



**Australian Government**  
**Department of Immigration  
and Border Protection**

Senate Legal & Constitutional Affairs Committee  
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**SECRETARY**

**DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION**

**Opening statement to Legal and Constitutional Affairs Legislation Committee**

**Estimates Hearing**

**25<sup>th</sup> May 2015**

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This is the last time that my officers and I will appear before you as representatives of the Immigration Department that was established in 1945. On 1<sup>st</sup> July 2015, a new Department of Immigration and Border Protection will be established, which will have expanded responsibilities for:

- Immigration;
- Citizenship;
- Customs;
- Border Protection; and
- Maritime Security.

The Australian Border Force (ABF) will be established within the Department under law, headed by a new statutory appointee, the Commissioner of the ABF, who will

also serve concurrently as the Comptroller-General of Customs. The Commissioner/Comptroller-General will report directly to the Minister on all operational matters which fall within the purview of the Department. The Australian Customs and Border Protection Service will be disestablished as at 30<sup>th</sup> June 2015, as will be the statutory office of Chief Executive Officer of that Service.

The incumbent CEO of ACBPS, Mr Roman Quaedvlieg, and our deputies and the staff of the Department and the Service are working collaboratively on the merger of our organisations, which in a number of crucial respects has already occurred administratively ahead of the formal merger date of 1<sup>st</sup> July 2015. As a consequence, during these proceedings it is likely that some questions to the Department will be addressed by officers of ACBPS who are already acting with my authority as officers of the Department.

We are building a new leadership team to drive these changes, and I am delighted to be able to report to the Committee that in the ranks of our most senior leadership group – those who will serve as Deputy Secretaries and Deputy Commissioners from 1<sup>st</sup> July 2015 - we have been joined by senior officers who between them have extensive professional experience not only in Immigration and Customs, but also the Departments of Prime Minister and Cabinet, Defence, Education, Employment, Human Services and Finance, as well as the Australian Federal Police, the Australian Geospatial Intelligence Organisation, and the Australian Signals Directorate. The new Department and the Australian Border Force will require a blended leadership team, which has extensive experience across a number of departments and agencies, rather than lengthy, single-agency careers in either Immigration or Customs.

To this end, the CEO and I are working with our current SES leaders levels to ensure that they have the skills, aptitude and competencies that will be required of leaders in the new organisation. If they do not, we will work with them on career transition plans. We will do so on an appropriately sensitive basis.

Also to this end, we will be focussed on professionalising the capabilities of all of our staff, and investing significantly in re-training, as well as new learning and development strategies and programmes. Put simply, we cannot afford to have on

our books generalists who have 'dabbled' in critical functions such as intelligence, investigations, international policy and engagement, strategic policy and planning, and operational planning and management. We will both recruit officers who have significant professional experience and qualifications in these and other fields, and we will retrain and develop our existing staff. Accordingly, we are currently investing significant resources and effort into career planning, and individualised career discussions with all officers, in order to achieve these goals.

Also to these ends, the new Department will also enjoy the benefit of senior secondments from the Australian Defence Force (a Rear Admiral to head the Maritime Border Command of the ABF; and a Major General to head the Operation Sovereign Borders Joint Agency Task Force), and the Australian Federal Police (an Assistant Commissioner to head the Investigations Division of the ABF).

The new Department and the ABF will face significant challenges from the first day of our existence, and I should like to take a few moments to list the key challenges:

- Next year, we will issue 5 million visas for **visitor and temporary residency purposes** – a record number. What that means is that at any one time the total number of people in Australia on a temporary basis will amount to around 1.9 million – which will be 10 times the annual permanent migrant planning level.
  - Processing this number of visas while also ensuring that we detect and act against national security, law enforcement and community protection risks will require new systems, processes and techniques, and commensurate training for our staff.
  - We will need to be increasingly prepared to operate more like banks and other large-scale, high-volume enterprises, dealing with masses of data, processing transactions rapidly and using advanced techniques, technologies and tradecraft to discover and deal with risk.

- We will also need to step up our law enforcement efforts, in partnership with fellow Federal, State and Territory agencies, to deal with breaches of visa conditions by such a large and increasing number of non-citizens who will be living, working and studying amongst us.
- Additionally, we will need to lift our efforts against the exploitation of temporary workers (where we have seen alleged instances of underpayment of wages and poor working conditions), as well as the scourge of human trafficking, including for purposes of sexual servitude, and other crimes against temporary visitors and workers. Our new powers and capabilities will assist greatly in these endeavours.
- In terms of **permanent migration**, we will manage an annual programme in 2015-16 that will see 190,000 people settle in Australia. We need to ensure that the quality of the programme is maintained and that we do not inadvertently create either social and employment risks, or undercut social cohesion and national security through poor selection and induction of new settlers.
- In terms of the caseload of **Illegal Maritime Arrivals (IMAs)** who remain in community detention, on bridging visas, or in onshore detention facilities – which in total amount to over 30,000 people - we face a significant challenge to resolve cases through the use of Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas. Aside from the processing task that we confront, dealing with this caseload will involve sensitive and deliberate judgements being made about whether protection is owed, how to best effect removals where protection is found not to be owed, and ensuring compliance with all applicable laws and policies on the part of those who will be allowed to

reside amongst us for whatever period of visa grant they are able to secure. I cannot stress to this committee strongly enough the challenges that will be faced in ensuring that IMAs, whether they are here for three years or for greater or lesser periods, are able to integrate into their communities and do not become a source of social dislocation and alienation. Australia has never faced such a challenge before, and we will need to work collaboratively across government agencies and civil society to ensure that the attendant risks are managed as well as they can be.

- Additionally, we will need to implement the Government's **refugee and humanitarian programme**, which in 2015–16 will be maintained at 13,750 places, which will include a minimum of 11,000 places for people overseas in need of resettlement. Australia's humanitarian intake will remain steady in 2016-17 and will then increase to 16,250 places (2017–18), and 18,750 places (2018–19). Australia remains one of the top three refugee resettlement countries in the world, along with the United States and Canada, something of which we should be very proud.
- MAJGEN Andrew Bottrell will address the Committee later as the new Commander of the OSB Joint Agency Task Force regarding the requirement for on-going vigilance in terms of the implementation of the Government's direction in relation to **Operation Sovereign Borders**. Suffice to say, from my perspective, briefed as I am on all relevant intelligence and operational matters, we cannot assume that the problem has gone away and indeed we continue to be probed by people smuggling syndicates who are ever-hopeful of penetrating our maritime defences. As can be seen presently in Europe and Asia, these smugglers search out maritime vulnerabilities and seek to dictate the terms by which states have to then deal with the arrival of persons unauthorised on their shores.

- We will be doing more in relation to **detention assurance and oversight**, and as I am certain that I will be questioned closely on such matters I do not intend to say much in this statement.
  - Suffice to say, when serious allegations in relation to incidents which had occurred at the regional processing centre on Nauru were examined by Mr Philip Moss late last year, I was alerted at the outset of my time as Secretary for the requirement to ensure rigorous scrutiny and oversight of detention operations. In the context of centres operated by our partners, the Governments of Nauru and Papua New Guinea, such oversight is necessarily undertaken by those jurisdictions, but with Australian advice and assistance, and with appropriate Australian accountability for the provision of specified detention services in those centres, which is done by way of agreement between sovereign states, and having regard to the fact that we do not exercise effective legal control over those centres.
  - In terms of detention operations within Australia, where we of course do exercise effective control, it has been my view from day one that the better practice is to separate detention assurance and oversight from the delivery of detention services and operations. To this end, the assurance and oversight function will remain in the department after 1<sup>st</sup> July 2015, while operations and delivery will be undertaken by the ABF. This does not signify a lack of trust. It is a sign of maturity and transparency that such functions are separated. I will be specifically assisted in these duties by the recent establishment of the Child Protection Panel, of which more will be no doubt discussed during these proceedings.
- To deal with **border protection challenges** in terms of the movement of people, and like challenges in terms of goods, where the problem of narcotics and other prohibited imports is never-ending, we will need to make the

necessary investments in systems and people in order to improve our capabilities for real-time data fusion and analytics, intelligence-based profiling and targeting of high-risk border movements, and rapid response border enforcement and interdiction, which will allow us to minimise our interventions in relation to low-risk border movements, and concentrate our firepower where it can make the most difference.

There are many other challenges that we face and with which we will have to deal, but these are the strategically material ones which I thought best needed to be highlighted for this Committee. In amongst all of this we have to continue to deliver operational results and maintain programme delivery standards. None of this will be done without significant and at times stressful reform and change.

As I move about the Department and meet with staff, I am confident that they are up for the challenge, whether they are long-serving Immigration or Customs officers or whether they are new recruits or recent transferees from other departments and agencies. Like all Australians who are faced with a challenging environment and tough, stressful tasks, if we give our staff the leadership, the tools and the support that they need, they will get the job done.

Thank you.