between centres, or out in the community and back into the centres, are individually risk assessed in terms of their propensity to escape or commit harm. On the basis of that risk assessment, a decision will be made in relation to restraint.</p> <p>Senator McKIM: Is that a written protocol?</p> <p>Mr Quaedvlieg: Yes, it is.</p> <p>Senator McKIM: Is there a problem with providing a copy of that to the committee?</p> <p>Mr Quaedvlieg: In general principle, no. But I will caveat that as per usual: if there is an operational methodology that I do not think should be in the public domain, I will extract that out. But in general terms, no. I do not have an issue. I will take that on notice.</p>	27 February 2017 Page 108
<b>AE17/061</b>	Refugee and Humanitarian Visa Division	Senator McKim	Juan Mendez report on Sri Lankan refugees	<p>Senator McKIM: I just did not want you to fall into the trap that the Chair fell into earlier. You would be aware of the UN Special Rapporteur on torture's report in January of this year—only a few weeks ago—recommending that Tamils should not be returned to Sri Lanka because of concerns about torture?</p> <p>Mr Pezzullo: There are quite a number of Special Rapporteur reports. I would have to refresh my memory. Who was the rapporteur?</p> <p>Senator McKIM: I do not have that in front of me at the moment, but I happy to provide that to you.</p> <p>Mr Pezzullo: I will refresh my memory. I might have seen some reporting about it, but I do not want to mislead you into thinking that I have.</p> <p>Senator McKIM: That is okay. Perhaps if I could ask you to take on notice, in the context of refreshing your memory: has the department updated its guidance to DIBP officers to reflect that? Perhaps you could answer that in general terms: when there is a report such as that from a Special Rapporteur on torture is that information conveyed to people, for example, doing on-water assessments?</p> <p>Mr Pezzullo: There is a standard process that we share with the Department of Foreign Affairs and Trade. Perhaps Mr Mansfield will return to assist me. Country guidance is periodically reviewed. I do not know as a matter of fact. I would have to take it on notice as to whether every UN report that may have a bearing is scrutinised in the preparation of revised country guidance. Perhaps Mr Mansfield knows, but otherwise we will take it on notice.</p> <p>Mr Mansfield: We very, very regularly update country information. In fact, it is pretty close to real time. If there are significant reports by the UNHRC, other UN groups or, indeed, partner countries with whom we share country information, then that is reflected in the most up-to-date guidance. I do not particularly know whether that particular report is reflected in the most recent guidance, but I am aware that our Sri Lankan guidance has</p>	27 February 2017 Page 108-109

				<p>been updated within the last month.</p> <p>Senator McKIM: Does that update offer guidance that no Tamils should be returned to Sri Lanka?</p> <p>Mr Mansfield: I think the picture is more complex than that, but I will take on notice whether that particular report is currently reflected in our guidance.</p>	
<b>AE17/062</b>	Refugee and Humanitarian Visa Management	Senator McKim	Number of Tamils given negative refugee status or determinations	<p>Senator McKIM: Could you also, as part of that, please tell us how many Tamils who have fled Sri Lanka have been given negative refugee status or determinations?</p> <p>Mr Pezzullo: Over what time period?</p> <p>Senator McKIM: Perhaps the last 12 months.</p> <p>Mr Pezzullo: We will take that on notice. Who have fled Sri Lanka?</p> <p>Senator McKIM: Who originated in Sri Lanka, perhaps.</p> <p>Mr Pezzullo: Because they are two different questions. We will look at both.</p>	27 February 2017 Page 109
<b>AE17/063</b>	Refugee and Humanitarian Visa Management	Senator McKim	Number of Hazaras given negative refugee status or determinations	<p>Senator McKIM: I will ask similar questions in relation to Hazaras who have originated in Afghanistan—obviously the situation is deteriorating quite significantly for Hazara people in Afghanistan. Would you be able to provide a synopsis of the latest country information guidance provided to DIBP officers on the issue of persecution of Hazara people in Afghanistan?</p> <p>Mr Pezzullo: I will take it on notice in the same way that we have taken the Tamil question on notice.</p>	27 February 2017 Page 109
<b>AE17/064</b>	Detention, Compliance and Removal	Senator McKim	Number of children referred by doctors for transfer to Australia for investigation including sexually transmitted diseases	<p>Senator McKIM: Ms Moy, do you have here or could you take on notice how many children have been referred by doctors for transfer to Australia for further medical investigation including for sexually transmitted diseases?</p> <p>Ms Moy: No, I do not have those figures with me but I can take it on notice.</p> <p>Mr Pezzullo: Over what time period?</p> <p>Senator McKIM: Perhaps if you could provide a per year figure over the life of the Nauru centre, and specifically if children are diagnosed with sexually transmitted diseases or potential STDs, if they are not returned to Australia why not. Again in regard to offshore medical services, IHMS are the provider for both Manus and Nauru, is that right?</p>	27 February 2017 Page 109

<b>AE17/065</b>	Detention Services Division	Senator McKim	Number of detainees and children being prescribed anti-depressant drugs	<p>Senator McKIM: I understand that. Do we know how many detainees are currently being prescribed anti-depressant drugs?</p> <p>Mr Nockels: I do not have that detail.</p> <p>Senator McKIM: Is that something you would be able to—</p> <p>Mr Nockels: I will take that on notice.</p> <p>Senator McKIM: Thank you. And if there is a subset, could you provide the number of children currently being prescribed anti-depressant drugs. Thank you. Are the funds that have been provided to IHMS for medical care of detainees reducing over time? The number of people in the camps is reducing.</p> <p>Mr Nockels: IHMS is in a similar way to, say, BRS around banding. It is structured differently. In terms of overall funding, I would have to check if that has gone down, but my gut sense is that it has not. We would have to take that on notice.</p>	27 February 2017 Page 110
<b>AE17/066</b>	Detention, Compliance, and Removals	Senator McKim	Recommended removal of children	<p>Senator McKIM: I appreciate if you have to take these on notice. I am wondering, in relation to children on Nauru, whether there has ever been a case where service providers have recommended be removed but they were not removed. In other words, where the service provider has recommended that the children, for example, be brought here to Australia for various reasons but they were not. How many and why, if that is the case?</p> <p>Mr Pezzullo: I could only see that arising under the matter that you mentioned earlier about medical transfers, so we will look at it in the context of requests for medical transfers.</p> <p>Senator McKIM: So you will look at that on notice?</p> <p>Mr Pezzullo: In the context of the other question we took on notice about the repatriation or the return of children previously taken on notice.</p>	27 February 2017 Page 111
<b>AE17/067</b>	Detention Services	Senator McKim	Child Protection Policies of the providers on Manus and Nauru	<p>Senator McKIM: Does the department have copies of the child protection policies of the various providers on Manus and Nauru?</p> <p>Ms Moy: Yes, we do.</p> <p>Senator McKIM: Are you able to provide those to the committee?</p> <p>Ms Moy: Yes, we can.</p>	27 February 2017 Page 111

<b>AE17/068</b>	Immigration and Citizenship Policy	Senator Pratt	Briefings to the Prime Minister and Cabinet on the consolidated sponsored occupation list	<p>Senator PRATT: I want to take us to the consolidated sponsored occupation lists. I understand there is a review underway currently. How often you brief the minister on that review?</p> <p>Mr Pezzullo: Mr Wilden has been waiting all day to answer this question, so he finally has his chance.</p> <p>Mr Wilden: The review of the consolidated skilled occupation list is being undertaken by MACSM, the Ministerial Advisory Council on Skilled Migration, not by the department. That report has not been finalised yet. I think it is close and, when it is finalised, that will be provided to the minister.</p> <p>Senator PRATT: So you have not provided any briefing to the Prime Minister and Cabinet about your own views about that review?</p> <p>Mr Wilden: I do not think we have, but I will confirm that.</p>	27 February 2017 Page 112
<b>AE17/069</b>	Border Management Division	Senator Pratt	Number of complaints or requests for investigation into employers breaking the rules or rorting the CSOL jobs list	<p>Senator PRATT: Is it common for the department to receive complaints or requests for investigations into employers breaking the rules or rorting the CSOL jobs list to bring in overseas workers into positions that are not formally listed on that list?</p> <p>Mr Wilden: We do get complaints of that nature whereby people would contest that the sponsorship obligation is to define the position and that the person who comes into that position must hold the requisite skills to do so. We sometimes get complaints, particularly in the more generic occupations—things like 'project manager—not elsewhere classified'—which tend to be a bit broader. Where it is brought to our attention that someone may be employed not undertaking those jobs, we take the appropriate review action.</p> <p>Senator PRATT: How many complaints of that character have you received over the last five years?</p> <p>Mr Wilden: I will take that on notice.</p> <p>Senator PRATT: I would appreciate it if you could provide that year by year over the last five years.</p> <p>Mr Wilden: Sure.</p> <p>Senator PRATT: How many investigations have you undertaken in response to complaints?</p> <p>Mr Wilden: I will take that on notice as well.</p>	27 February 2017 Page 112

AE17/070	Immigration and Citizenship Policy	Senator Pratt	Number of jobs listed on the CSOL	<p>Senator PRATT: The minister said he believes there are too many jobs listed on CSOL and is looking to consolidate and condense that list. Is there an indication of how many jobs could be removed?</p> <p>Mr Pezzullo: I think, as Mr Wilden made clear, the minister has tasked his council. I think the acronym was used.</p> <p>Mr Wilden: MACSM—the Ministerial Advisory Council on Skilled Migration.</p> <p>Mr Pezzullo: I would be reluctant for any officer at the table to pre-empt the findings of an independent ministerial council.</p> <p>Senator PRATT: You are not able to advise us on how many jobs might be removed or what consultation, if any, is going on with industry, business and unions?</p> <p>Mr Pezzullo: As a result of this review? No, because the review is being conducted by the minister's independent council. It might well be that we are assisting with data. I presume we are assisting.</p> <p>Mr Wilden: We are. We are providing reports, information on records and secretariat services to that council for their meetings et cetera.</p> <p>Senator PRATT: What is the best way of us accessing information about that review?</p> <p>Mr Pezzullo: We will take it on notice for the minister to consider. It is his council and I presume he will give consideration to stating something publicly once the review has reported to him.</p> <p>Senator WATT: If the department is providing secretariat services to that council, and presumably doing a range of other tasks related to it as well, you must be aware of whom the council is consulting with?</p> <p>Mr Pezzullo: We might well be aware, but, notwithstanding the privilege of the Senate, whether it is for us to reveal what the council's scheme of engagement is—that is something we would have to take on notice. It is a matter for the council.</p> <p>Senator PRATT: From the point of view of estimates, this is the portfolio in which we ask these questions.</p> <p>Mr Pezzullo: Indeed.</p> <p>Senator WATT: Is Senator Cash aware as the minister representing?</p> <p>Senator Cash: I will have to take that on notice and refer it to the minister.</p> <p>Senator PRATT: If you can provide advice on how we can access that information, that would be useful.</p> <p>Mr Pezzullo: I presume you are asking, so therefore we will see if we can give you an answer. Is that not the best way for you to access that information? I cannot think of any other way to give you the information.</p> <p>Senator PRATT: Normally we would be able to ask, but it seems as if this portfolio question is almost not within the portfolio because it has been outsourced to a separate review.</p> <p>Mr Pezzullo: The minister has asked an independent council to look at the matter, yes.</p> <p>Senator PRATT: Are you making a submission to that review—if you are not formally part of it?</p>	27 February 2017 Page 112-113
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<b>AE17/071</b>	Visa and Citizenship Management	Senator Pratt	Labour Agreement applications and guidelines	<p>Senator PRATT: Can you explain to the committee the process for applying to the department for a labour agreement?</p> <p>Mr Wilden: I may seek some assistance here from my colleagues in the program management area. We are the policy owner. In terms of the labour agreements, there is a group of policy settings if you like around what can constitute a labour agreement in terms of occupations, salary rates and those sort of issues. There is a large body of information required as part of that application process and that can go to issues such as the make up of the workforce and what you have done to look for Australian workers in the first instance et cetera. Ms Dacey has just joined me; she looks after the labour agreement process in her area so she may be able to add a bit more richness to the reply.</p> <p>Senator PRATT: Just to speed things up could you include, within your response, the requirements to consult, the requirements to advertise locally and the minimum requirements for advertising.</p> <p>Ms Dacey: You can have a labour agreement in a couple of different ways. There are some industry templates or an individual employer can approach the department. The consultation requirements are between the employer and stakeholders, so the department does not actually consult, but we make an assessment of the consultation as part of our assessment. It will probably take different forms depending on the nature of the business.</p> <p>Senator PRATT: What does the requirement to consult look like? Is it set out in guidelines and what do those guidelines say?</p> <p>Ms Dacey: It would be, but I do not have that particular level of detail. There will be advice that we give to people as they make approaches and put their applications forward.</p> <p>Senator PRATT: Are you able to provide a copy of the guidelines for consultation?</p> <p>Ms Dacey: Yes. I will check and confirm for you on notice what the wording is that we provide to applicants.</p>	27 February 2017 Page 115
<b>AE17/072</b>	Visa and Citizenship Management	Senator Pratt	On hire labour agreements	<p>Ms Dacey: On hire templates are 21 per cent of all labour agreements, ministers of religion are 16 per cent, the meat industry is 10 per cent, the fast food industry is five per cent, the dairy industry is four per cent, the fishing industry is four per cent, the pork industry is three per cent, the snow sport industry is three per cent and fine dining is one per cent.</p> <p>Senator WATT: The highest one was 'on hire'. What sorts of things does that cover?</p> <p>Ms Dacey: I knew you were going to ask me that! I am going to have to take it on notice.</p>	27 February 2017 Page 116

<b>AE17/073</b>	Visa and Citizenship Management	Senator Roberts	Number of Muslims have come into the country / Quality of integration and assimilation	<p>Senator ROBERTS: This is my last question, Senator Macdonald. So you assess the applicants individually before they come in. Do you assess the data on crime, welfare and social cohesion for the product you allow through your process, the outcome of your process? If possible—I will put this on notice—could you get back to me with your assessment of how many Muslims have come into the country since you stopped the boats in 2013 and whether or not you do check on their ability and willingness, once they have settled in Australia, to assimilate and integrate?</p> <p>Mr Pezzullo: To the extent that the ABS relevant data set can help us in that regard, I am happy to take that on notice. Given what I said earlier, and I refer to my earlier evidence, I just do not know that we are going to be able to provide you with anything other than a statistically based answer, but I suspect that is what you are looking for anyway, so we will look at the data.</p> <p>Senator ROBERTS: I would like some assessment of the quality of integration and assimilation of people who you authorised to come into this country as permanent residents.</p> <p>Mr Pezzullo: That is a different question. I might need to take some advice on this. The settlement and integration question is one properly directed to our colleagues in the Department of Social Services, as they provide settlement services and language proficiency, employment and housing support. I think what we might best do is take both questions on notice. We will take on notice working with our colleagues in the Bureau of Statistics to provide you with a statistical answer to the first part of your question. The second part of your question as I heard it related to the quality of, I think you said, assimilation outcomes—</p> <p>Senator ROBERTS: The quality of the outcome as defined by the willingness and ability to assimilate and integrate.</p> <p>CHAIR: Senator Roberts, you said you had one more question and you have had about five others, and that was the answer which I thought you gave five minutes ago, Mr Pezzullo.</p> <p>Mr Pezzullo: We will need to take it on notice.</p> <p>Senator ROBERTS: Thank you.</p>	27 February 2017 Page 123
<b>AE17/074</b>	Visa and Citizenship Management	Senator Pratt	Factory workers and forklift drivers on CSOL	<p>Senator PRATT: Okay, so it is at an officer level. Do you know if factory workers and forklift drivers are currently on CSOL—?</p> <p>Ms Dacey: The decision to enter into labour agreements is delegated to an officer in the department, but the minister can also make those decisions, naturally. I do not know if forklift drivers are on the CSOL list.</p> <p>Mr Wilden: We will confirm, but it is highly unlikely, because jobs like that tend to be in the lower skilled categories, down at four and five on ANZSCO, so they would not get in.</p>	27 February 2017 Page 123

<b>AE17/075</b>	Visa and Citizenship Management	Senator Pratt	Templates for work areas	<p>Senator PRATT: Could you provide on notice the templates that you referred to earlier, for the work areas you have templates for. I think we have discussed abattoirs a little bit, and the meatworkers are in that so does mean there will be a clear set of standards within the guideline about demonstrating the shortage?</p> <p>Ms Dacey: Whatever is in the template will be what they are required to meet as part of our assessment.</p>	27 February 2017 Page 124
<b>AE17/076</b>	Visa and Citizenship Management	Senator Pratt	Number of overseas workers Northline is seeking	<p>Senator PRATT: One of the examples I have been given is regarding the transport company Northline. I am told they are seeking to establish a labour agreement to bring in overseas workers as forklift drivers, and that is a job that requires just 1½ days training. That is a course that costs just \$329. Do you know how many workers Northline is seeking to bring in under a labour agreement?</p> <p>Ms Dacey: We would have to take that on notice.</p>	27 February 2017 Page 124
<b>AE17/077</b>	Visa and Citizenship Management	Senator Pratt	Northline labour agreements	<p>Ms Dacey: One of the things about labour agreements is that it is one of the avenues available to employers to bring in semiskilled workers. That is the judgement value we get into in assessing—or if they are seeking some sort of other concession. That is why they exist under the 457 program. But what is unskilled, what is semiskilled, what is skilled—that is the assessment part of the application.</p> <p>Senator PRATT: 'Unskilled' would have to be someone who comes to the country and then does a course that is a couple of days long, surely.</p> <p>Ms Dacey: I do not know the detail of that, and that would be something that the decision maker—</p> <p>Senator PRATT: Perhaps you could take that question on notice, but also the nature of the previous labour agreements sought by Northline, because this is the third agreement they have sought. And can you confirm how many overseas workers Northline has brought in to date in all of their agreements. Can you confirm whether Northline are training workers once they arrive in Australia. Can you confirm the salaries or rates that these drivers are on and if there have been any complaints or investigations regarding the company's practice in importing workers.</p> <p>Ms Dacey: Yes.</p>	27 February 2017 Page 124
<b>AE17/078</b>	Visa and Citizenship Management	Senator Pratt	Examples of companies describing why they need overseas workers	<p>Senator PRATT: Can I ask what steps the department takes to ensure companies seeking to bring in overseas workers are making sufficient effort to hire locals first?</p> <p>Ms Dacey: That was part of the discussion we had before. I have seen just one example where they have kind of written long stories about what they have done and how things have not worked and how they have approached different kinds of markets, but I think it is pretty variable—</p> <p>Senator PRATT: If you could review—</p> <p>Ms Dacey: We will give you some examples, perhaps.</p>	27 February 2017 Page 125

<b>AE17/079</b>	Border Management	Senator Pratt	Example allegations of rorting the 457 visa program	<p>Senator PRATT: Okay. What allegations have been made regarding rorting of the 457 visa program overall?</p> <p>Ms Dacey: By sponsors or applicants?</p> <p>Senator PRATT: Sponsors.</p> <p>Ms Dacey: If we get complaints we refer them to our Sponsor Monitoring Unit with our ABF colleagues. I think the reality is there is a lot of noise in the system about the 457 program and a lot of things get said. I do not have with me—I do not think—data on the number of complaints we have had about sponsors, but I can see what I can find out for you on notice, if you would like.</p> <p>Senator PRATT: Okay, you can take those on notice, and some example allegations.</p>	27 February 2017 Page 125
<b>AE17/080</b>	Border Management	Senator Pratt	Australian Coastal Shipping, Canada Steamship Lines Australia - allegations of rorting the 457 visa program	<p>Senator PRATT: In relation to Australian Coastal Shipping, Canada Steamship Lines Australia, there is an allegation that they are rorting the 457 visa program via deceptive conduct—that is, involving a process of sponsoring foreign labour under non-seafaring occupations that appear in the CSOL that do not match the licensed seafaring occupations that can be employed in Australia that are regulated by marine orders issued under the Navigation Act 2012. Are you aware of any allegations regarding those companies?</p> <p>Mr Manthorpe: Senator, I am not aware and I do not think anyone at the table will be aware of the detail of those allegations. I just think we should take all that on notice.</p> <p>Senator PRATT: If you can take that on notice, and I would ask: what action has the department taken or will it take to eliminate that particular practice that I described, and are you aware of other allegations where companies are substituting—</p> <p>CHAIR: Assuming that it is true.</p> <p>Senator PRATT: I characterised it as an allegation.</p> <p>Mr Manthorpe: Yes, I know that, Senator, and it was about a specific company and a set of specific things. It does not do anyone any good if we get into speculating about what we might or might not do in those circumstances. We need to engage with our ABF colleagues who do the compliance part of this and the investigations part of this where that is necessary, and we will work across the portfolio and come back with an appropriate response.</p>	27 February 2017 Page 125
<b>AE17/081</b>	Community Protection	Senator McKim	Number of people who receive negative decisions do not have a condition attached to prevent them from working	<p>Senator MCKIM: How many people who have received negative decisions by the department, in terms of their refugee status, do not have a condition attached to their visa which prevents them from working? What I am trying to find out is—</p> <p>Mr Manthorpe: So you are working your way through the process. They have come out the other end and they have not been granted a protection visa of any kind. Depending on whether they are in merits review or not they may still be on a bridging visa, but if they get through merits review and are still negative then their bridging visa may well be cancelled. But I would want to check the detail of that and take it on notice.</p>	27 February 2017 Page 127-128

<b>AE17/082</b>	Immigration and Citizenship Policy	Senator McKim	Department's policy to refuse work rights for people who are in that category of having a negative decision pending judicial review	<p>Senator McKIM: I am happy for you to do so. Is it the department's policy to refuse work rights for people who are in that category of having a negative decision pending judicial review? I am being informed by various stakeholder groups that they cannot get clarity on this, despite their best efforts, so I am trying to resolve it here.</p> <p>Mr Manthorpe: I would like to take that on notice. I would prefer not to get into a speculative conversation.</p> <p>Senator McKIM: That is fair, but do you understand the information that I am seeking?</p> <p>Mr Manthorpe: I certainly know that, at a point in time, some people who have come out the other end of the process with a negative have not been found to be a refugee. Ultimately, we get to the point where we say, 'Really, it is time for you to return home', and that might entail us detaining and seeking to return them or it might entail people continuing to live in the community—in effect, unlawfully, like an overstayer on any other kind of visa. We have, as we have probably talked about with you or certainly with other senators over time, something like 60,000 unlawful noncitizens in the community at any given point time. So people who have applied for a visa, not got it, appealed, gone through a merits review process and still not got it may be in some form of judicial review. Whether or not those individuals are on a bridging visa or not would, I suspect, turn on the facts of their particular case, and that is why I am reluctant to give you a blanket answer tonight. But I am happy to take it on notice and come back to you.</p>	27 February 2017 Page 128
<b>AE17/083</b>	Investigations	Senator Watt	Backpacker tax ramifications	<p>Mr Manthorpe: Not to my knowledge. Two comments: one, the backpacker numbers are holding up pretty well. There are two categories. One has been going up a bit and one has been going down a bit, but they are pretty solid, so any suggestion that that is as yet having a negative impact on the labour force or the availability of that piece of the labour force is not evident to me. The second point is that explicit in the backpacker tax arrangement, as I understand it, is the requirement for tax file numbers to be provided to the tax office and so on. So that in effect brings people out of the black economy and into the real economy, if you will, or at least creates an onus, or an impetus, to achieve that, which could actually have a positive effect from the point of view of tracking the risk of migrant worker exportation.</p> <p>Senator WATT: Commissioner, have you for your agency ever provided advice expressing concern about that?</p> <p>Mr Quaedvlieg: No, our policy advice to the minister's office is through the conduit of the department.</p> <p>Senator WATT: I think you offered to provide some more information on notice about some of the operations that you have been undertaking—</p> <p>Mr Quaedvlieg: We are very happy to do that. We will take that on notice.</p>	27 February 2017 Page 131-132

AE17/084	Immigration and Citizenship Policy	Senator Macdonald	Uncapped and capped visa arrangements	<p>CHAIR: Which countries are still on the uncapped visa? And is that reciprocal?</p> <p>Mr Wilden: I would have to come back to you with the full list, so I will come back to you with the full list of countries.</p> <p>CHAIR: Well, I do not really want to put you to that effort. Can you name a couple of prominent countries?</p> <p>Mr Wilden: The UK was one of the first countries. And that is reciprocal. The nature of that agreement was up to a maximum, which I think was about 30,000 or something.</p> <p>CHAIR: So, that is capped?</p> <p>Mr Wilden: No, it is uncapped, but the reciprocity between the two countries goes to a maximum, which has never been reached by Australia—Brits coming in. And they are traditionally one of the largest. I think Taiwan and South Korea and maybe other uncapped ones as well—Ireland—so it is quite a diverse group of countries.</p> <p>CHAIR: Does that effectively mean that as many Koreans as want to can come here on these work and holiday visas?</p> <p>Mr Wilden: 'Working holiday'.</p> <p>CHAIR: And as many Australians as want to can go to Korea on the same—</p> <p>Mr Wilden: I would have to check. Again, it is particular to each agreement, because they are bilateral agreements. But in the case of Korea, we do not have a cap on the number of Koreans who can come here, and, from recollection, they do not have a cap on how many can go there. But there are a lot more Koreans coming here than there are Australians going to Korea.</p> <p>CHAIR: Yes. And can you give me a couple of examples of a high-capped exchange and a low-capped exchange?</p> <p>Mr Wilden: A high cap would be the 5,000 that we have with China, but that is not reciprocal, so that is very particular to that agreement. We have small capped exchanges with South American countries—</p> <p>Ms Dacey: Slovak republic.</p> <p>Mr Wilden: Yes. And I know we have signed one recently, with Spain, I think it was, for a couple of hundred places. And they are reciprocal. So, if it is 500, it is 500 each way.</p> <p>CHAIR: Is it difficult to provide that information? I do not want to put you to—</p> <p>Mr Wilden: No, it would not be an administrative burden.</p> <p>CHAIR: Well, possibly, if you could give the committee just a—</p> <p>Mr Wilden: Certainly.</p> <p>CHAIR: list of the capped and the uncapped, so that we can understand it.</p> <p>Mr Wilden: Certainly.</p>	27 February 2017 Page 133-134
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<b>AE17/085</b>	Community Protection	Senator Watt	Migrant Workers' Taskforce website to report exploitation	<p>Senator WATT: The reason I am asking is that one of the statements that came out I think quite recently from the Migrant Workers' Taskforce is that a new website is being set up for people to report exploitation. What budget do you have allocated for setting that up?</p> <p>Mr Manthorpe: I do not think that is in our portfolio.</p> <p>Senator WATT: Is that in the minister's portfolio, employment? Or—</p> <p>Senator Cash: We can take that on notice for you.</p>	27 February 2017 Page 134
<b>AE17/086</b>	Immigration and Citizenship Policy	Senator Pratt	Maritime Crew Visas	<p>Senator PRATT: There is a wide array of questions we will not get to this evening, so I just flag that we will need to follow up the outstanding questions through this committee.</p> <p>Maritime crew visas have been around since 2008. That is right, is it not?</p> <p>Mr Pezzullo: They have been around for a period of time. Whether or not it is back to 2008, I will ask Mr Wilden.</p> <p>Senator PRATT: I understand they are applied for online and that it is the usual process for foreign—</p> <p>Mr Pezzullo: I am sorry—I am not sure we answered your previous question.</p> <p>Mr Wilden: I believe that 2008 sounds about right, but I will confirm that.</p>	27 February 2017 Page 135
<b>AE17/087</b>	Visa and Citizenship Management	Senator Pratt	Classifications of threat or risk for Maritime Crew Visas	<p>Senator PRATT: Does the department have a system to identify when a person is a known threat or risk when they apply for one of these visas?</p> <p>Ms Dacey: Yes, that would be that 'washing' process that I was just referring to.</p> <p>Senator PRATT: It is certainly substantively different to the kind of reviews you were talking about before. What types of offences would set that off?</p> <p>Mr Pezzullo: Sorry, Senator, I am—</p> <p>Senator PRATT: I understand people are not migrating to Australia or working here long term, so that is a substantive difference. I will try not to divert us. What types of offences would set that off?</p> <p>Ms Dacey: I will take the question on notice because I do not want to give you the wrong information. I just do not have that level of detail here.</p> <p>Senator PRATT: If you could take on notice the different classifications of threat or risk for that visa class. I understand now that Border Force is combined with the department of immigration much more closely, and so it brings into play the comparison of checks between Australian maritime workers before they can be allowed on ships or ports in Australia. Would you say that Australian maritime workers are subject to extensive background checks relative to—</p>	27 February 2017 Page 136

<b>AE17/088</b>	Maritime Border Command	Senator Pratt	Ships arrive with crew who do not have MCV's	<p>Senator PRATT: How often do ships come ashore without the correct visas?</p> <p>Mr Quaedly: Is the question: how often do ships arrive here with crew who do not have MCVs?</p> <p>Senator PRATT: Yes.</p> <p>Mr Quaedly: It is not that often. It happens not regularly but frequently enough for us to have a consciousness of it, but it does not happen every day or every week, if that is the question.</p> <p>Senator PRATT: Is that something you can take on notice in terms of which—</p> <p>Mr Quaedly: Yes, we can.</p>	27 February 2017 Page 137
<b>AE17/089</b>	Detention Compliance and Removals	Senator Pratt	Location of Chinese vessel seafarers who jumped ship now	<p>Senator PRATT: There have been, however, other cases—I think there was a case in Tasmania of someone from a Chinese vessel who jumped ship. Can I ask where those seafarers are now.</p> <p>Mr Quaedly: I do not know. I will take that on notice. I think we might have detained one or more of them. I would need to take that on notice to be precise.</p>	27 February 2017 Page 137
<b>AE17/090</b>	Immigration and Citizenship Policy	Senator Burston	Policy Evaluation	<p>1. Is it the case that the Minister and the Department evaluate the success or failure of immigration and border protection policies on the basis of their impact on Australia, not on the basis of ideology and pressure from self-interested lobbies?</p>	27 February 2017 Written

AE17/091	Strategic Policy and Planning	Senator Burston	Social Cohesion and the Monash University Scanlon Surveys	<p>2. Regarding the analysis of social impacts, does the Department draw on the Scanlon Surveys of Social Cohesion, conducted by Monash University?</p> <p>3. Has the Department brought the Scanlon findings to the attention of the Minister? If so, would you make that advice available?</p> <p>4. Has the Department reported to the Minister that Scanlon Survey publications consistently editorialise in favour of large scale non-discriminatory immigration and the ideology of multiculturalism, which welcomes open-ended ethnic and religious diversity and the social transformation it brings?</p> <p>5. Has the Minister been advised by the Department that when one looks behind the editorials at the data gathered by the Scanlon team, there is startling evidence of severe declines in social cohesion in neighbourhoods of heavy migrant settlement, especially with Muslims in the mix?</p> <p>6. Has the Minister been advised that social cohesion consists of such factors as trust, a sense of belonging based in identity, level of volunteering, and feeling safe in one's neighbourhood?</p> <p>7. Was the Minister informed that the 2012 Scanlon Survey data supported the well-known finding from the United States and other societies that "ethnic diversity has a significant negative impact on social cohesion"?</p> <p>8. Was the Minister informed that the same finding has been made by other Australian social scientists, including the Hon. Dr. Andrew Leigh, a Shadow Minister in the Federal Parliament, in his previous career as an academic economist?</p> <p>9. Given that these findings are mainstream social science, has the Minister for Immigration and Border Protection been informed that continuation of Australia's large and unselective immigration policy is on track to severely degrade social cohesion and increase social conflict?</p>	27 February 2017 Written
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<b>AE17/092</b>	Digital Transformation & Channels	Senator Di Natale	Translating and Interpreting Services	<ol style="list-style-type: none"> <li>1. Older people are unable to access Translating and Interpreting Services (TIS) after the initial negotiation process is completed and people have to pay for their own interpreter costs if they need language services. Does TIS disaggregate data in relation to aged care services to ascertain how many people call interpreters when receiving services at their own cost?</li> <li>2. What are the service delivery targets for Translating &amp; Interpreting Services?</li> <li>3. How many Translating &amp; Interpreting Services requests are unable to be met within service delivery targets?</li> <li>4. Which languages in Translating &amp; Interpreting Services have shortages of interpreters?</li> <li>5. What strategies or plans are in place to address interpreter shortages?</li> <li>6. What, if any, has been the growth in registered organisations using Translating &amp; Interpreting Services?</li> <li>7. What, if any, has been the growth of General Practitioners using Translating &amp; Interpreting Services?</li> <li>8. Allied Health Professionals don't have access to free Translating &amp; Interpreting Services. <ol style="list-style-type: none"> <li>a. How is this gap being filled?</li> <li>b. Who is covering the costs of Allied Health Professionals using Translating &amp; Interpreting Services for their patients?</li> </ol> </li> </ol>	27 February 2017 Written
<b>AE17/093</b>	Immigration and Citizenship Policy	Senator Di Natale	Visa application costs	9. Can you provide details of all increases in application costs for Australian visas during the past 12 months, the nature of any consultation about those price increases, the length of any notification period, and the justification for those price increases?	27 February 2017 Written
<b>AE17/094</b>	Health Services Policy	Senator Di Natale	Review into Risk-based health requirement for temporary visa applicants	10. Can the Department provide any details about its review into the risk-based health requirement for temporary visa applicants?	27 February 2017 Written

<b>AE17/095</b>	Community Protection	Senator Di Natale	Student Visas	<p>11. What percentage of student visas have been revoked for failing attendance levels at Australian universities—</p> <p>a. during the 12 months until 31 December 2016?</p> <p>b. during the 12 months until 31 December 2015?</p> <p>c. during the 12 months until 31 December 2014?</p> <p>12. What percentage of student visas have been revoked for failing attendance levels at Australian educational institutions other than universities—</p> <p>a. during the 12 months until 31 December 2016?</p> <p>b. during the 12 months until 31 December 2015?</p> <p>c. during the 12 months until 31 December 2014?</p> <p>13. What percentage of student visas have been revoked for working hours infringements—</p> <p>a. during the 12 months until 31 December 2016?</p> <p>b. during the 12 months until 31 December 2015?</p> <p>c. during the 12 months until 31 December 2014?</p> <p>14. What percentage of student visas have been revoked for reasons other than failing attendance levels at Australian educational institutions or working hours infringements—</p> <p>a. during the 12 months until 31 December 2016?</p> <p>b. during the 12 months until 31 December 2015?</p> <p>c. during the 12 months until 31 December 2014?</p> <p>15. What is the level of completion for international students taking courses in Australian educational institutions?</p>	27 February 2017 Written
<b>AE17/096</b>	Executive Division	Senator Bilyk	Ministerial functions	<p>In relation to any functions or official receptions hosted by Ministers or Assistant Ministers in the portfolio since 1 October 2016, can the following please be provided:</p> <ul style="list-style-type: none"> <li>• List of functions;</li> <li>• List of attendees including departmental officials and members of the Minister’s family or personal staff;</li> <li>• Function venue;</li> <li>• Itemised list of costs (GST inclusive);</li> <li>• Details of any food served;</li> <li>• Details of any wines or champagnes served including brand and vintage; and</li> <li>• Details of any entertainment provided.</li> </ul>	27 February 2017 Written

<b>AE17/097</b>	Executive Division	Senator Bilyk	Departmental functions	<p>In relation to expenditure on any departmental functions or official receptions etc since 1 October 2016, can the following please be provided:</p> <ul style="list-style-type: none"> <li>• List of functions;</li> <li>• List of attendees;</li> <li>• Function venue;</li> <li>• Itemised list of costs (GST inclusive);</li> <li>• Details of any food served;</li> <li>• Details of any wines or champagnes served including brand and vintage; and</li> <li>• Details of any entertainment provided.</li> </ul>	27 February 2017 Written
<b>AE17/098</b>	Corporate Services Division	Senator Bilyk	Plants and gardens	<p>What was the total cost (GST inclusive) of acquiring and maintaining indoor plants for all departmental premises in calendar year 2016?</p> <p>What was the total cost (GST inclusive) of external gardens and landscaping for all departmental premises in calendar year 2016?</p> <p>What was the total cost (GST inclusive) of acquiring and maintaining indoor plants for ministerial offices in calendar year 2016? Please provide separate figures for each Minister's office in the portfolio, covering ministerial offices both at Parliament House and elsewhere.</p>	27 February 2017 Written
<b>AE17/099</b>	Finance Division	Senator Bilyk	Subscriptions	<p>What was the total cost (GST inclusive) of subscriptions to print and online news services, newspapers, magazines, journals and periodicals etc in calendar year 2016 for the Department? Please provide a complete list of each service to which the Department subscribed.</p> <p>What was the total cost (GST inclusive) of subscriptions to print and online news services, newspapers, magazines, journals and periodicals etc in calendar year 2016 for Ministers in the portfolio? Please provide a complete list of each service to which ministerial offices subscribed.</p>	27 February 2017 Written
<b>AE17/100</b>	Finance Division	Senator Bilyk	Gifts	<p>What was the total cost (GST inclusive) of all gifts purchased for use by departmental officials in calendar year 2016?</p> <p>Can an itemised list of gifts and costs thereof (GST inclusive) please be provided?</p> <p>Who was the recipient of each gift?</p> <p>For what purpose was each gift given?</p> <p>What was the total cost (GST inclusive) of all gifts purchased for use by Ministers in the portfolio in calendar year 2016?</p> <p>Can an itemised list of gifts and costs thereof (GST inclusive) please be provided?</p> <p>Which Minister gave each gift?</p> <p>Who was the recipient of each gift?</p> <p>For what purpose was each gift given?</p>	27 February 2017 Written

<b>AE17/101</b>	Finance Division (and Corporate Division)	Senator Bilyk	Water coolers	What was the total cost (GST inclusive) of providing water coolers at departmental premises in calendar year 2016? Please provide a breakdown of costs for acquiring and maintaining/resupplying water coolers. What was the total cost (GST inclusive) of providing water coolers to ministerial offices in calendar year 2016? Please provide a breakdown of costs for acquiring and maintaining/resupplying water coolers.	27 February 2017 Written
<b>AE17/102</b>	Finance Division	Senator Bilyk	Snacks	What was the total cost (GST inclusive) of supplying fruit and other snacks at departmental premises in calendar year 2016? What was the total cost (GST inclusive) of supplying fruit and other snacks to ministerial offices in calendar year 2016? Please provide a breakdown of the costs for each separate ministerial office, covering both offices at Parliament House and elsewhere.	27 February 2017 Written
<b>AE17/103</b>	Corporate Services Division	Senator Bilyk	Coffee machines	Can an itemised list of coffee machines at departmental premises please be provided including (i) make and model; (ii) purchase or lease cost; (iii) ongoing maintenance costs; (iv) ongoing cost of supplying coffee and other consumables?	27 February 2017 Written
<b>AE17/104</b>	ICT Division	Senator Bilyk	Mobile devices	How many mobile telephones are currently on issue to departmental to staff? Can an itemised list showing make and model please be provided? How many new mobile phones were purchased by the Department in calendar year 2016? What was the total cost (GST inclusive) of purchasing mobile telephones for departmental staff in calendar year 2016? How many mobile telephones had to be replaced due to damage in calendar year 2016? What was the cost of replacement (GST inclusive)? How many mobile telephones were reported lost or stolen in calendar year 2016? What was the cost of replacement (GST inclusive)? How many ipads/tablets are currently on issue to departmental staff? Can an itemised list showing make and model please be provided? How many new ipads/tablets were purchased by the Department in calendar year 2016? What was the total cost (GST inclusive) of purchasing ipads/tablets for departmental staff in calendar year 2016? How many ipads/tablets had to be replaced due to damage in calendar year 2016? What was the cost of replacement (GST inclusive)? How many ipads/tablets were reported lost or stolen in calendar year 2016? What was the cost of replacement (GST inclusive)?	27 February 2017 Written

<b>AE17/105</b>	Corporate Services Division	Senator Bilyk	Stationary and paper	How much did the Department spend on stationary and office supplies (excluding paper) in calendar year 2016 (GST inclusive)? How much did the Department spend on paper in calendar year 2016 (GST inclusive)? What brand of paper does the Department use? Is this paper Australian made? If no, why doesn't the Department buy Australian made paper?	27 February 2017 Written
<b>AE17/106</b>	Corporate Services Division	Senator Bilyk	Executive office upgrades	Have the furniture, fixtures or fittings of the Secretary's office, or the offices of any Deputy Secretaries, been upgraded since 1 October 2016? If so, can an itemised list of costs please be provided (GST inclusive)?	27 February 2017 Written
<b>AE17/107</b>	Corporate Services Division	Senator Bilyk	Facilities upgrades	Have the facilities of any of the Department's premises been upgraded since 1 October 2016, for example, staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new fridges, coffee machines, or other kitchen equipment? If so, can a detailed description of the relevant facilities upgrade please be provided together with an itemised list of costs (GST inclusive)? Can any photographs of the upgraded facilities please be provided?	27 February 2017 Written
<b>AE17/108</b>	Executive Division	Senator Bilyk	Vacancies	Please provide a list of all statutory, board and legislated office vacancies and other significant appointments vacancies within the portfolio, including length of time vacant and current acting arrangements.	27 February 2017 Written
<b>AE17/109</b>	Executive Division	Senator Bilyk	Media and public relations	How much has the Department spent on media monitoring since 1 October 2016 (GST inclusive)? Can a list of all Contract Notice IDs for the Austender website in relation to media monitoring contracts please be provided? How many media or public relations advisers are employed in the Department? At what APS level (eg EL2, APS5) is each staff member employed? Can an organisational chart for the relevant area of the Department please be provided? What was the total cost of employing relevant staff in calendar year 2016 (please provide a global figure)?	27 February 2017 Written
<b>AE17/110</b>	Executive Division (and Finance Division)	Senator Bilyk	Advertising and information campaigns	How much has the Department spent on advertising and information campaigns since 1 October 2016 (GST inclusive)? Can a list of all Contract Notice IDs for the Austender website in relation to advertising and information campaign contracts please be provided? How much did the Department spend on Facebook advertising or sponsored Facebook posts in calendar year 2016 (GST inclusive)? How much did the Department spend on Google adwords advertising in calendar year 2016 (GST inclusive)?	27 February 2017 Written

<b>AE17/111</b>	Finance Division	Senator Bilyk	Market research	<p>How much did the Department spend on market research in calendar year 2016 (GST inclusive)?</p> <p>Can a list of all market research contracts entered into please be provided, together with the Austender Contract Notice number?</p> <p>What was the purpose of this market research?</p> <p>Did it relate to an advertising or information campaign? If so, which campaign?</p>	27 February 2017 Written
<b>AE17/112</b>	Legal Division (and Finance Division)	Senator Bilyk	Legal costs	<p>What was the Department's total spend on external legal services (including services provided by the Australian Government Solicitor) (GST inclusive) for calendar year 2016?</p> <p>Can an itemised list of costs of each legal matter (GST inclusive) please be provided?</p> <p>Can a list of relevant Contract Notices published on Austender please be provided?</p>	27 February 2017 Written
<b>AE17/113</b>	Finance Division	Senator Bilyk	Consultancies	<p>Please provide an itemised list of costs (GST inclusive) for spending in calendar year 2016 on external consultants/service providers in the following categories please be provided: (i) social media; (ii) photography; (iii) graphic design; (iv) web design (v) electronic communications (vi) acting or public speaking training; (vii) ergonomics.</p>	27 February 2017 Written
<b>AE17/114</b>	People Division	Senator Bilyk	Redundancies	<p>How many staff were made redundant in calendar year 2016?</p> <p>How many were voluntary redundancies?</p> <p>How many were forced redundancies?</p> <p>What was the total cost of all redundancies (expressed as a single global figure)?</p> <p>Have any staff made redundant in calendar year 2016 subsequently carried out work for the Department as a contractor? If so, please provide an itemised list of relevant contracts and related Austender Contract Notice numbers.</p>	27 February 2017 Written
<b>AE17/115</b>	ICT Division	Senator Bilyk	iTunes/Android	<p>Does the Department have an iTunes account? If so, what was the total expenditure on iTunes in calendar year 2016 (GST inclusive)? What applications/subscriptions/services purchased through iTunes in calendar year 2016?</p> <p>Does the Department have an Android account? If so, what was the total expenditure on Android in calendar year 2016 (GST inclusive)? What applications/subscriptions/services purchased through Android in calendar year 2016?</p> <p>Do any ministerial offices in the portfolio have an iTunes account? If so, what was the total expenditure on iTunes in calendar year 2016 (GST inclusive)? Please provide separate figures for each Minister. What applications/subscriptions/services purchased through iTunes in calendar year 2016?</p> <p>Do any ministerial offices have an Android account? If so, what was the total expenditure on Android in calendar year 2016 (GST inclusive)? Please provide separate figures for each Minister. What applications/subscriptions/services purchased through Android in calendar year 2016?</p>	27 February 2017 Written

<b>AE17/116</b>	ICT Division	Senator Bilyk	Websites	What were the top 20 most utilised (by data sent and received) unique domain names accessed by departmental staff in calendar year 2016? What were the top 20 most accessed (by number of times accessed) unique domain names accessed by departmental staff in calendar year 2016?	27 February 2017 Written
<b>AE17/117</b>	Corporate Services Division	Senator Bilyk	Flights	What was the Department's total expenditure on flights for departmental staff in calendar year 2016 (GST inclusive)?	27 February 2017 Written
<b>AE17/118</b>	Corporate Services Division	Senator Bilyk	Ground transport	What was the Department's total expenditure on the following categories of ground transport in calendar year 2016 (GST inclusive): (i) Taxi hire; (ii) Limousine hire; (iii) Private hire car; and (iv) Ridesharing services.	27 February 2017 Written
<b>AE17/119</b>	Corporate Services	Senator Carr	Immigration Office Upgrade - Staff numbers and locations	Please outline proposed staff numbers and locations across the various ACT Immigration and ABF sites following the decision to consolidate operations with the news Immigration building at Canberra airport.	27 February 2017 Written
<b>AE17/120</b>	Corporate Services	Senator Carr	Immigration Office Upgrade - Cost of building	Please confirm the cost of the building for both rent and refit and provide a full breakdown and overview/plans of the building. Please provide an explanation as to why this building was chosen over alternatives.	27 February 2017 Written
<b>AE17/121</b>	Corporate Services	Senator Carr	Immigration Office Upgrade - Number of buildings considered	How many other buildings were considered before the Department agreed on the Canberra Airport location and please provide the analysis done on all other buildings considered and a breakdown of costs and tenant incentives offered by landlords.	27 February 2017 Written
<b>AE17/122</b>	Corporate Services	Senator Carr	Immigration Office Upgrade - Executive staff locations	Please provide a breakdown of executive staff locations across ACT sites	27 February 2017 Written
<b>AE17/123</b>	Corporate Services	Senator Carr	Immigration Office Upgrade - Promoting collaboration	Please explain how the new building will promote collaboration and positive cultural renewal.	27 February 2017 Written
<b>AE17/124</b>	Integrity, Security, and Assurance	Senator Carr	Weapons and armoury - Weapons storage facilities in Canberra	Please provide a breakdown of the Department's weapons storage facilities in Canberra, including numbers of weapons stored and intended purpose of those weapons.	27 February 2017 Written
<b>AE17/125</b>	Corporate Services	Senator Carr	Weapons and armoury - New armoury	Given the new building will include an armoury, please provide an outline of the size and security measures in place to protect the weapons housed within the armoury. Please advise expected cost of the armoury for build and fitout.	27 February 2017 Written
<b>AE17/126</b>	Border Force Capability	Senator Carr	Weapons and armoury - Weapons budget	How much money does the Department spend on weapons on an annual basis? Please provide a breakdown via weapon and number of weapons over the last three years. Please provide a photo of each type of weapon.	27 February 2017 Written

<b>AE17/127</b>	Border Force Capability	Senator Carr	Weapons and armoury - Weapons training and qualification requirements	Please outline the following: 1. What training does an officer or contractor need to do before they could be issued with a conductive energy weapon, 2. What licences are officers required to hold before carrying a weapon or conductive energy weapon and 3. What proof of licence is required before issuing a weapon or conductive energy weapon?	27 February 2017 Written
<b>AE17/128</b>	Border Force Capability	Senator Carr	Uniforms - Pictures	Does the Department provide uniforms to Australian Border Force staff and can you provide pictures of the uniform and outline material it was made from? Are there different uniforms for different staff, please provide pictures.	27 February 2017 Written
<b>AE17/129</b>	Border Force Capability	Senator Carr	Uniforms - Issuance	Please outline the Department's policy regarding the issuance of uniforms to staff ie. Numbers and types issued; replacement policy if damaged on the job.	27 February 2017 Written
<b>AE17/130</b>	Border Force Capability	Senator Carr	Uniforms - Logistics	In regards to Australian Border force uniforms, please provide: 1. The cost per uniform 2. The supplier of the uniforms 3. The location the uniforms were manufactured 4. What country the fabric was purchased from 5. Where the uniforms were assembled 6. Where the uniforms were designed 7. A breakdown of types of complaints received from staff wearing the uniforms	27 February 2017 Written
<b>AE17/131</b>	Border Force Capability	Senator Carr	Uniforms - Designs	Have changes been made since the Department received the uniforms to redesign the uniforms? Please provide a copy of any reports or reviews done into the suitability and staff feedback on the design of the uniforms.	27 February 2017 Written
<b>AE17/132</b>	Border Force Capability	Senator Carr	Uniforms - Replacement	Does the Department have any plans to replace the ABF uniforms and if so when and will you conduct a review before replacing uniforms?	27 February 2017 Written
<b>AE17/133</b>	Corporate Services	Senator Carr	FOI - Process	Please provide an outline of (a) how your FOI process works (b) the current legislative timelines and your targets for reaching them.	27 February 2017 Written
<b>AE17/134</b>	Corporate Services	Senator Carr	FOI - Number and overdue	How many FOIs does the Department currently have that it is responding to? How many of those are overdue?	27 February 2017 Written
<b>AE17/135</b>	Corporate Services	Senator Carr	FOI - Staffing	Please provide a breakdown of staffing levels in the FOI unit, and the cost of that unit. Please outline how the decision making process to release documents regarding the Nauru RPC was made and who was consulted.	27 February 2017 Written
<b>AE17/136</b>	Corporate Services	Senator Carr	FOI - Offshore detention	Please outline the FOI decision process for dealing with requests that relate to offshore detention and require foreign government approval? Please outline the timeframes for these processes and decision-making points.	27 February 2017 Written

<b>AE17/137</b>	Corporate Services	Senator Carr	FOI - Outcomes	Please provide a breakdown of how many FOI requests have been released in full, in part or denied and a breakdown of the categories of reasons for the denial since October 2013.	27 February 2017 Written
<b>AE17/138</b>	Corporate Services	Senator Carr	Travel - Trips	Please provide a list of trips (within the last 12 months) that the following staff have been on: - Secretary - Commissioner - SES level staff	27 February 2017 Written
<b>AE17/139</b>	Corporate Services	Senator Carr	Travel - Support staff	Did any Departmental staff accompany the above executive level staff on their travel? If so, please provide 1. staffing level and 2. purpose of their travel. 3. Dates, itineraries 4. costs (broken down by accommodation, flight, entertainment and ground transport)	27 February 2017 Written
<b>AE17/141</b>	Finance Division	Senator Carr	Travel - Entertainment	In relation to entertainment, please provide (a) a list of all guests attending each event, (b) advice regarding whether alcohol was served, and the type/brand and cost of alcohol served and (c) the menu.	27 February 2017 Written
<b>AE17/142</b>	Border Force Capability	Senator Carr	Border Enforcement - Fast response boats	Please provide the specifications for the two Fast response Boats currently under construction, to be based in Cairns. Provide delivery dates for these two vessels.	27 February 2017 Written
<b>AE17/143</b>	Strategic Border Command	Senator Carr	Border Enforcement - Attempted border crossings intercepted between PNG and Australia	How many attempted border crossings were intercepted between PNG and Australia within the last 12 months? Please provide a breakdown of each year over the past 5 years.	27 February 2017 Written
<b>AE17/144</b>	Maritime Border Command	Senator Carr	Border Enforcement - Illegal fishing vessels	How many illegal fishing vessels found within Australian waters in the last year? Please provide a breakdown of each year over the past 5 years	27 February 2017 Written
<b>AE17/145</b>	Operation Sovereign Borders	Senator Carr	Border Management - Turn-backs	How many turn-backs have there been any since last Estimates hearing? Please outline the dates, locations, how many people and children were on board each vessel, where the boats originated, how many turn-backs involved transferring people on to new vessels, how many times did ABF provide medical treatment to people on-board these boats and what the nature of any medical treatment was.	27 February 2017 Written
<b>AE17/146</b>	Operation Sovereign Borders	Senator Carr	Border Management - Funding after US Refugee Agreement	Can you please confirm and provide the cost regarding any extra funding that was allocated to border enforcement or operation sovereign borders following the signing of the US refugee agreement regarding people on Manus Island and Nauru, include how many resources (vessels and staff) have been allocated to on water activities.	27 February 2017 Written

<b>AE17/147</b>	Children, Community and Settlement Services	Senator Carr	Compliance and Detention - Children in Detention	Can you please outline how many children of transferees are currently located on Nauru? What is the current number of children in onshore detention? - How many of these are children from the Nauru facility in Australia for medical treatment, or accompanying a parent undergoing medical treatment? - How many of these children are in detention because there is an adverse security assessment against one of the parents and the family has chosen to stay together? What is the current average time in detention for children in onshore detention facilities? - What is the longest period in detention for a child?	27 February 2017 Written
<b>AE17/148</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Incorrect transfer of detainees	Have there been any incorrect transfers of detainees since the last Senate Estimates. Please provide details of the circumstances and results of any internal investigations. Please provide copies of any reports into incorrect transfers of detainees that have been undertaken in the last 12 months.	27 February 2017 Written
<b>AE17/149</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - IMA Onshore Management - Stateless people	How many stateless people remain in onshore detention and how long have they in detention?	27 February 2017 Written
<b>AE17/150</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - IMA Onshore Management - Number of transferees/detainees	How many transferees/detainees are currently in onshore detention, including Christmas Island? - How many are children and how many are unaccompanied minors?	27 February 2017 Written
<b>AE17/151</b>	Community Protection	Senator Carr	Compliance and Detention - IMA Onshore Management - Visa Cancellation on character grounds	How many people currently in detention are expected to have their visa cancelled on character grounds? Please provide a breakdown by country of origin and citizenship.	27 February 2017 Written
<b>AE17/152</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - IMA Onshore Management - Number of people detained by origin and citizenship	How many people have been detained since last Estimates? Provide a breakdown by country of origin and citizenship.	27 February 2017 Written
<b>AE17/153</b>	Community Protection	Senator Carr	Compliance and Detention - IMA Onshore Management - Length of stay	What is the average length of stay in detention for people who have had their visa cancelled on character grounds and how many people are seeking an appeal offshore relating to visa cancellation on character grounds?	27 February 2017 Written
<b>AE17/154</b>	Community Protection	Senator Carr	Compliance and Detention - IMA Onshore Management - 501 cancellations	Are you only applying the section 501 cancellations to those currently incarcerated, or are you looking at retrospective cases?	27 February 2017 Written
<b>AE17/155</b>	Community Protection	Senator Carr	Compliance and Detention - IMA Onshore Management - Minister's consideration time	What is the average time taken for the Minister to consider an appeal for a revocation of a detainee cancelled under section 501?	27 February 2017 Written
<b>AE17/156</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Use of Force in Detention - Definition	How does the Department define "use of force"?	27 February 2017 Written

<b>AE17/157</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Use of Force in Detention - Deadly force	Are Departmental officers able to use deadly force if required and in what circumstances can the Department or service providers use force and physical restraints?	27 February 2017 Written
<b>AE17/158</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Use of Force in Detention - Number of occasions	On how many occasions has the Department or Departmental service providers use force? Please provide an annual breakdown over the last 5 years. Please provide a copy of each report conducted into incidents where "use of force" was required, Please provide a separate list where restraints were used and the reports into those incidents. Please provide the Department's policy regarding who can be restrained and under what circumstances. Please indicate whether this applies to elderly people, children or people with a disability.	27 February 2017 Written
<b>AE17/159</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Use of Force in Detention - Type of restraints	What types of restraints does the Department used? Please provide a photo of each restraint.	27 February 2017 Written
<b>AE17/160</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Definition	Please explain what a "dry cell" is. Has the Department or a contractor ever used dry cells in the past?	27 February 2017 Written
<b>AE17/161</b>	Integrity, Security and Assurance Division	Senator Carr	Compliance and Detention - Dry Cells - Reports	Please provide a copy of any reports undertaken into the use of dry cell treatment on detainees.	27 February 2017 Written
<b>AE17/162</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Staff Members	Have any staff members who used a dry cell on a detainee been counselled or had their employment terminated due to the use of the dry cell?	27 February 2017 Written
<b>AE17/163</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Legal advice	Has the Department sought legal advice about the use of dry cells?	27 February 2017 Written
<b>AE17/164</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Legal Advice regarding Use of Force	Has the Department sought legal advice about the use of force? Please write a summary of the legal advice sought from the Australian Government Solicitor regarding the legality of the use of dry cells.	27 February 2017 Written
<b>AE17/165</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Australian Solicitor General's advice	What action has the Department taken following the receipt of the Australian Solicitor General's advice?	27 February 2017 Written
<b>AE17/166</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Number of times	How many times have dry cell procedures been used prior to the Department seeking advice on their legality?	27 February 2017 Written
<b>AE17/167</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Investigations	What investigations did the Minister direct, and the Department undertake, into the use of dry cell treatment on detainees and did such practices cease on receipt of the legal advice, or did they continue following advice.	27 February 2017 Written

<b>AE17/168</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Dry Cells - Guidelines and procedures	Are there limits on how long a person can be locked in a solitary cell? Please provide the guidelines and procedures regarding solitary detention. Please provide a copy of any reports undertaken into detainees being held in solitary confinement in the past 5 years.	27 February 2017 Written
<b>AE17/169</b>	Detention, Compliance and Removals	Senator Carr	Compliance and Detention - Christmas Island	How many people are currently detained on Christmas Island? Please provide a breakdown of the numbers of people on Christmas Island by population group and their country of origin? What type of offences would a person have committed to warrant their being held on Christmas Island under section 501? Please advise whether asylum seekers and refugees are housed together with section 501 detainees. Has the Department investigated the possibility of separating the two populations?	27 February 2017 Written
<b>AE17/170</b>	Detention, Compliance and Removals	Senator Carr	IMA Offshore Management - Transferees sent to offshore detention	Please provide the total number of transferees sent to offshore detention following the introduction of the offshore detention network in 2013, include a breakdown of their country of origin/citizenship.	27 February 2017 Written
<b>AE17/171</b>	Detention, Compliance and Removals	Senator Carr	IMA Offshore Management - Transferees location	Of those transferred to offshore facilities (regardless of status) please provide a up to date breakdown of their current location by the following, are they currently in: - Nauru - Manus - Cambodia - Australia (breakdown by medical treatment or under injunction or both) - have returned home (voluntarily or involuntarily) and - other categories if not listed.	27 February 2017 Written
<b>AE17/172</b>	Children, Community and Settlement Services	Senator Carr	IMA Offshore Management - Transferees status	Of the total number of transferees, how many have been found to be: - Refugees - Are still being processed and - Denied refugee status	27 February 2017 Written
<b>AE17/173</b>	Legal Division	Senator Carr	Class actions	Is the Department currently have any class actions brought against it? - Please provide a breakdown per year over the last five year.	27 February 2017 Written
<b>AE17/174</b>	Finance Division	Senator Carr	Legal budget	What is the Department's budget for legal services? - Please provide a breakdown per year over the last five year.	27 February 2017 Written

<b>AE17/175</b>	Legal Division	Senator Carr	Future class action	It has been reported that on 1 May 2017 that a class action will begin on behalf of 1,905 people detained on Manus Island since 2012, who is the plaintiff in this case? - When did the Department first become aware of the case? - When did you brief the Minister? - What information was provided to the Minister about the case? - Who is representing each defendant in this case? - What is the expected cost to the Commonwealth in this case?	27 February 2017 Written
<b>AE17/176</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Country of origin for transferees	Please provide a country of origin for all transferees currently located on Manus Island, either within the RPC or within the community?	27 February 2017 Written
<b>AE17/177</b>	Children, Community and Settlement Services	Senator Carr	MIRPC - Number of people determined not to be refugees	Since last Estimates, how many people have been determined not to be refugees? - Where are they living now? - Have any voluntarily returned home? - Have any involuntary returns been attempted by the PNG authorities?	27 February 2017 Written
<b>AE17/178</b>	Children, Community and Settlement Services	Senator Carr	MIRPC - Number of people determined to be refugees	Since last Estimates, How many people have been determined to be refugees? - Where have they been resettled? - Where are they living now? - Have they taken PNG visas and are they living in the community?	27 February 2017 Written
<b>AE17/179</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - East Lorengau Refugee Transit Centre	How many people are at the East Lorengau Refugee Transit Centre?	27 February 2017 Written
<b>AE17/180</b>	Children, Community and Settlement Services	Senator Carr	MIRPC - Men from Manus to PNG	How many men have left Manus facilities for resettlement in PNG? - Have any returned?	27 February 2017 Written
<b>AE17/181</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Port Moresby for medical treatment	How many men are being held in and around Port Moresby for medical treatment?	27 February 2017 Written
<b>AE17/182</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Incidents	How many incidents have there been in the RPC and community involving transferees since last Estimates? - What are the nature of these incidents and have there been any minor or serious injuries for detainees or staff as a result of these incidents?	27 February 2017 Written

<b>AE17/183</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Medical emergencies	Have there been any medical emergencies since last Estimates? - If so, what was the nature of these emergencies?	27 February 2017 Written
<b>AE17/184</b>	Detention Services	Senator Carr	MIRPC - New medical facility	How many asylum seekers have been treated in the new medical facility? - What has been the nature of injuries and illnesses treated in the facility?	27 February 2017 Written
<b>AE17/185</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Medical transfers to Australia	How many asylum seekers have been transferred to Australia for treatment? - What has been the nature of injuries and illnesses treated in Australia?	27 February 2017 Written
<b>AE17/186</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Number in Australia	How many asylum seekers from the RPC are currently in Australia? - Where are they based and when do you expect they will return to Manus?	27 February 2017 Written
<b>AE17/187</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Financial assistance to PNG regarding closure	How much financial assistance is Australia giving to PNG as a result of the Manus closure?	27 February 2017 Written
<b>AE17/188</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Self-harm by men	How many acts of self-harm were committed by men either at the MIRPC or East Lorengau over the past six months?	27 February 2017 Written
<b>AE17/189</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Major or critical incidents	How many were classified as major or critical incidents, acts of assault and how many of those acts were guards or staff assaulting asylum seekers/refugees - and vice versa?	27 February 2017 Written
<b>AE17/190</b>	Detention, Compliance and Removals	Senator Carr	MIRPC - Assaults	How many assaults were asylum seeker/refugee on another asylum seeker/refugee?	27 February 2017 Written
<b>AE17/191</b>	Children, Community and Settlement Services	Senator Carr	NRPC - Country of origin of transferees	Please provide a country or origin for all transferees currently located on Nauru, either within the RPC or within the community.	27 February 2017 Written
<b>AE17/192</b>	Children, Community and Settlement Services	Senator Carr	NRPC - Determined not to be refugees	Since last Estimates, how many have been determined not to be refugees? - Where are they living now? - Have any voluntarily returned home? - Have any involuntary returns been attempted by the Nauruan authorities?	27 February 2017 Written

<b>AE17/193</b>	Children, Community and Settlement Services	Senator Carr	NRPC - Determined to be refugees	How many have been determined to be refugees? - Where are they living now? - Have they taken visas and are they living in the community?	27 February 2017 Written
<b>AE17/194</b>	Children, Community and Settlement Services	Senator Carr	NRPC - Number of people	How many people are still in the RPC? - How many children? - What is the average time a child has been held in the RPC? - What is the longest period of time? - How many children are attending school in Nauru?	27 February 2017 Written
<b>AE17/195</b>	Children, Community and Settlement Services	Senator Carr	NRPC - Number still living within RPC	How many of those found to be refugees are still living within the RPC? - Is this by choice or because there is no housing available for them in the community?	27 February 2017 Written
<b>AE17/196</b>	Children, Community and Settlement Services	Senator Carr	NRPC - Processing time	Since the last estimates, has the Nauruan Government advised the Department the expected processing time for the remaining asylum seekers?	27 February 2017 Written
<b>AE17/197</b>	Detention, Compliance and Removals	Senator Carr	NRPC - Transferees to Australia for medical assistance	How many asylum seekers have been transferred to Australia for medical assistance since the last Estimates? - How many were children? - How many of these medical transfers were for instances of self-harm? - How many of these medical transfers were for instances of alleged sexual assault?	27 February 2017 Written
<b>AE17/198</b>	Detention, Compliance and Removals	Senator Carr	NRPC - Decision for transfer for medical treatment	Who makes the final decision to transfer someone for medical treatment? What is the average length of stay in Australia for medical treatment?	27 February 2017 Written
<b>AE17/199</b>	Detention Services Division	Senator Carr	NRPC - Number in Australia seeking medical treatment	How many asylum seekers are still in Australia seeking medical treatment and how many have family accompanying them in Australia?	27 February 2017 Written
<b>AE17/200</b>	Detention Services Division	Senator Carr	NRPC - Cost of transporting detainees	What is the cost of transporting detainees between Nauru and Australia for medical treatment?	27 February 2017 Written

<b>AE17/201</b>	Children, Community & Settlement Services	Senator Carr	NRPC - Cost of monthly visa for refugee	At March 2017, what is the cost of the monthly visa for a refugee which is paid by the Australian Government to the Nauruan Government?	27 February 2017 Written
<b>AE17/202</b>	Children, Community & Settlement Services	Senator Carr	NRPC - Cost of monthly visa for asylum seeker	At March 2017, what is the cost of the monthly visa for an asylum seeker which is paid by the Australian Government to the Nauruan Government?	27 February 2017 Written
<b>AE17/203</b>	Children, Community & Settlement Services	Senator Carr	NRPC - Frequency of visa fee payments	How often does the Australian Government make visa fee payments to the Nauruan Government and do these payments continue if asylum seekers or refugees take up a 20 year visa to remain on Nauru?	27 February 2017 Written
<b>AE17/204</b>	Detention Services Division	Senator Carr	NRPC - Total of visa fees to Nauruan Government	How much in total has the Australian Government paid to the Nauruan Government in visa fees?	27 February 2017 Written
<b>AE17/205</b>	Integrity, Security & Assurance Division	Senator Carr	ANAO Report (Garrison and Welfare) - Draft	What date did the Department see a draft of the report and when were you given the recommendations from the report?	27 February 2017 Written
<b>AE17/206</b>	Integrity, Security & Assurance Division	Senator Carr	ANAO Report (Garrison and Welfare) - Documents and staffing	How many documents were produced for the ANAO's investigation and how many Departmental staff were involved in the preparation and response? Please provide a copy of draft material you produced and sent back to the ANAO as part of the commenting process.	27 February 2017 Written
<b>AE17/207</b>	Integrity, Security & Assurance Division	Senator Carr	ANAO Report (Garrison and Welfare) - Process	What was the process for collating and providing documents to the ANAO? - Where they collated through the Secretary's office? - Who had signoff and formally provided the documents to ANAO?	27 February 2017 Written
<b>AE17/208</b>	Integrity, Security & Assurance Division	Senator Carr	ANAO Report (Garrison and Welfare) - Meeting and briefing	Did the Department meet with the ANAO to discuss their report and when did the Department brief the Minister about the ANAO report?	27 February 2017 Written
<b>AE17/209</b>	Detention Services Division	Senator Carr	ANAO Report (Garrison and Welfare) - Late document submissions	Subsequent to the release of the report, has the Department found any documents that they were unable to provide to the ANAO originally because they couldn't be located and have these now been provided to the ANAO?	27 February 2017 Written

<b>AE17/210</b>	Detention Services Division	Senator Carr	Risk and Assets	Please provide (a) a list of all the Department's assets on Manus Island and Nauru (b) the current value of each item; and (c) the names of the agencies that are advised with the purchase of new Departmental assets.	27 February 2017 Written
<b>AE17/211</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Numbers and changes	Please confirm that the maximum number of refugees the US will take as part of the refugee deal Is there a minimum number of people the United States has agreed to take? Is it possible that the US could take no refugees? Please detail how this situation could occur. Did President Trump or Minister Dutton seek to alter the deal following the US Presidential election?	27 February 2017 Written
<b>AE17/212</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Number and handling of applications	How many people have applied to be considered as part of this deal and where are they located, how many are children, women, men? Are they being assessed in groups? Who has the highest priority?	27 February 2017 Written
<b>AE17/213</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Contingency plans	Are there contingency plans for those refugees and asylum seekers not accepted in the deal and if so what are they?	27 February 2017 Written
<b>AE17/214</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Financials	Are there financial arrangements as part of the US Manus and Nauru agreement? Was Australia asked to provide settlement service support? Please provide a copy of the agreement between the United States and Australia regarding the transfer of people from Manus and Nauru to the United States.	27 February 2017 Written
<b>AE17/215</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Signing of the agreement	Please outline on what day the agreement was signed and who signed it.	27 February 2017 Written
<b>AE17/216</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Costa Rica Camp numbers	How many people has the Department agreed to accept from the Costa Rica camps?	27 February 2017 Written
<b>AE17/217</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Signing and date to Cabinet	Who signed the two agreements and when did they go to Cabinet: - For the US refugee deal re Manus Island and Nauru - For the Costa Rican deal?	27 February 2017 Written
<b>AE17/218</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Minister's communication with the Trump Administration	Has the Minister spoken directly to the Trump Administration about the deal after the President's comments, or has he spoken to the relevant Secretary and on what date?	27 February 2017 Written
<b>AE17/219</b>	International	Senator Carr	US Manus and Nauru Refugee Deal - Trips and costs	How many times did the Secretary or Commissioner visit the US to discuss the deal? Please provide the dates of those trips and a list of all accompanying staff. Please provide a breakdown of costs.	27 February 2017 Written

<b>AE17/220</b>	International	Senator Carr	Regional Cooperation - Other countries for resettlement	Has the Department been involved in any discussions with the Minister or other Departments regarding possible resettlement countries for refugees in RPCs and what is the status of those negotiations?	27 February 2017 Written
<b>AE17/221</b>	International	Senator Carr	Regional Cooperation - Other countries approaching Australia	Following the announcement of the US resettlement deal form refugees on Manus and Nauru deal have other countries approached Australia regarding remaining refugees?	27 February 2017 Written
<b>AE17/222</b>	International	Senator Carr	Regional Cooperation - Discussions with UNHCR	Since the last estimates, has the Minister or the Department had any discussions with the UNHCR in relation to finding third country resettlement options for the refugees in RPCs?	27 February 2017 Written
<b>AE17/223</b>	International	Senator Carr	Regional Cooperation - Offer from New Zealand	Please provide an outline of the offer the Department received from the Government of New Zealand to take refugees from Manus Island and Nauru. Please explain why the offer was not accepted.	27 February 2017 Written
<b>AE17/224</b>	International	Senator Carr	International Support - Australian immigration processes shared with other countries	Has the Department engaged in discussions with other countries, regarding Australian immigration processes and have any countries toured Australia, Manus and Nauru facilities to understand how they work?	27 February 2017 Written
<b>AE17/225</b>	International	Senator Carr	International Support - Provided support or advice to other countries	Has DICP provided written advice and research materials to any other country regarding background on Australia's immigration systems? Has Australia been formally invited to the Visegrad Four meeting, the alliance of Hungary, the Czech Republic, Slovakia and Poland?	27 February 2017 Written
<b>AE17/226</b>	Visa & Citizenship Management Division	Senator Carr	Student Visas - Number	What is the number of student visa's granted in calendar year 2016? Please divide by month granted, and education sector	27 February 2017 Written
<b>AE17/227</b>	Visa & Citizenship Management Division	Senator Carr	Student Visas - Student Visa Granted Pivot Table, Vocational Education and Training Sector visa grants	Looking at figures in the Student Visa Granted Pivot Table, Vocational Education and Training Sector visa grants appears to be on target to be the second largest on record in 2016-17. - Is it your expectation that the rate on visa's granted in vocational education and training will continue? - What is the reason behind this surge in VET visa grants? - What are the countries of origin of VET sector visa grants in 2016-17 to date? - What has been the average processing time for VET sector visa grants in 2016-17? Could you please breakup by month?	27 February 2017 Written
<b>AE17/228</b>	Visa & Citizenship Management Division	Senator Carr	Student Visas - Student statistical report	Will the Department still be publishing its Student statistical report?	27 February 2017 Written

<b>AE17/229</b>	Community Protection	Senator Carr	Student Visas - Student visa cancellations	In terms of student visa cancellations in 2016-17: - Can you please provide student visa cancellations in 2016-17 to date? - How many cancellations were there in the student visa programme in 2016-17 to date by source country? - How many cancellations were there in the student visa programme in 2016-17 to date by grounds for cancellation? - How many cancellations were there in the student visa programme in 2016-17 to date by education sector?	27 February 2017 Written
<b>AE17/230</b>	Visa & Citizenship Management Division	Senator Carr	Student Visas - Postgraduate student research sector	In terms of the postgraduate student research sector: - What have been the countries of origin of visa's lodged and granted by month in 2016-17 to date? - What were the media processing times for student primary visas in the postgraduate research sector by month in 2015, 2016 and 2017? - How does this compare to other sectors? - In QON SE16/099 answer 7 you say you were taking into account the impact on research projects of delays in processing postgraduate research visas. How were you taking this into account and what actions did you take to mitigate this?	27 February 2017 Written
<b>AE17/231</b>	Visa & Citizenship Management Division	Senator Carr	Student Visas - Simplified Student Visa Framework	In regards to the operation of the Simplified Student Visa Framework has the Department conducted reviews of education provider risk levels? - If so, how many providers have had their risk levels changed? - If so, how many providers have had their risk level increased? - If so, how many providers have had their risk level decreased?	27 February 2017 Written
<b>AE17/232</b>	Immigration and Citizenship Policy	Senator Carr	Student Visas - Education Visa Consultative Committee	Is the Education Visa Consultative Committee still in operation? - How many times has it met in 2016 and 2017? - What has been discussed at these meetings? - What issues have participants raised about the operation of the Simplified Student Visa Framework?	27 February 2017 Written
<b>AE17/233</b>	Visa & Citizenship Management Division	Senator Carr	Student Visas - Workplace rights and responsibilities	What roles and responsibilities does the Department have in relation to informing student visa holders of their workplace rights and responsibilities when undertaking work in Australia?	27 February 2017 Written
<b>AE17/234</b>	Community Protection	Senator Carr	Student Visas - Exploitation of student visa holders by employers	Does the Department have any roles or responsibilities or undertake any activities around reports of exploitation of student visa holders by employers?	27 February 2017 Written

<b>AE17/235</b>	Traveller, Customs and Industry Policy	Senator Xenophon	Trade with Israel	<p>Given that Australia does not recognise Israel's sovereignty over the 1967 occupied territories:</p> <ol style="list-style-type: none"> <li>1. What is the present stand of the Government with regards to the import into Australia of goods produced in Israeli settlements in the occupied territories?</li> <li>2. Do the Australian tariff privileges and discounts granted to imports from Israel specify that these discounts are applicable only to goods manufactured in Israel and not to goods manufactured in settlements in the occupied territories?</li> <li>3. Has the government placed a requirement that Israel clearly label the origin of all export goods produced in the settlements in the occupied territories and sold in Australia (as is the case by other nations)?</li> <li>4. Are the relevant Australian Authorities monitoring goods imported from Israeli settlement in the occupied territories?</li> </ol>	27 February 2017 Written
<b>AE17/236</b>	Executive Division	Senator Xenophon	Government Waste	<p>Given that government and opposition politicians have all raised concerns over time and had policies on government waste:</p> <ol style="list-style-type: none"> <li>1. Is there a central government authority responsible for the elimination of waste?</li> <li>2. If so <ol style="list-style-type: none"> <li>a. Is there a government wide definition on the meaning of 'waste', and if so, what is that definition?</li> <li>b. How does this central government authority monitor and manage waste within the Department?</li> <li>c. Is there a central government mechanism (e.g. phone number, email address, web site) for public servants or contractors to report Departmental waste?</li> <li>d. How much Departmental waste was identified by the central government authority in FY 13/14, FY 14/15 and FY 15/16?</li> </ol> </li> <li>3. If not: <ol style="list-style-type: none"> <li>a. Is there a departmental definition on the meaning of 'waste', and if so, what is that definition?</li> <li>b. What are the Department's arrangements for monitoring and managing waste?</li> <li>c. Is there a central Departmental mechanism (e.g. phone number, email address, web site) for public servants or contractors to report Departmental waste?</li> <li>d. How much waste was identified by the Department in FY 13/14, FY 14/15 and FY 15/16?</li> </ol> </li> <li>4. In either case: <ol style="list-style-type: none"> <li>a. Can Departmental officers or contractors report waste anonymously?</li> <li>b. Are they afforded a protection if they do so?</li> </ol> </li> </ol>	27 February 2017 Written
<b>AE17/237</b>	Visa & Citizenship Management	Senator Watt	Labour Agreements	<p>Senator WATT: Thank you, Minister and officials, for coming along this afternoon. There are a couple of quick things for you to take on notice for me to do with labour agreements. Firstly, I am seeking to know when the various industry labour agreements were introduced. I do not need that now but you can take that on notice. Secondly, I am also keen to know the total number of people working under each labour agreement, and could you provide a year-by-year breakdown from the commencement of each of those</p>	24 March 2017 Page 32

				agreements, please?	
<b>AE17/238</b>	Visa & Citizenship Management	Senator Watt	Fast-food Labour Agreement	<p>Senator WATT: Is it correct that the fast-food industry labour agreement applied only to retail managers and supervisors?</p> <p>Ms Dacey: The information I have here is that the template agreement offered new concessions to the standard visa requirements other than the inclusion of 'retail manager' or 'retail supervisor', which are not on the consolidated skills occupation list. So I think the answer to your question is yes.</p> <p>Senator Cash: Perhaps we will take it on notice.</p> <p>Ms Dacey: To be very clear, yes.</p> <p>Mr Manthorpe: I think we should take that on notice. I have no reason to disagree with what Ms Dacey just said, but I do not have the agreement itself with me. So we can check that and come back to you.</p> <p>Ms Dacey: Just to make sure.</p>	24 March 2017 Page 32
<b>AE17/239</b>	Visa & Citizenship Management	Senator Watt	Experience required under labour agreement	<p>Senator WATT: What experience was required to gain entry and employment under that labour agreement?</p> <p>Mr Manthorpe: I think that is something we would have to take on notice as well.</p> <p>Senator WATT: I am keen to know whether it was a diploma, a number of years experience—</p> <p>Ms Dacey: I do not have that in the brief, I am sorry.</p> <p>Mr Manthorpe: I do not think the qualifications to become a retail supervisor are particularly onerous, but we will take that on notice.</p> <p>Senator WATT: I actually have that agreement in front of me. Retail managers have to have a diploma, which may be and most likely would be from overseas, and at least five years relevant experience in a fast-food environment. Retail supervisors have to have again a diploma at certificate IV level and at least three years relevant experience or at least four years relevant experience in a fast-food environment. Does that sound right?</p> <p>Mr Manthorpe: I do not have any reason to dispute what you said, Senator. I do not have the agreement in front of me. You evidently do, so I am happy to take the question on notice.</p> <p>Senator WATT: Given your earlier answer, which I know you are double-checking, and assuming it is the case that that agreement only applied to retail managers and supervisors, that did not allow for young overseas workers to come in and flip burgers and do the other stereotypical fast-food work. It was to come and manage a store or supervise staff.</p> <p>Senator Cash: Given that the department is going to take it on notice and check, I think it would be unfair if they were to give you an answer which could unfortunately then prove to be incorrect. I know where you are going with it. I think it would be best if we allowed the department to take that on notice.</p>	24 March 2017 Page 32

<b>AE17/240</b>	Visa & Citizenship Management	Senator Watt	Number of people working under the fast-food labour agreement	<p>Senator WATT: Can you confirm how many people were working in Australia under the fast-food labour agreement at the end of the scheme on 2 March?</p> <p>Mr Manthorpe: As I understand it, the scheme had a ceiling or a potentiality of up to 500 people. I am not quite sure how many were here at the time that the agreement was terminated, so again I will take that on notice.</p>	24 March 2017 Page 33
<b>AE17/241</b>	Visa & Citizenship Management	Senator Watt	Analysis of labour agreement figures	<p>Senator WATT: You do not have the figure as to how many were in place at the end of the scheme?</p> <p>Ms Dacey: I am sorry, I do not.</p> <p>Senator WATT: Okay, you can take that on notice. Can you take on notice, unless you have it there, that 221 figure being broken down into a year-by-year analysis as well.</p> <p>Mr Manthorpe: We can take that on notice.</p>	24 March 2017 Page 33
<b>AE17/242</b>	Visa & Citizenship Management	Senator Watt	Signature on fine-dining agreement	<p>Senator WATT: Minister Cash, were you involved in that fine-dining agreement?</p> <p>Senator Cash: I was as the assistant minister for immigration at the time, yes.</p> <p>Senator WATT: Did that mean that you signed off on that or was that actually done by the minister?</p> <p>Senator Cash: I would need to clarify as to whether I ultimately did finalise it.</p> <p>Mr Manthorpe: I cannot recall whether it was the then minister or the department.</p> <p>Senator Cash: We would need to take that on notice.</p>	24 March 2017 Page 33 - 34
<b>AE17/243</b>	Visa & Citizenship Management	Senator Watt	Comparing the conditions of the fast-food and fine-dining labour agreements	<p>Senator WATT: Are the conditions that someone can be employed under the fine dining labour agreement different to conditions that apply to the fast food labour agreement?</p> <p>Ms Dacey: I do not have them in front of me and I would be reluctant to make that comparison without—</p> <p>Mr Manthorpe: We would have to check that, Senator Watt.</p>	24 March 2017 Page 34
<b>AE17/244</b>	Visa & Citizenship Management	Senator Watt	Fine-dining labour agreement breakdown of numbers	<p>Senator WATT: If the minister's office is in a position to advise, because I was going to ask how many people overall are working in Australia under the fine dining agreement now and year by year back to 2014 when it was introduced.</p> <p>Mr Manthorpe: Sure.</p>	24 March 2017 Page 35

<b>AE17/245</b>	Visa & Citizenship Management	Senator Watt	Labour agreement payment thresholds	<p>Senator WATT: I am keen to know the number, overall, who are currently employed under this labour agreement, regardless of the occupation; the number who have been employed each other year under that agreement; and how many people, currently or previously, have been employed under the agreement and are paid below that income threshold. Does this labour agreement allow temporary overseas workers to be paid a lower amount than local workers would be paid to do the same job?</p> <p>Mr Manthorpe: I would not have thought so, but we will take that on notice just to be sure.</p> <p>Senator WATT: Is there any reason you would not have thought so?</p> <p>Mr Manthorpe: Yes, because my general understanding of the policy position in this space is that the pay rate to be paid is the TSMIT or the relevant industrial instrument rate, market rate—whatever it might be—whichever is the higher.</p>	24 March 2017 Page 35
<b>AE17/246</b>	Visa & Citizenship Management	Senator Watt	Labour Agreements and inflation	<p>Senator WATT: Presumably, the dollar figure changes with inflation et cetera. Would it generally be the case, then, that temporary overseas workers are being paid fairly similarly whether they are in fine dining or fast food?</p> <p>Mr Manthorpe: That is right, unless in fine dining they are paid materially more—I suspect, in some cases. I am speculating a bit there, Senator. I will have to take on notice the detail.</p>	24 March 2017 Page 35
<b>AE17/247</b>	Visa & Citizenship Management	Senator Watt	Salary of a chef	<p>Senator WATT: I might try and see what my evidence for this is, but I understand that a request has been made that the salary of a trained chef—which I presume is under the fine-dining agreement—could actually end up being lower than someone who is employed in a fast-food outlet. Is that conceivable under these two agreements?</p> <p>Mr Manthorpe: I am unaware of the request, so I simply do not know off the top of my head. We will take that on notice.</p>	24 March 2017 Page 35
<b>AE17/248</b>	Visa & Citizenship Management	Senator Macdonald	Labour agreement compared with awards applied to Australians	<p>CHAIR: But in dealing with 457 visas, do you compare that with what Australian workers are getting and then the labour agreement puts in place similar terminology and terms and conditions?</p> <p>Mr Manthorpe: We have what is called a sponsor monitoring unit which monitors the conduct of employers of 457 visa workers to make sure that either the TSMIT or the relevant industrial amount is paid.</p> <p>CHAIR: I accept that. But is what they are paid, what the agreement says, similar in words and terms and conditions as the award that applies to Australians working in exactly the same industry?</p> <p>Ms Dacey: I do not think we frame or draft the template industry agreements with reference to the award. But I would like to check that for you. I am sure we just draft based on a series of criteria that we are looking to to establish that it meets the policy objectives. I would like to check that for you.</p>	24 March 2017 Page 36

AE17/249	Visa & Citizenship Management	Senator Macdonald	Award for non-457 visa holders	<p>CHAIR: Can you help, Minister, from your wide experience in this area?</p> <p>Senator Cash: Sorry, could you repeat the question?</p> <p>CHAIR: Non-457 visa holders who work in the fast-food industry or in the fine-dining industry are covered by an award.</p> <p>Senator Cash: Correct.</p> <p>CHAIR: I am trying to clarify whether 457 visa holders have a different set of rules but are the same as—</p> <p>Senator Cash: Correct. You need to employ someone in accordance with Australian law, but the rules and terms of the 457 visa program are more in relation to whether or not there is actually a need for the particular person to come into the country. So you need to actually show the department that there is a demonstrated need.</p> <p>CHAIR: But having got to that position—</p> <p>Senator Cash: Yes. Then the salary must then be a minimum of the Temporary Skilled Migration Income Threshold—that is the absolute minimum. So you often find that employers will state, 'It is more expensive to employ someone coming in from overseas than it is to employ a local because of the basic flaw in the salary,' which is obviously much, much higher than the minimum wage.</p> <p>CHAIR: It could be more, but it could not be less.</p> <p>Senator Cash: It cannot be less because it is TSMIT or the market rate. If the TSMIT is \$53,000 but the market rate of \$62,000, unless I am wrong you will need to pay \$62,000. You cannot pay less than what the Australian standing next to you is being paid.</p> <p>Senator WATT: Is that the award?</p> <p>Mr Manthorpe: The award or the industrial instrument or the—</p> <p>Senator Cash: Or the market rate. Whatever is the higher.</p> <p>Senator WATT: There is obviously an important distinction. I could imagine that under a labour agreement people might not be able to be paid below an award rate, given that is the minimum safety net, but it would be conceivable for them to be paid below what an enterprise bargaining agreement pays in a particular workplace.</p> <p>Mr Manthorpe: I am not sure about that. I think it more pertains to the rate that applies in the enterprise, but this is—as you will appreciate—a technical and complex area. None of us want to mislead you, so I think we are best taking this on notice. I note, in passing, that two or three weeks ago, when we were in the other room, we took on notice a series of questions about providing the actual labour agreements, and we will provide those by the due date. And then all of these details will be evident for all to see.</p> <p>CHAIR: Could you add to that question on notice by providing me also with the award for non-457 visa holders, so we can make our own assessment on whether they are the same or different?</p> <p>Mr Manthorpe: Indeed. We are happy to provide the committee with information about that—</p> <p>CHAIR: Finally, from me, on this—perhaps this is not the right estimates committee to ask</p>	24 March 2017 Page 37
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				<p>this—how long has the current non-457 visa award been in place and who was that negotiated between? I assume it is the Fair Work Commission and a union. I am, simply, wanting to know which union.</p> <p>Mr Manthorpe: If we are not talking about the pay rate payable to 457s pursuant to the TSMIT, then you are really outside of this portfolio. You are really into the mainstream of the workplace relations system.</p> <p>CHAIR: I am, but I am cheating a bit—I see the minister, here, is that minister and I thought she might take it on notice if she cannot tell me off the top, even though it is not strictly this portfolio.</p> <p>Senator Cash: Let us take it all on notice so we can ensure that the correct information is provided to you—in particular, just for the Hansard record today, noting that these are longstanding programs across governments. Whether it is a Labor government or a coalition government, they are longstanding programs.</p> <p>CHAIR: You have made that clear.</p>	
<b>AE17/250</b>	OSB	Senator Pratt	Turn-backs breakdown update	<p>Senator PRATT: I will put my questions on record. I would like to know when turn-backs took place, where they were intercepted, how many people were on board each vessel, how many children were on board each vessel, where the boats originated from, how many turn-backs involved transferring people onto new vessels and how many times Australia Border Force provided medical treatment to people on board those boats. I gather you would be making public interest immunity claims?</p> <p>Mr Quaedvlieg: Just to clarify the time period of your question, are you asking those questions from the commencement of Operation Sovereign Borders to today? A lot of that information has already been provided either to the Senate or—</p> <p>Senator PRATT: I understand that. It is really an update from when that information was last provided.</p> <p>Mr Quaedvlieg: In that case, I would have pressed the PI claim.</p> <p>CHAIR: This is been raised in this committee any number of times. Rulings have been made and they have been upheld in the Senate.</p> <p>Senator PRATT: But I am sure, as Mr Pezzullo appreciates, the parliament understanding the so-called effectiveness of turn-backs is something that needs to be embraced and understood by the parliament in order that it remain a plank in our policy to prevent, for example, more people ending up in detention on Manus and Nauru, surely.</p> <p>Mr Pezzullo: All I can do is make mention of your questions to the minister and it will be a matter for him to determine whether or not he wishes to provide any advice to this committee.</p>	24 March 2017 Page 38

<b>AE17/251</b>	Border Management	Senator Pratt	List of asbestos profiles	<p>Senator PRATT: I wish them a good weekend and I thank them for their attendance. I will start with an update on asbestos importation. What seizures have been made since you last reported to estimates on this question?</p> <p>Mr Quaedvlieg: I will answer that question but let me start in a more generic sense. We have increased significantly our efforts towards asbestos detection and interception at the border. For example, we have now 53 active profiles in the system. I think I have explained the issue of profiles previously but if you wish me to elaborate on what they are I am happy to do that in this forum. Essentially they are alerts on our system for high-risk consignments that may contain asbestos. So we have increased the number of profiles—</p> <p>Senator PRATT: By profile, do you mean the kinds of products?</p> <p>Mr Pezzullo: Yes. So there may be cement sheet bores, gaskets, brake pads, prefabricated floor sheeting—that type of thing.</p> <p>Senator PRATT: If you are able to provide on notice a list of what those kinds of products are, that would be terrific.</p> <p>Mr Pezzullo: Absolutely, we can do that. The point I was going to make though is that that figure belies the actual effort that we are going to, and this is the point I wanted to elucidate in this hearing. If I go back to, let's say, financial year 2013-14, for the entire year we had 117 alerts that went off at the border for consignments that we needed to look at. If I look at the number of alerts that have gone off year-to-date for this financial year, we have almost 6,000.</p> <p>Senator PRATT: Yes, that would be more logical.</p>	24 March 2017 Page 39
<b>AE17/252</b>	Visa and Citizenship Management	Senator Pratt	Productivity Commission - Fraud or money laundering	<p>Senator PRATT: Yes. My remaining questions are about outcome 2. As we know, the Productivity Commission raised concerns about the possibility and propensity for fraud and money laundering through the significant investor visa and the premium investor visa. What incidents of fraud or money laundering have been uncovered related to those visa holders and applicants, and what did those incidents include?</p> <p>Mr Manthorpe: Unless my colleagues have got detail on that, I think we will have to take that on notice. I do not have any material on that with me today.</p> <p>Senator PRATT: So, you cannot advise us on whether there have been applicants or holders of the visa who have been found to be involved in fraud or money laundering here or overseas?</p> <p>Mr Manthorpe: We do not have the briefing on that with us. I can tell you that it is a visa product that undergoes a lot of careful scrutiny by our expert staff, who are looking for those sorts of matters constantly. I cannot give you a more precise answer.</p>	24 March 2017 Page 40

<b>AE17/253</b>	Visa & Citizenship Management	Senator Pratt	Productivity Commission's Report	<p>Senator PRATT: Are you preparing a response to the Productivity Commission's report?  Mr Manthorpe: I will take that on notice.  Senator PRATT: You do not know that either? Okay. I will ask a series of questions on notice if you can take them verbally.  Mr Manthorpe: Sure.  Senator PRATT: When will that response be provided to the Productivity Commission?  Have you sought advice from the Foreign Investment Review Board and, prior to July 2015, the ATO regarding the number of SIV holders who have applied to purchase residential property since the inception of the visa in 2012?  Mr Manthorpe: We are happy to take all of that on notice.  Senator PRATT: Do you understand the nub of the concern, which is, essentially, that there are people seeking to be able to access visas that are not, in the main, investing productively in the economy but are merely picking up housing assets as a way of accessing a visa?  Mr Manthorpe: Yes, I understand the nub of the questions, Senator. We seek to apply the conditions of the visa appropriately, but I will take on notice the matters that you raised.</p>	24 March 2017 Page 40
<b>AE17/254</b>	Visa & Citizenship Management	Senator Pratt	Visa holders and the nature of investments	<p>Senator PRATT: In terms of that issue currently, do you know how many applicants have purchased properties as part of that scheme?  Mr Manthorpe: No, I do not. I simply do not have any briefing on that particular visa product with me today.  Ms Dacey: I have got some numbers, but nothing to the level of detail about what they are purchasing as part of their investments.  Senator PRATT: In terms of the numbers of visa holders, you do not have anything with you today that outlines the nature of their investments?  Ms Dacey: No.  Mr Wilden: We can give the broad parameters of the rules around how they can invest their \$5 million, if that is helpful.  Senator PRATT: Yes. Very briefly, can you outline specifically if you are allowed to invest exclusively in housing?</p>	24 March 2017 Page 40 - 41
<b>AE17/255</b>	Visa & Citizenship Management	Senator Pratt	Reasons for rejecting SIV's	<p>Senator PRATT: That makes sense. In 2014-15 there were nearly 1,400 applications for SIVs from Chinese nationals, but only 532 were granted. What were the main reasons visa applicants were rejected?  Ms Dacey: I will have to take that on notice.</p>	24 March 2017 Page 41

<b>AE17/256</b>	Immigration and Citizenship Policy	Senator Pratt	Set of rules behind the period of residency for the citizenship process	<p>Senator PRATT: Well, it is not hypothetical if it is being considered by the government. What process does a permanent resident go through before becoming a citizen?</p> <p>Mr Pezzullo: Mr Wilden happens to be the table; he is the national expert on such matters.</p> <p>Mr Wilden: In the broad—because obviously we have a large number of permanent resident status through the family program and the skilled program and the refugee and humanitarian program. But there are some very core tenets behind that. The first is a period of residency, which has a set of rules that I will provide on notice, because they can get quite complex about how long you can spend out of the country, how long you need to be in over a period of time.</p>	24 March 2017 Page 42
<b>AE17/257</b>	Visa & Citizenship Management	Senator Pratt	Citizenship ceremony waitlist	<p>Senator PRATT: Can you take on notice the breakdown by LGA of the number of approved citizenship applicants awaiting a pledge or ceremony where their approval has been in the last financial year, if you are able to do that.</p> <p>Mr Manthorpe: Sorry, Senator. What are you after?</p> <p>Senator PRATT: I am asking for documentation of the backlog. People like to have a ceremony. I understand that people do not have to have one. But, if people want to access a ceremony and therefore they are waiting—</p> <p>Mr Manthorpe: I see.</p> <p>Senator PRATT: for theirs—</p> <p>Mr Manthorpe: You are trying to get a breakdown to get a sense of where it is.</p> <p>Senator PRATT: I would like to see where in the country there are problems. We have heard evidence of people waiting in Parramatta. We would like to see the extent of where people are waiting longer than they might like to be able to access a ceremony.</p> <p>Mr Manthorpe: We will take that on notice.</p>	24 March 2017 Page 48
<b>AE17/258</b>	Visa & Citizenship Management	Senator Pratt	Citizenship Ceremonies	<p>Can local MPs hold citizenship ceremonies and what is the process for doing that?</p> <p>Please provide a breakdown of the number of approved citizenship applicants waiting for a pledge/ceremony by LGA and the number of citizenships granted in the last financial year by LGA.</p> <p>Does the Department have a strategy to address the backlog of citizenship ceremonies?</p> <p>How many citizenship applications were awaiting assurances on a year-by-year basis since 2011?</p> <p>Are assurance checks undertaken offshore or in Australia?</p> <p>How many staff are allocated to undertaking assurance checks?</p>	24 March 2017 Written
<b>AE17/259</b>	Visa & Citizenship Management	Senator Pratt	Migration	How many people migrated to Australia in this current financial year to date and under which visa classifications did they arrive?	24 March 2017 Written

<b>AE17/260</b>	Visa & Citizenship Management	Senator Pratt	Rejected permanent residency application reasons	Can you explain the reasons an application for permanent residency may be rejected?	24 March 2017 Written
<b>AE17/261</b>	Visa and Citizenship Management	Senator Pratt	Permanent residency applications rejected on health issue grounds	<p>How many applications for permanent residency were rejected on the grounds that one of the applicants would be a burden on the Commonwealth due to a health issue in the following year:</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>Of those people, how many were children?</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>Of those applications rejected on public health grounds, how many decisions were appealed?</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>How many visa applications rejected on public health grounds were overturned on appeal?</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>How many visa applications rejected on public health grounds were overturned following a ministerial intervention?</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p>	24 March 2017 Written

<b>AE17/262</b>	Community Protection	Senator Pratt	Visa ministerial intervention categories	How many requests for ministerial intervention (overall categories) were received and can you please provide a breakdown of the visa categories and number of requests for ministerial intervention for: 2013/2014 2014/2015 2015/2016 2016/2017	24 March 2017 Written
<b>AE17/263</b>	Community Protection	Senator Pratt	Visas cancelled on 501 character grounds	How many visas were cancelled on 501 character grounds in: 2013/2014 2014/2015 2015/2016 2016/2017 Of those people who had their visa cancelled on character grounds, can you please outline how many people willingly departed Australia? 2013/2014 2014/2015 2015/2016 2016/2017 Of those people who had their visa cancelled on character grounds, can you please outline how many people were forcibly deported? 2013/2014 2014/2015 2015/2016 2016/2017 Of those people who had their visa cancelled on character grounds, can you please provide a breakdown of the counties where those people held citizenship?	24 March 2017 Written
<b>AE17/265</b>	Refugee and Humanitarian Visa Management	Senator Pratt	Legacy Caseload	The Minister often refers to a 'legacy caseload' can you please explain what that caseload is? How many people are in the legacy caseload and does that figure include people who have been assessed as refugees? How many are children?	24 March 2017 Written
<b>AE17/266</b>	Refugee and Humanitarian Visa Management	Senator Pratt	Submitting application for protection	Can you please explain what is involved in submitting an application for protection? Does the Department accept being on the waitlist for legal assistance as a reason to delay lodging a claim for asylum? Has there been a change in policy relating to this? When did that occur? How many warning letters has the Department sent out in 2016/2017? How many people have had their bridging visa cancelled or work rights suspended for	24 March 2017 Written

				failure to apply by given date?	
<b>AE17/267</b>	Visa and Citizenship Management	Senator Pratt	Working on a student visa	How many hours can a student visa holder work each week? Does the Department require students to report where they are working? How does the Department ensure students are complying with their visa conditions? Are there any limits on the types of jobs student visa holders can take up?	24 March 2017 Written
<b>AE17/268</b>	Investigations	Senator Pratt	Investigations into student visa holders in transport and trucking industry	Does the Department have any active investigations into student visa holders who are working the in the transport and trucking industry?	24 March 2017 Written
<b>AE17/269</b>	Visa and Citizenship Management	Senator Pratt	Requests for information about student visa holders from the Fair Work Ombudsman	How many requests for information about a student visa holder from the Fair Work Ombudsman did the Department receive in: 2013/2014 2014/2015 2015/2016 2016/2017	24 March 2017 Written
<b>AE17/270</b>	Border Management	Senator Pratt	Visa overstays	How many people in Australia are currently overstaying their visa? How many people who overstayed their visa were removed from Australia in the last 12 months? Please provide data from the past 5 years. What is the longest amount of time that someone has overstayed their visa? What is the average amount of time that someone overstays their visa? What steps does the Department undertake to locate and remove someone who has overstayed their visa?	24 March 2017 Written
<b>AE17/271</b>	Visa and Citizenship Management	Senator Pratt	Partner Visa determinations	What is the Department doing to protect children from entering Australia as child brides? How does DIBP assess the genuine nature of relationship as part of the partner visa application process?	24 March 2017 Written

<b>AE17/272</b>	Community Protection	Senator Pratt	Rejected or cancelled partner visas	<p>How many applications for a partner visa were rejected in:</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>How many partner visa were cancelled for people already in Australia in:</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>Can you please provide a breakdown of the reasons those visas were cancelled?</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p>	24 March 2017 Written
<b>AE17/273</b>	Visa and Citizenship Management	Senator Pratt	Partner Visa's from RPCs	<p>How many partner visa applications have been received by people who have spent time in regional processing centres on Manus Island or Nauru?</p> <p>How many of those applications have been approved?</p>	24 March 2017 Written
<b>AE17/274</b>	Visa and Citizenship Management	Senator Pratt	Maritime Crew Visas	<p>Please outline the eligibility for a Maritime Crew Visa and what conditions are placed on a Maritime Crew Visa holder?</p> <p>How many Maritime Crew Visas were issued in:</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p> <p>How many Maritime Crew Visas were cancelled in:</p> <p>2013/2014 2014/2015 2015/2016 2016/2017</p>	24 March 2017 Written

<b>AE17/275</b>	Immigration and Citizenship Policy	Senator Pratt	Maritime Crew Visas - Rio Tinto Marine	<p>Are foreign-flagged ships operated by Rio Tinto Marine carrying bauxite between Weipa and Gladstone and does the Department deem them as "imported" under s49 of the Customs Act 1901 and entered for home consumption?</p> <p>As those ships are engaged in intra-State voyages and given that Rio Tinto Marine has not sought to opt into the Coastal Trading (Revitalising Australian Shipping) Act 2012 (CT Act) for the purpose of having those voyages authorised under a Temporary License which then activates a s112 exemption from the Customs Act, that the foreign crew on those ships, must hold a valid and current work visa whilst those ships are voyaging along the Queensland coast inside the Migration Zone?</p> <p>Please explain how the crew on its intra-State bauxite vessels are able to hold Maritime Crew Visas (subclass 988) which are a transit visa only and expire after 5 days, when those ships trade indefinitely on the Australian coast?</p>	24 March 2017 Written
<b>AE17/276</b>	Immigration and Citizenship Policy	Senator Pratt	457 Visas - CSOL vs SOL	<p>What is the Consolidated Sponsored Occupations List (CSOL) and how is it different from the Skilled Occupations List (SOL)?</p> <p>How does a skill/job get onto the CSOL list?</p> <p>How many "low skill" level occupations does the CSOL contain according to the Department?</p>	24 March 2017 Written
<b>AE17/277</b>	Immigration and Citizenship Policy	Senator Pratt	457 visas - review of SOL	<p>Can you please explain the Department's involvement in the current review of the SOL?</p> <p>Did the Department make a submission to the SOL review underway by the Department of Education and Workplace Relations?</p>	24 March 2017 Written
<b>AE17/278</b>	Immigration and Citizenship Policy	Senator Pratt	457 Visas - CSOL review	<p>A number of the jobs listed on CSOL are in agriculture, mining, industry and innovation, health – is the Department working with other departments on the CSOL review?</p> <p>How is the Department consulting with industry, business and unions regarding the review?</p>	24 March 2017 Written
<b>AE17/279</b>	Visa and Citizenship Management	Senator Pratt	Applying for 457 Labour Agreement	<p>Can you explain the process for applying to the Department for a 457 Labour Agreement?</p> <p>What requirement does the employer have to consult stakeholders?</p> <p>Are businesses required to advertise those jobs locally in Australia first and what requirements are set on advertising?</p>	24 March 2017 Written
<b>AE17/280</b>	Immigration and Citizenship Policy	Senator Pratt	Forklift drivers and factory workers on the CSOL	<p>Do you know if forklift drivers and factory workers are on the CSOL?</p>	24 March 2017 Written
<b>AE17/281</b>	Visa and Citizenship Management	Senator Pratt	Any allegations of rorting in the 457 program	<p>Is the Department aware of any allegations of rorting in the 457 program? Please outline them.</p>	24 March 2017 Written
<b>AE17/282</b>	Immigration and Citizenship Policy	Senator Pratt	457 Visas - supporting MACSM to undertake the CSOL review	<p>Is the Department providing support to the MACSM to undertake the CSOL review?</p> <p>What does this support involve?</p>	24 March 2017 Written

<b>AE17/283</b>	Border Management	Senator Pratt	Information on 457 Visas	What type of information does the Department collect about 457 visa holders? What type of information does the Department collect about 457 visa holders employers? How many complaints have the Department received about the 457 program? Can you provide a breakdown of those complaints and details of the main issues raised? Do you hold information by State and region or local government area? Please provide a breakdown of 457 visas over the last 5 years by local government area?	24 March 2017 Written
<b>AE17/284</b>	Visa and Citizenship Management	Senator Pratt	General work agreements signed by the Minister	How many general work agreements did Minister Dutton sign in 2015-16? How many have been signed to date in 2016-17?	24 March 2017 Written
<b>AE17/285</b>	Visa and Citizenship Management	Senator Pratt	General work agreements	How many 457 visas are currently under work agreements? What is the average salary of these visas? Do any work agreements include a concession to reduce the TSMIT? If yes, how many? Where are these work agreements based? How many visas have been granted with a nomination below the TSMIT?	24 March 2017 Written
<b>AE17/286</b>	Visa and Citizenship Management	Senator Pratt	TSMIT review	The TSMIT has not been indexed since July 2013, remaining at \$53,900 for the entire term of the Abbott-Turnbull Government. Can you please provide how many visas have been granted with a base salary between \$53,900 and \$57,000 since 1 July 2016? Can you please provide an industry breakdown of these visas? Can you please provide a 6-digit occupational breakdown of these visas?	24 March 2017 Written
<b>AE17/287</b>	Investigations	Senator Pratt	Fair Work Ombudsman and the Department	How does the relationship between the Department and the Fair Work Ombudsman work when investigating visa issues? Has the FWO conducted many investigations since the last estimates?	24 March 2017 Written
<b>AE17/288</b>	Investigations	Senator Pratt	Investigating media cases with the Fair Work Ombudsman	Has the Department and FWO been investigating the numerous cases of exploitation that have been reported in the media recently?	24 March 2017 Written

<b>AE17/289</b>	Immigration and Citizenship Policy	Senator Pratt	Reporting concerns about exploitation	What are the main ways people report concerns about exploitation? How do people report concerns they have about an employer? What are the penalties for a worker – currently being exploited – on an invalid visa? What are the penalties for a business – exploiting a worker – on an invalid visa?	24 March 2017 Written
<b>AE17/290</b>	Investigations	Senator Pratt	Taskforce Cedena	How many investigations are currently underway? What is the budget of the Taskforce? How many staff are there on the Taskforce? How many successful prosecutions occurred since the last estimates?	24 March 2017 Written
<b>AE17/291</b>	Immigration and Citizenship Policy	Senator Pratt	Citizenship and social cohesion	Does citizenship assist with social cohesion and social integration? Can violent extremism and isolation of migrant groups be reduced by improving social cohesion?	24 March 2017 Written
<b>AE17/292</b>	Immigration and Citizenship Policy	Senator Pratt	Visa streamlining	What process does a permanent resident go through before becoming a citizen and how long does that process take? Has the Department undertaken any analysis from data sources regarding citizenship eligibility and its extension from two years to four years residency? Did you conduct analysis on how those changes affected individuals seeking to become Australian citizens?	24 March 2017 Written
<b>AE17/293</b>	Refugee and Humanitarian Visa Management	Senator Pratt	Refugee employment	What are the main barriers to refugees improving their labour market outcomes? How are these barriers addressed through existing services and support? What are the long-term trends for refugee employment compared to average labour market outcomes? Will refugee employment outcomes be improved by lengthening the time of citizenship eligibility? Are there positive employment factors associated with being a citizen? Can you please expand on this? Income and employment outcomes appear to increase over time. Could citizenship be a factor in this improvement?	24 March 2017 Written

<b>AE17/294</b>	Refugee and Humanitarian Visa Management	Senator Pratt	Fast-track'	<p>How many asylum seekers have been contacted since the last estimates to advise they are eligible to apply for assessment under the so-called 'Fast-Track' process?</p> <p>How many applications have been received since the last estimates under the so-called 'Fast-Track' process?</p> <p>How many applications have been assessed since the last estimates under the so-called 'Fast-Track' process?</p> <p>How many decisions have been made since the last estimates under the so-called 'Fast-Track' process?</p> <p>How many positive?</p> <p>How many negative?</p> <p>How many applications have been referred to the Immigration Assessment Authority?</p> <p>How many decisions have been made by the IAA?</p> <p>How many positive and negative?</p> <p>Do asylum seekers eligible to apply under the so-called 'Fast-Track' process receive legal advice/support as a matter of course?</p> <p>Has the lack of legal support for applicants lead to an increase in the time taken to process applications?</p>	24 March 2017 Written
<b>AE17/295</b>	Visa and Citizenship Management	Senator Pratt	Wage distribution under the 457 visa program	<p>Can you please provide a wage distribution of approved nominations in the 457 visa program for 2015-16, by increments of \$1,000 from \$53,900 onwards for base salary?</p> <p>Can you please provide a wage distribution of approved nominations in the 457 visa program for 2015-16 for each industry, by increments of \$1,000 from \$53,900 onwards for base salary?</p> <p>Can you please provide a wage distribution of approved nominations in the 457 visa program for 2015-16 for each state, by increments of \$1,000 from \$53,900 onwards for base salary?</p> <p>Can you please provide a wage distribution of approved nominations in the 457 visa program for 2015-16 for the top 10 occupations, by increments of \$1,000 from \$53,900 onwards for base salary?</p>	24 March 2017 Written

<b>AE17/296</b>	Visa and Citizenship Management	Senator Pratt	China FTA follow up	<p>How many Investment Facilitation Agreements MOUs have been requested?          How many IFA MOUs have been signed?          Have any Chinese State Owned Enterprises entered into an MOU?          How many Project Agreements have been requested under MOUs?          How many Project Agreements have been signed under MOUs?          How many employers have made requests for a labour agreements under a Project Agreement?          How many labour agreements have been approved under Project Agreements?          How many visas have been granted under all IFAs?          What is the average salary of the visas granted under IFAs?          Has the Department cancelled any labour agreements under IFAs?          Has the Department cancelled any visas under IFAs?</p>	24 March 2017 Written
<b>AE17/297</b>	Community Protection	Senator Pratt	Process for complaints about working situations	What is the process that occurs in the Department when a backpacker or individual on a visa makes a complaint about their working situation?	24 March 2017 Written
<b>AE17/298</b>	Children, Community and Settlement Services	Senator McKim	UNCHR Visit	<p>Senator McKIM: So we are forcibly deporting people now who have not had a fair crack, because, as the UNHCR has made abundantly clear, the Papua New Guinea RSD fails the refugee convention.          Mr Pezzullo : There was a reference in a report 3½ years ago—I think we discussed this before the break, and perhaps Ms Moy might have further and better particulars.          Ms Moy : What I can tell you at the moment is that 68 per cent of the individuals on Manus Island—who arrived at Manus Island—          Senator McKIM: The people on Manus Island.          Ms Moy : Individuals—people—have been found to be positive in their RSD process.          Regarding the report you mentioned of 2013, since that date UNHCR has visited Manus Island and PNG and been engaged with the PNG status resolution process nine times—2013 to 2014.          Senator McKIM: Yes, but that does not mean anything has changed or improved, does it?          Ms Moy : UNHCR has not raised any issues with us or, to my knowledge, raised any issues with the government of Papua New Guinea in regard to that matter since that date.          Senator McKIM: That does not mean they are happy with it, does it?          Ms Moy : They have not raised any issues, so I cannot assume what else is in their mind.          Senator McKIM: No, that is right.          Mr Pezzullo : Going back to the US agreement, the material fact is that they are active participants in the referral process. It was a condition of the transfer agreement with the Americans that the UNHCR was actively involved. I am not sure if it is down at the case level, but certainly in terms of the certification of the general process. That was achieved to the satisfaction of the Obama administration. I will cause further inquiries to be made in</p>	27 February 2017 Page 34

				terms of the reference—the one paragraph—that you found in that report of nine visits ago and we will try to get to the bottom of if for you	
<b>AE17/299</b>	Community Protection	Senator McKim	Bridging E visas	<p>Ms Zakharoff : In total, as of 31 December 2016, there were 35,050 people on bridging E visas.</p> <p>Senator McKIM: How many of those do not have a condition attached to their visa that prevents them from working?</p> <p>Ms Zakharoff : It is a very small number. The information I have is that 84 per cent of the IMAs, or irregular maritime arrivals, are on Bridging Visa E and 84 per cent of them have work rights.</p> <p>Senator McKIM: So 84 per cent have work rights. Would there be—</p> <p>Mr Pezzullo : That is not 84 per cent of 35,000.</p> <p>Senator McKIM: Sorry, is that a clarification, Mr Pezzullo?</p> <p>Mr Pezzullo : You just need to be clear on that.</p> <p>Mr Manthorpe : That would be 84 per cent of—</p> <p>Senator McKIM: The 35,050?</p> <p>Mr Manthorpe : No, there are not 35,050.</p> <p>Senator McKIM: That is what I was just about to say.</p> <p>Mr Manthorpe : It would be 84 per cent of about 30,000. It will be in that vicinity. We can give you more precision on notice, if you need it.</p>	27 February 2017 Page 127

<b>AE17/300</b>	Investigations	Senator Watt	ABF Operations	<p>Senator WATT: I have a few questions about the Migrant Workers' Taskforce—they are probably for a combination of the Border Force and the department. This is something I am quite interested in....Senator WATT: Do either of you have any idea how many investigations are currently underway into this kind of activity?Mr Quaedvlieg : I can give you some indication of the volume of work that we have in the Border Force, but it may not give you a complete answer, because the Fair Work Ombudsman's office will also be conducting its own investigations in relation to pay and conditions et cetera. It is a bit difficult to contain my answers just to work emanating out of the task force itself, because at any given point in time our field compliance work is quite active. So, for example, for the first six months of this financial year—so between 1 July and 31 December—our field compliance officers have detained 7,900 unlawful noncitizens. We have detained 1,000 visa holders who are working in breach of their conditions. We have issued 234 warning notices in relation to illegal workers. We have issued five infringement notices. And we have done a lot of work around what you might have heard about earlier today—section 501 cancellations, of which there have been 554 this financial year.Over and above that, we have conducted many operations under Taskforce Cadena in 13 different operations, and there are statistics; if you like, I could take it on notice and provide you with a breakdown of what each of those operations were, the number of charges that were laid et cetera—in the interests of brevity. But we are focusing quite heavily on what I mentioned is the syndicated nature of some of this exploitation, so going right along the visa continuum, starting upstream in source countries where there are corrupt elements in the visa-brokering and sponsoring system, flowing through to domestic labour hire intermediaries, educational institutions, migration agents and, in some cases, outright organised criminality or organised crime—and I would distinguish between those two. We are applying coercive powers through the ACIC, the Australian Criminal Intelligence Commission, to give us some better insights into some of the levels of sophistication of organised crime, and we are seeing quite a lot. Arising out of those coercive hearings that we have conducted through the ACIC work, we have a number of investigations currently on hand within our Investigations Division which looks at that organised criminality component of the visa system.</p>	27 February 2017 Page 129-130
<b>AE17/301</b>	Visa and Citizenship Management	Senator Watt	Fine Dining Labour Agreement	<p>Senator WATT: So the Temporary Skilled Migration Income Threshold or TSMIT is a pay rate that ordinarily an overseas worker, a temporary worker, can be brought to Australia and employed at and they cannot, generally, be employed at a pay rate below that TSMIT, which currently is about \$53,000 per year?</p> <p>Mr Manthorpe : Yes, unless the minister agrees to a concession, which from time to time ministers have done.</p> <p>Senator WATT: Meaning it can be lower?</p> <p>Mr Manthorpe : Yes, but in very limited circumstances.</p> <p>Senator WATT: How many people currently employed under this fine dining labour agreement are paid below that income threshold?</p>	27 February 2017 Page 34

				Mr Manthorpe : I do not know off the top of my head. We would have to take that on notice. I do not even know whether there are any—there may be none.	
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