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SECRETARY

DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION

Opening Statement to Legal and Constitutional Affairs Legislation Committee

Estimates Hearing

Monday, 19th October 2015

I have been Secretary of the Department for a year, having been appointed on 13th October 2014. In that time, the Department has:

- Maintained the integrity of our maritime borders through the on-going success of Operation Sovereign Borders, with no illegal maritime ventures having reached our shores for over a year.
- Integrated the former Department of Immigration and the Australian Customs and Border Protection Service on 1st July 2015, to create the new Department of Immigration and Border Protection, with expanded responsibilities for:
 - Immigration;
 - Citizenship;
 - Customs;
 - Border Protection; and
 - Maritime Security.
- Cracked down on breaches of relevant legislation, especially in relation to the *Migration Act*, with a focus on labour exploitation; visa fraud and visa non-

compliance by non-citizens – something which has been made possible by the formal partnership that the Department has with the Australian Federal Police, in the form of a seconded AFP Assistant Commissioner who oversees the Department's investigative functions.

This has been successfully accomplished while the Department has continued to manage growing volumes in terms of trade, travel and migration. This is a testament to the men and women of the Department, including the Department's new enforcement arm, the Australian Border Force. I should like to pay tribute to our staff, who every day successfully deliver immigration and customs functions for the nation, while keeping us safe through their work at the border.

For the Department, and the Australian Border Force, 2015-16 will be a year of implementation. This morning, I would like to reflect on some recent developments and the work of the new Department. My colleague, Mr Roman Quaedvlieg, the Commissioner of the Australian Border Force, will do the same from an operational perspective.

Operation Fortitude

I should first like to reflect on the events of 28th August 2015, leading up to Operation Fortitude in Melbourne.

This operation was to be led by the Victorian Police, with the Australian Border Force acting in a supporting role. It was clear that the media release issued that morning was very badly worded, and gave rise to the impression that the ABF has general powers of questioning people in the street. It does not, and I apologise for the impression that was wrongly created. In the end, the Commissioner and I are responsible for the Department and the ABF and in the end we are accountable for this regrettable incident.

Since these events, we have undertaken a comprehensive review, which has resulted in a number of recommendations being made. We have tightened our

internal clearance processes and the visibility of media documents related to operational activity and a number of staff have been counselled.

Ongoing reform and integration

Notwithstanding the official establishment of a consolidated Department and the Australian Border Force on 1st July, reform and integration activities are ongoing. We are committed to building one culture and one organisation – an objective which includes continuing to consolidate and streamline functions across the portfolio. Our integration reforms are large and complex. They affect around 14,000 staff across the portfolio as well as our financial, legal, infrastructure, technology and organisational policies and processes. These activities will be a central focus for us over the balance of the financial year, and beyond.

The integration has also enabled the Department to make significant progress towards supporting the whole-of-government Shared and Common Service Programme. The Department continues to improve its internal service delivery by developing a range of initiatives designed to improve the efficiency of back-of-house services.

Departmental headquarters project update

In relation to another aspect of departmental reform and integration, I would like to update the Committee on the Department's search for a long term accommodation solution for our headquarters in Canberra. As members may be aware, the Department of Finance released an updated *Commonwealth Property Management Framework*, which came into effect on 10th September 2015. The revised framework necessitates that a local impact assessment be undertaken for current and future property acquisitions.

Given the local impact assessment process could not be applied within the constraints of the Department's original Request For Tender, the Department has been unable to proceed with that RFT, which has been terminated in accordance with its relevant clauses and the Commonwealth Procurement Rules. We will work

with the Department of Finance to develop an agreed procurement strategy to deliver a suitable accommodation solution. We anticipate that a new approach to market will commence shortly.

Enterprise agreement

As members may be aware, from a recent ballot on the proposed departmental Enterprise Agreement, our staff delivered a “no” vote of 91 per cent. To help us identify what staff considered to be contentious issues within the proposed Enterprise Agreement – and to examine options for reshaping various elements so the agreement is more acceptable – we have conducted a staff survey. The findings will be used to inform our ongoing negotiations with bargaining representatives. We are keen to develop an Enterprise Agreement that delivers the greatest benefits to the largest number of employees; and one which also recognises the challenging nature of our reform and integration environment, our increasing operational demands and our budgetary constraints. The previous offer was developed with a view to keeping employee reductions to a minimum over the life of the agreement to ensure we had sufficient resources to carry out our duties set by government. To make the previous offer affordable, a reduction of 184 employees would have been required over the life of the agreement. The unavoidable reality is that a larger pay increase will require more employee reductions. I am keen to ensure that these are kept to an absolute minimum.

Detention assurance

Let me now turn to matters related to detention assurance. In June 2015, a Detention Assurance Branch was established to provide advice on the management and performance of the immigration detention function, including regional processing centres. The Branch operates independently of detention functional line areas and works with stakeholders to improve immigration detention processes in both onshore and offshore facilities. It builds on a smaller function that was established in November 2014.

Acknowledging the value of external and independent feedback in critically examining our operations, we have been building positive relationships with external oversight bodies to improve the way we deliver our services. We have received advice from the Australian Human Rights Commission, Commonwealth Ombudsman, Australian Information Commissioner, the Australian Red Cross and others. We are in the process of establishing memoranda of understanding with these organisations which, among other things, promote new initiatives to help improve our detention operations.

On the important issue of protecting children in our care, I established the Child Protection Panel in April this year. This independent panel will assess departmental and service provider policies and practices in relation to the management of incidents of abuse, neglect or exploitation involving children in onshore or community detention and in regional processing centres. The panel will review allegations to ensure they have been handled appropriately.

Thank you.