



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

ESTIMATES

**(Budget Estimates)**

TUESDAY, 23 MAY 2006

CANBERRA

BY AUTHORITY OF THE SENATE



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**SENATE**

**LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE**

**Tuesday, 23 May 2006**

**Members:** Senator Payne (*Chair*), Senator Crossin (*Deputy Chair*), Senators Bartlett, Kirk, Mason and Scullion

**Senators in attendance:** Senators Bartlett, Hurley, Kirk, Ludwig, McLucas, Nettle, Parry and Scullion

**Committee met at 9.01 am**

**IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO**

Consideration resumed from 22 May 2006

**In Attendance**

Senator Vanstone, Minister for Immigration and Multicultural Affairs

**Department of Immigration and Multicultural Affairs**

**Executive**

Mr Andrew Metcalfe, Secretary

Mr Bob Correll PSM, Deputy Secretary

Mr Abul Rizvi PSM, Deputy Secretary

Ms Carmel McGregor, Deputy Secretary

**Internal Products**

**Financial Services**

Ms Louise Gray, First Assistant Secretary, Financial Strategy and Reporting Division

**Human Resource Services, Internal Investigations and Property**

Mr John Moorhouse, First Assistant Secretary, Client Services Division

Mr Des Storer, First Assistant Secretary, Ministerial, Corporate Support and Assurance Division

**Parliamentary and Legal Services**

Ms Robyn Bicket, Chief Lawyer, Legal Division

Ms Vicki Parker, Acting Assistant Secretary, Legal Framework Branch

Mr Des Storer, First Assistant Secretary, Ministerial, Corporate Support and Assurance Division

Dr Wendy Southern PSM, First Assistant Secretary, Strategic Policy Group

Ms Deborah Jacka, Assistant Secretary, Review Coordination Branch

Mr Peter Richards, Acting Assistant Secretary, Policy Coordination Branch

**Information Technology and Office Services**

Ms Cheryl Hannah, First Assistant Secretary, IT Services and Security Division

Mr Peter McKeon, First Assistant Secretary, Systems Delivery Division

**Outcome 1: Contributing to Australia's society and its economic advancement through the lawful and orderly entry and stay of people****Output 1.1: Non-humanitarian entry and stay**

Mr Jamie Fox, First Assistant Secretary, Migration and Temporary Entry Division  
Mr Gregory Mills PSM, Assistant Secretary, Migration Branch  
Mr Paul Farrell, Assistant Secretary, Temporary Entry Branch  
Mr Bernie Waters, Assistant Secretary, Business Branch  
Ms Jacqueline Daly, Director, Business Employment Section

**Output 1.2: Refugee and humanitarian entry and stay**

Mr Peter Hughes PSM, First Assistant Secretary, Refugee, Humanitarian and International Division  
Mr Robert Illingworth, Assistant Secretary, Onshore Protection Branch  
Ms Arja Keski-Nummi, Assistant Secretary, Humanitarian Branch  
Ms Rosemary Greaves, Assistant Secretary, International Cooperation Branch

**Output 1.3: Enforcement of immigration law**

Ms Lyn O'Connell, First Assistant Secretary, Detention Services Division  
Mr Dermot Casey, Assistant Secretary, Detention Health Branch  
Mr Steve Dreezer, Assistant Secretary, Detention Operations and Client Services Branch  
Mr Todd Frew, Acting First Assistant Secretary, Border Security Division  
Mr Robert Hoytink, Assistant Secretary, Border Intelligence and Unauthorised Arrivals Branch  
Mr Stephen Allen, Assistant Secretary, Border Security Systems Branch  
Mr Neil Mann, First Assistant Secretary, Compliance Policy and Case Coordination Division  
Mr Peter White, Assistant Secretary, Character, Cancellations and Investigations Branch  
Ms Robyn Bicket, Chief Lawyer, Legal Division  
Mr John Eyers, Assistant Secretary, Litigation Branch  
Mr John Rees, Acting Assistant Secretary, Entry Policy and Procedures Branch

**Output 1.4: Safe haven**

Mr Peter Hughes PSM, First Assistant Secretary, Refugee, Humanitarian and International Division  
Ms Arja Keski-Nummi, Assistant Secretary, Humanitarian Branch

**Output 1.5: Offshore asylum seeker management**

Mr John Okely, Assistant Secretary, Offshore Asylum Seeker Management Branch

**Outcome 2: A society which values Australian citizenship, appreciates cultural diversity and enables migrants to participate equitably****Output 2.1: Settlement services**

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division  
Ms Kate Pope, Assistant Secretary, Settlement Branch

**Output 2.2: Translating and interpreting services**

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Ms Mary-Anne Ellis, Assistant Secretary, Citizenship and Language Services Branch

Mr Chris Greatorex, Director, TIS National

**Output 2.3: Australian citizenship**

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Ms Mary-Anne Ellis, Assistant Secretary, Citizenship and Language Services Branch

**Output 2.4: Appreciation of cultural diversity**

Mr Peter Vardos PSM, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Dr Thu Nguyen-Hoan PSM, Assistant Secretary, Multicultural Affairs Branch

**Migration Review Tribunal and Refugee Review Tribunal**

Mr Steve Karas AO, Principal Member

Mr John Lynch, Registrar

Mr Rhys Jones, Deputy Registrar

**The Migration Agents Registration Authority**

Mr Len Holt, National President and Director, The Migration Institute of Australia Limited

Mr Ray Brown, Director, The Migration Institute of Australia Limited

Ms Venie Ann Moser, Acting Executive Officer, The Migration Institute of Australia Limited

**CHAIR (Senator Payne)**—I declare open this public meeting of the Senate Legal and Constitutional Legislation Committee. The committee will today continue its examination of the Immigration and Multicultural Affairs portfolio, proceeding according to the order on the circulated agenda. The committee will begin proceedings with questions to the Migration Agents Registration Authority.

The committee has authorised the recording and rebroadcasting of its proceedings in accordance with the rules contained in the order of the Senate dated 31 August 1999. The committee has agreed to the date of Friday, 14 July 2006 for receipt of answers to questions taken on notice and additional information. The committee requests that answers be provided to the secretariat in electronic format wherever possible.

I welcome Mr Andrew Metcalfe, the Secretary of the Department of Immigration and Multicultural Affairs and other officers of the department and associated agencies. I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise. I also draw to the attention of witnesses the resolutions agreed to by the Senate on 25 February 1988, 'Procedures to be observed by Senate committees for the protection of witnesses', and in particular to resolution 1(10), which states in part:

Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken.

I also draw attention to resolution 1(16), which states:

An officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister.

Witnesses are reminded that evidence given to the committee is protected by parliamentary privilege. I also remind witnesses that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. I welcome the Minister for Immigration and Multicultural Affairs, Senator Vanstone. Minister, do you or Mr Metcalfe wish to make an opening statement?

**Senator Vanstone**—Only to say that I hope we can proceed today with the same degree of civility on both sides that we managed yesterday, tempted as each of us might have been on occasion, and to indicate that there was some confusion, misunderstanding or miscommunication. I was of the opinion that my estimates had been shifted to Wednesday-Thursday, as the DEST estimates next week have. It is for a function that was rearranged to tonight in order to accommodate the estimates, and then the mistake was discovered. As a consequence of that, Senator Abetz has agreed to come from 4 o'clock on. I apologise to the committee. I would not normally accept a function when estimates are on. That is the reason it was accepted on the Tuesday night. It was an unfortunate misunderstanding about which of my estimates had shifted from Monday-Tuesday, as was expected, to Wednesday-Thursday. That is the explanation for Senator Abetz being here this afternoon.

**CHAIR**—Thank you, Minister. We will begin with the examination of the MARA. We will start with Senator Bartlett.

[9.05 am]

#### **Migration Agents Registration Authority**

**Senator BARTLETT**—I do not think we called you in for the additional estimates, so this is the first time you have been before us since the annual report came out. The number of registered agents seems to show a small decline, from what I can see in the annual report. Inasmuch as you can tell, do you think that means the numbers in the profession are probably stabilising and reaching their natural level, or do you see them declining or going back up again?

**Ms Moser**—The numbers are stabilising. Since the time of the last annual report, the numbers have gone down by three. That tends to indicate to me that there is a stabilisation of the number of agents demanded in the general community providing advice. The numbers vary from time to time depending on what is happening with the migration program and whether agents perceive that this is a business opportunity area.

**Senator BARTLETT**—Given that number, is it right that the general reregistration fee has gone up fairly substantially to about \$1,595? Is that the fee now?

**Ms Moser**—Yes, it is.

**Senator BARTLETT**—And it was \$1,050 before that. Is that right?

**Ms Moser**—Yes, that is correct.

**Senator BARTLETT**—That is a fairly sizeable jump. Is that based on what you need to be able to keep operating?

**Ms Moser**—Yes. The fee increase was to address a number of areas where the authority felt it needed additional resources to be able to perform effectively in its role as a consumer protection organisation.

**Senator BARTLETT**—What sort of areas are those?

**Ms Moser**—Complaints processing. The efficiency has increased as a result of having more resources allocated to it. Communications is one of the areas that we have been focusing on as well. We now have a public access team that is able to answer phone calls. That was one of the major criticisms of the authority in the last review, that the public did not have access to a human being to talk to. Now that is possible. We have a receptionist now and also two officers who are legally qualified who are able to ensure that the answers they give are correct.

**Senator BARTLETT**—Given that the role you play is almost in between migration agents and the department, what is the type of regular contact you have with the department and what is the information flow like both ways? Is there a formal regular framework with meetings, reports or whatever that you have to provide every month and those sorts of things?

**Mr Holt**—They happen on a number of levels, certainly at board level in terms of the strategic aspects of what we do. They also happen at secretariat level on a very regular basis.

**Senator BARTLETT**—Is the extent and nature of interaction with the department that enables you to do your job—or jobs, because you have multifaceted roles—adequate, from your point of view? That is not a problem?

**Mr Holt**—No, I do not believe it is.

**Ms Moser**—At an operational level it is effective.

**Senator BARTLETT**—There have been a few changes over the past year in the minister that is responsible, as I understand it. You have had a parliamentary secretary here and there, and I think even Bruce Billson was doing the job pro bono for a while. Who oversees you now? Is it Mr Robb or is it the minister that you connect with?

**Mr Holt**—Mr Andrew Robb.

**Senator BARTLETT**—And that regular shifting of person is not causing much problem—it just gives you some nice variety in your life?

**Mr Holt**—It certainly gives us variety. But our relationships with Mr Billson and Mr Robb have both been very good. We have access when we need it. We have had discussions with Mr Robb recently.

**Senator BARTLETT**—Have you had any reaction from the profession—from agents—about the rise in the reregistration fee? Is that likely to have any impact in terms of people not bothering? Or is there just a bit more hate mail in the inbox?

**Mr Holt**—From an operations perspective there may be a different answer to that, but from my perspective, no, and it would seem to be supported by the fact that the numbers have decreased, as Venie Ann said, by only three over the period, from 3,144 to 3,141. Yes, certainly there has been the odd comment, but I would not have described it as a groundswell.

**Senator BARTLETT**—I note in your annual report that there were 11 initial registration applications refused and 19 repeat registrations refused. I am looking for the number of deregistered agents as well. What are those sorts of numbers like? They are all fairly small, which is not necessarily a bad thing. With that refusal for registration, is that perhaps a reflection of the higher bar that people have to get over? Is it more that people are being refused because they are just not up to scratch?

**Ms Moser**—There were a relatively high number of refusals last year as compared with this year to date. Last year, in the initial registration area, it was the change in requirements regarding the examination requirement as compared with a course prior to that date. So there were quite a few refusals in that area. So that was a higher bar issue in terms of education for entry. In the repeat registration area, it tended to be around fit and proper person tests and people not meeting the requirements in that area.

**Senator BARTLETT**—So, given all the legislative changes with the integrity measures and the department's and government's focus on that, how has that process been working? Has it been leading to more bad eggs, so to speak, being identified and thrown out or has it been reaffirming the belief that perhaps there were not so many bad eggs to start with?

**Mr Brown**—We have not had any referrals from the department's vexatious legislation at this stage. I think it has been pretty much business as usual. We have proceeded in terms of pursuing complaints that have come to us and we have worked to try to reduce the processing times on those and to expedite the processing of complaints. I think that, to some degree, what has happened is that, because we have improved our processes and our time frames, we have acted on numerous people that perhaps the department, without our knowledge, had in their sights in terms of being vexatious before they got a chance to refer them. So, at an operational level, at our end we have not really seen any impact of that.

**Senator BARTLETT**—I was wondering if you had any views in regard to the education or student visa area and market. You may think it outside the purview of the role you are playing here today, so do not feel you have to answer if you not think it is appropriate. In the past that area of the education visa has been one that has been perceived to be where there is more shonky stuff happening. There is also the aspect—which I understand still applies—where educational institutions do not need to be registered as migration agents if they are facilitating migration solely for that visa. That is still the case, isn't it?

**Mr Brown**—That is still the case.

**Senator BARTLETT**—Are you aware of that causing any problems? Do you think that problems in those areas would be reduced if there were a requirement put in for at least some degree of demonstration of knowledge of the broader migration requirements?

**Mr Brown**—I guess it is a question that depends upon what the education agent is providing. If they are providing education and advice and it is with regard to enrolment with universities et cetera and it is confined to that, it does not transgress into our area and it is not something that we are looking to get involved in. Our concerns, where we do have concerns, come where they may venture into the area of providing visa advice. I suppose we have no hard information on that to say whether they are providing visa advice or not. We have our

suspicions, but that would be the area which would be of concern, where they do get involved in providing visa advice—if they transgress into that.

**Senator BARTLETT**—MARA would be the point where complaints from the community would come, I presume, if people are feeling they have been misled or given a bum steer. Is there any data you can provide on how many complaints are about people who, when you look into it, actually are not registered migration agents? How much of that is part of the problem? It seems to be that part of it is making sure that registered agents are capable and qualified and do a good job, and you weed out the ones who are crooks or incompetents. Part of it also is dealing with those who are not registered at all and give much more dodgy advice or overcharge and generally make life for people less ideal than it otherwise would be. What information can you give about that side of the back market, for want of a better phrase?

**Mr Brown**—Venie Ann may be able to provide the figures. Where we get advice or referrals that relate to unregistered practice, they are referred to the department, and that comes within the department's jurisdiction. I do not know if you have got figures on how many we have referred, Venie Ann.

**Ms Moser**—This financial year so far we have referred 22 cases of alleged unregistered practice to the department. Individuals also complain directly to the department, which of course we do not have the figures on as part of our reporting. So the number is relatively small in terms of the number of complaints that we receive.

**Senator BARTLETT**—Given your limited resources and your specific legislative mandate, do you see it as part of your role to be engaged in community education in any way, advising people to make sure that they use a registered agent and that sort of thing, or do you leave that up to the department?

**Ms Moser**—Yes, we see it as part of our role. Initially we have had a newspaper advertisement campaign in foreign language press publications and on SBS television, advising individuals that they should use a registered migration agent. We will expand that over the next financial year to include other initiatives, of direct outreach programs to community organisations.

**Mr Holt**—We have also taken the opportunity over the past eight or nine months to spread the message about the registration scheme at the various 'Australia needs skills' expos that have been conducted in Europe and Asia. We have had a fairly intensive campaign in conjunction with the department at those skills expos in relation to the scheme and the consumer protection advantages that it offers. So we have gone to quite some length.

**Senator BARTLETT**—Just in that area you mentioned, one other aspect I was going to ask about is in that skilled migration area, both temporary and permanent. We had a lot of questions here yesterday from a number of my colleagues about the 457 visa and how that is working in practice. I do not necessarily expect you to make policy responses. I was wondering more in terms of just the huge numbers that are coming in in those areas—whether they are able to be managed adequately from your point of view in terms of people getting clear advice and knowing what they are getting themselves into and what is really going to happen. We have certainly heard a number of reports of people who are encouraged by all the advertising about the skilled visa et cetera to come here and when they get here they find their

qualification is not recognised in the way they thought it would be. I know a lot of that is outside your control, but does that overall number present a problem from a quality of advice point of view?

**Mr Brown**—Personally, I do not think so. I think it is perhaps another area where there is an endorsement of the benefit of using a qualified, competent and ethical registered agent who gives good advice and the true advice to the person, and complements the advice they may get from the department in that area. But in terms of the volumes, I do not have enough information to really comment on that.

**Senator BARTLETT**—It is really only if it is something that has come to your attention as a body rather than your individual professional views about that visa or whatever—although you can give me that as well, if you like, but it is probably more appropriate in the context of how it is impacting on the overall professionalism and adequacy of advice.

**Mr Brown**—I think most agents or people advising in the area would find themselves on a daily or a regular basis advising them, ‘Is this the appropriate visa or is that the appropriate visa? Would something else suit your purposes more?’ That is in respect of the conduct of our members, not so much in terms of the agents.

**Senator BARTLETT**—What is the progress at the moment regarding some scheme of registration for people based overseas? It has been evolving or talked about for a while. Where is that at now?

**Mr Holt**—In the department’s hands, largely, at the moment.

**Senator BARTLETT**—Is there some consistency in amongst all the change?

**Mr Waters**—The change will be progressive, I would expect. There will be some changes coming through on legislation later this year, the first step of which is to remove an element of section 294. That prevents a person who is not an Australian citizen, an Australian resident or a New Zealander from registering as a registered migration agent. That basically is the first step towards our progressively moving to regulate the activities of overseas agents.

**Senator BARTLETT**—It is possible for people who are based overseas to be registered, to have Australian registration, but it is not illegal for people overseas to offer migration advice without being registered. So a lot of these people coming here on the various skilled visas may be doing so on the advice of people who are not agents—nice brochures at expos in Mumbai and that sort of thing?

**Mr Brown**—With respect to government expos and the advice they would be getting, we have been represented—

**Senator BARTLETT**—Top quality, I am sure.

**Mr Brown**—Yes.

**Senator BARTLETT**—How is that likely to work? With all of those people being located overseas, how do they do the training, particularly as it is getting more rigorous? Are there ways for them to do it online?

**Mr Brown**—Do you mean the registered agents?

**Senator BARTLETT**—Yes.

**Mr Brown**—The registered agents still have to comply with the continuing and professional development requirements. They could do that by distance. They could do that by coming back—and some do come back to Australia to attend programs in Australia. Some in the course of their work find themselves travelling backwards and forwards to Australia anyway and they coincide it there. There are courses that are run overseas. So there is a combination of ways.

**Mr Waters**—The distance learning arrangements which the MIA and the MARA have brought in have come a long way in the last two years. I think that is what actually gives us the practical ability to be able to ensure that these people have a real opportunity, without exorbitant cost, of being able to keep their skills up to date.

**Senator BARTLETT**—Is it reasonable to assume from the steady number of registered agents and the increase in the fees that, broadly speaking, you now have a sufficient budget to perform your task adequately? I am sure you would always like more, but you do not have to go and sell pencils on the street or anything like that.

**Mr Holt**—I believe that to be the case, yes. I have one other point, if I may, in relation to your question before, which is not quite on point but nonetheless is an important development from the MARA's perspective. That is that the MARA specifically wanted the graduate certificate to be available in a distance fashion—by remote, if you like. So, with the graduate certificate coming on-stream for 1 July this year, there will be the opportunity for it to be done at distance.

**Senator BARTLETT**—How long has MARA been operational and starting to develop professional development stuff—about six years?

**Ms Moser**—The commencement of the MARA was 1998.

**Senator BARTLETT**—It is fairly admirable to pull it together to a level of a graduate certificate in that space of time. You can agree with that or not!

**Mr Holt**—I would agree.

**Mr Brown**—I think also it is fair to say that their focus has been from the start on education and on competency issues. So it has been part of our aim all the way through. It has been very much in our sights.

**Mr Holt**—And driven with great support by the profession itself.

**Senator BARTLETT**—Once people get that graduate certificate, they still have to reapply every year, don't they? They have to demonstrate that they have kept up-to-date with the sometimes voluminous changes that occur every 12 months, so they just get an extra red star or stamp on their certificate or something each year after that.

**Mr Brown**—A new certificate is issued each year. It is continuing professional development that they do each year. They have to do a set number of units each year and show evidence of that at the time they are applying for repeat registration, and then a new certificate is issued.

**Senator BARTLETT**—I presume staff at the MARA would have to do that as well, trying to keep up with it all.

**Ms Moser**—Yes.

**Senator BARTLETT**—Maybe we will try to stop the next bill coming along just to reduce the number of changes you have to deal with a little! I think that is all.

**Senator LUDWIG**—Has MARA been consulted about the proposed legislation for the designated unauthorised arrivals? It is a simple question.

**Mr Brown**—No.

**Senator Vanstone**—The answer is no, they were not.

**Senator LUDWIG**—I expected that. I have no further questions.

[9.30 am]

### **Migration Review Tribunal**

#### **Refugee Review Tribunal**

**CHAIR**—I welcome the representatives of the Migration Review Tribunal and the Refugee Review Tribunal. We will consider the two tribunals cognately.

**Senator LUDWIG**—Have you had an opportunity of reviewing the work that you do? This question is directed more to the Refugee Review Tribunal—good morning, by the way. When we are dealing with refugee status onshore—in other words, if a plane turns up with a person seeking asylum or if a boat turns up with a person seeking asylum or they manage to find another way to turn up—a person can seek asylum and then end up at the Refugee Review Tribunal for an appeal. That is, as I understand it, the way it can work if they are denied it at the gate by the immigration department. What happens to offshore processing if it is done at Christmas Island or Nauru or Manus Island? Are you consulted about whether or not you have any role to play there? My understanding is that you do not have any role to play.

**Mr Karas**—No, we usually do not have any role to play in relation to offshore processing as such. The legislation only provides for the Refugee Review Tribunal to review applications that are made onshore and that are refused. The applicants do have a right then to apply to the Refugee Review Tribunal for a review of that decision.

**Senator LUDWIG**—We will take Nauru then as an example. These are my words: it is a safety net that is available. In other words, there is review available from DIMA actions by the RRT or, if it is a migration related matter, the MRT. But that is not available to those as a safety net to anyone who is at Nauru, for example.

**Mr Karas**—That would be correct.

**Senator LUDWIG**—Is there an appeal process outside of that that you are aware of? I am asking probably a little speculatively. In the sense that the UNHCR will be the applicable rules, is there an appeal process in the UNHCR process? I am not aware of one.

**Mr Karas**—I am not aware of the intricacies of the UNHCR processes.

**Senator LUDWIG**—I am not aware of one, so I was wondering whether you were aware of one.

**Mr Karas**—My understanding is that, if there is a decision made by the United Nations in relation to applications that might be made offshore, it is a matter for them and their processes. As I indicated, the legislation only provides for the Refugee Review Tribunal to review those cases onshore where an application has been refused and then an application for review is made to the tribunal. It is defined in the Migration Act.

**Senator LUDWIG**—In relation to the figures that you have in terms of those people who seek review before the tribunals—we will deal with the RRT first—do you have those figures disaggregated by where they have claimed asylum or the way they have claimed asylum, in the sense of whether they have been an arrival by boat or by air?

**Mr Karas**—No, we do not normally have those specifics in relation to our figures. But I could say that, in relation to the Refugee Review Tribunal, during the period from 1 July 2005 to 12 May 2006, we received 2,519 cases, which was a slight increase compared to the 2,489 cases lodged in the same period last year. During that time, the tribunal finalised 2,940 cases, which is an increase of some 14 per cent compared to the number of cases finalised in the same period last year. I am happy to give you an indication of the outcomes of those cases that were finalised.

**Senator LUDWIG**—Yes.

**Mr Karas**—In relation to the set-aside rate, 918 cases were set aside—31 per cent of the cases that were finalised—and 61 per cent or 1,807 were affirmed. The rest were withdrawn or otherwise finalised. That compares with the set-aside rate of 33 per cent for the last financial year, 2004-05. In relation to the tribunal, we have some 708 cases on hand as at 12 May, which is a reduction of over 430-odd cases compared to the number of cases that were on hand for the same date, 12 May, in 2005.

**Senator LUDWIG**—Have you been able to look at or analyse the likely impact—and I know it is early days—of the designated and authorised arrivals bill, in the sense that there is likely to be a significant population that is no longer then available for the RRT, and the effect on your work?

**Mr Karas**—As I indicated, we will carry out what our legislative tasks are. However parliament enacts legislation in this particular area, the tribunal stands ready to act in accordance with the legislation as such. In relation to the cases coming before the tribunal, because of a couple of Federal Court decisions and other court decisions recently, there is a steady stream of cases coming to the tribunal and, as I indicated, for the period up until 12 May, there was a slight increase in the number of cases coming to the tribunal as compared to the same period last year. That may be as a result of the court decisions specifically in relation to section 424A and the tribunal's obligations in that area.

**Senator LUDWIG**—And that flows from the recent court decisions.

**Mr Karas**—Yes, the SAAP decision and the SZEEU decisions.

**Senator LUDWIG**—Perhaps you could just remind us of the import of those and what they have then allowed to occur and what numbers you think that has generated.

**Mr Lynch**—We believe that our caseload will be affected possibly by up to about 400 additional cases, essentially since the SZEEU decision of the full Federal Court, which Mr

Karas mentioned. That compounds a difficulty for us that was brought on by the High Court decision of SAAP, which the principal member mentioned a little earlier. Those two decisions go to section 424A of the Migration Act, which is a provision that provides a discretion to members of the tribunal to canvass adverse information with applicants for review. However, the discretion is subject to a requirement to notify adverse information in writing. The construction by the High Court and the full court of that provision has been extremely narrow and that requires a great deal of effort and concentration, I guess, beyond ordinary procedural fairness in the tribunal's view. That has caused the courts and certainly the minister's counsel to take the view that a certain number of cases would not succeed in the Federal Court. So we have a combination of judgments from the Federal Court, Federal Magistrates Court, as well as consent remittals returning to the tribunal at the moment.

In answer to the earlier part of your question, Senator, about what planning and arrangements are in place in the tribunal to meet the fluctuating caseload, and acknowledging that the unauthorised arrivals question you are putting has led to a reduction in case flow, that is, in one sense, a welcome result for the tribunals and the taxpayer. It has also enabled us to focus on the process of review. We are concentrating on an average incoming lodgment rate of anything from 150 to 200 cases a month as opposed to much higher levels in earlier days.

We have sought, and government has provided, a cross-appointment facility for all members of the tribunals. So we have the additional resource now of access to the MRT resources. Where there is a fluctuation in MRT caseload or RRT caseload in the future, it is anticipated that the principal member will be able to deploy the member resources, fully trained across both tribunals, to either caseload, whichever is the more pressing. Certainly, the RRT protection visa caseload is a very high priority, and we are seeking to meet the 90-day time limit in as great a number of cases as we can. Hopefully, we can mention a bit about that in a little while.

**Senator LUDWIG**—Do you have a graph which indicates the workload, what you are meeting and the rate—whether you are meeting the targets or not?

**Mr Lynch**—We are certainly able to let you have a graph displaying the reduction in timelines dealing with RRT applications for review. There has been a dramatic decrease over three or four years, from 12 months and more down to a matter of some 10 or 11 weeks at the moment. So we are happy to make a graph available. I do not have one in a format that I can supply to you right now but we can give you a graph depicting that graphic reduction in timeline.

**Senator LUDWIG**—So those long tails are no longer there?

**Mr Lynch**—Certainly not, Senator. We have very few cases that are in the old category of aged cases. I am happy to say that, as at the end of last month, there were 66 cases only in the RRT that exceeded 90 days. That is 10.3 per cent of the caseload. Cases on hand, as the principal member mentioned, are at a vastly reduced number, and that does fluctuate. As at the end of April, there were 643 cases on hand. As at 12 May, there were 533 cases constituted to members, but a total of 708 on hand. The caseload used to be up in the 6,000 range. In the last three or four years that has progressively declined. The caseload has diminished through a range of strategies. You mentioned earlier the integrity measures legislation. That has

certainly had an impact. The boat arrivals policy has certainly had an impact. Equally, within the tribunals, we have been managing a great deal of change to the way we conduct reviews. Both members and staff have gone undergone vast work practice changes which we believe are going to continue to produce these sorts of efficiencies that you are now seeing.

**Senator LUDWIG**—Are there any current High Court cases or cases that are going through the Federal Court that you think also will impact upon your workload? Have any been flagged? I think the SAAP one was flagged fairly early as a—

**Mr Lynch**—I guess the ones we have mentioned are the ones that are presenting challenges for us. Notwithstanding those challenges, we are still managing reviews on the RRT within a good time frame. We have, as at the end of April, only one case in excess of 12 months, only three cases between six and nine months, and only 23 between three months and six months old.

Despite narrow court constructions of our legislative process which define procedural fairness for the purposes of an application for a review, we are still performing at a high level. For those particular cases, we have requested consideration be given to legislative change to propose some amelioration of the situation. It is clear to not only the tribunal but also many commentators on administrative law that there is a very high prescription of procedural fairness in the process that we have. While that works efficiently and effectively, it can cause difficulties for members in bringing a review to completion. There are several aspects of the current process that we are considering ourselves and are proposing for consideration to government.

**Senator LUDWIG**—Is that finalised yet?

**Mr Lynch**—No.

**Senator LUDWIG**—Of the ones that are returned under those two cases, do you have any statistics of how many are overturned or reversed?

**Mr Lynch**—I do not think we have very current figures. This is a moving feast for us at the moment. I think, traditionally, up to a third of cases remitted to the RRT are finally set aside—decided in the applicant's favour—whereas two-thirds are reaffirmed, notwithstanding remittal. That is the nature of judicial review. A defect in the procedural process might have been identified—the applicant might have changed address or the tribunal may have sent the notice inviting the applicant to a hearing to the wrong address or may have sent notice to the authorised recipient who had ceased being the authorised recipient or some error of that nature—which has not affected the substance of the applicant's claims of persecution as such and the tribunal's findings against the applicant on those grounds.

**Senator LUDWIG**—I am trying to understand how many of those particular cases that were sent to an address and not effectively communicated did not really change the end result. Maybe we have not had enough experience of that yet.

**Mr Lynch**—We do not have the statistics on that particular aspect. Part of the code of conduct of members is to reach a point of professional development on similar facts. Consistency of outcome is desirable, unless additional evidence had been obtained—and this does happen; we have claims that arise out of an applicant's period of time in Australia, and

that occurs sometimes during court reviews—and a swag of new evidence was presented to the tribunal on remittal.

**Senator LUDWIG**—I see. So it can alter by mere opportunity.

**Mr Lynch**—It would be difficult to measure those sorts of problems.

**Senator LUDWIG**—I should have thought of that. Yes, it does give a second opportunity to consider the information that they might have provided and supplement it and improve their prospects, I guess. They may have then got additional legal advice and the whole nature of the case can change. I guess country information can change as well.

**Mr Lynch**—That is right.

**Senator LUDWIG**—There can be a range of factors in the intervening period that can change—

**Mr Lynch**—Advisers can change.

**Senator LUDWIG**—which will provide a different result, but it may not have been as a consequence of the earlier reason for the remittal.

**Mr Lynch**—That is correct.

**Senator LUDWIG**—I understand it now. The other area concerns the 457s. I think this is more MRT. Do you have a breakdown of the statistics for those which end up in review? The 456s are the business visas. I am particularly interested in the 457s.

**Mr Karas**—We do in our statistical keeping have a column in relation to lodgments. From 1 July 2005 to 30 April 2006 we received 211 temporary business refusal cases, the majority of which would largely be 457 cases. In relation to the finalisations for the same period, it appears that we finalised 242 temporary business refusal cases, and in relation to those about 35 per cent were set aside, about 84 out of the 242 that were finalised.

**Senator LUDWIG**—And the nature of those cases? Do you disaggregate them into the type of underlying issue that is on appeal—or that is seeking review, which is perhaps is a better way of putting it?

**Mr Karas**—Not specifically. Each turns on their own individual facts and circumstances as such. The sorts of statistics I am referring to are those in relation to some case categories which we have singled out as being the majority of the cases that we do receive. The partner refusal is the most pronounced. It constitutes well over a third of our cases that we deal with. What we have done is divide the lodgment categories in relation to those applications which we are receiving from bridging refusal, visitor refusal, student refusals, the temporary business refusals which I have just referred to, permanent business refusals, skilled link refusals, partner refusals, family refusals, student cancellation, sponsorship refusals and others. That constitutes basically the case load.

**Senator LUDWIG**—I think you provide that in your annual report usually. Could you provide an update of those figures whenever you have aggregated them to as your cut-off period? That would be helpful just to understand the break-up and whether there is a trend that you are identifying in terms of a rise in students—

**Mr Karas**—We are in the throes of collating the statistics for the current annual report as well, but if you would like some further statistics in relation to the case load, we would be happy to try to oblige.

**Senator LUDWIG**—Thank you very much.

**Mr Lynch**— There is a corrigendum. Table 5.3 of the RRT's PBS, at page 148, and table 5.9 of the RRT's PBS at page 154—I regret the error in those two tables. In the one case, table 5.3, there was a juxtaposition of two lines and in the case of table 5.9 the MRT's table 5.9 was translated into the RRT's table 5.9. I do apologise for that.

**CHAIR**—Thank you very much for those clarifications, and thank you for tabling the corrigendum. Senator Ludwig has one question he wishes to address to the department.

**Senator LUDWIG**—I have been waiting, Mr Metcalfe, for some others to turn up to support you, but I am happy to ask you and I know you are brave enough to answer. In terms of the RRT particularly, it seems to me—and this is, I guess, a bit speculative—that if the work of the RRT starts to reduce significantly as a consequence of offshore processing and illegal fishers do not claim asylum, is there a point where you review whether the RRT is still a viable option? Have you undertaken an assessment as to whether or not the current case load will eventually expire?

**Mr Metcalfe**—We have not. I do not think there are any government plans to that effect because, even in the two situations that you have described, there remains a small but steady number of applications for protection visas for refugee status from persons who have arrived in Australia on a visa. I am not aware of any plans by the government to review those arrangements. Persons who sought protection visas and were refused would have continuing access to the Refugee Review Tribunal.

**Senator LUDWIG**—Have you done any work on illegal fishers and how many of those might be claiming asylum—or have claimed asylum in the past and then have projected forward?

**Mr Metcalfe**—I will check and correct this if I am wrong but my understanding is that none have ever sought refugee status in Australia. Yesterday we talked about a group of largely young men who would rather not be here in the first place and who were actually anxious to return home but, because they had been involved in illegal fishing, had come into our custody for a brief period of time.

**CHAIR**—I have indicated across the table to the minister and to the secretary—and I will now indicate to the committee—that, given the minister's advice in relation to her commitments later today, with the committee's agreement, I would like to suggest that we slightly rearrange the order of discussion of the outputs in outcome 2. I suggest that we begin with 2.1 then go to 2.4 followed by 2.3 and end with 2.2. I understand there is a request from senators that the minister be present for two of those earlier outputs. Is that agreed to by the committee? Senator Bartlett, is that amenable to you?

**Senator BARTLETT**—Yes.

[9.56 am]

**CHAIR**—Thank you very much. We will proceed on that basis then. We will proceed to outcome 2 and output 2.1, which is settlement services. I understand that Senator Hurley is going to begin in this area and then I assume we will move to Senator Bartlett.

**Senator BARTLETT**—Probably.

**Senator HURLEY**—Settlement services has been a matter of quite a lot of contention since the beginning of the tender period in October. During the last estimates, we went into specific problems that arose in specific areas. I would like to backtrack a bit and to talk about the general contract, how that was drawn up and how it is managed, particularly in light of the Australian National Audit Office report on the management of detention centre contracts, the first part of which was brought out in 2003-04. Part B, which included the department's response, was brought out in 2005-06. I assume that the department then was very well aware of the recommendations of the Audit Office and had taken note of the comments on contract preparation and management when they drew up the contract for the settlement services tender.

**Mr Metcalfe**—I will probably leave it to Mr Rizvi and Mr Vardos to provide more detail, but I think the proposition you are putting may not be correct. The ANAO's second audit into the detention services contract was certainly only finalised earlier this year. From recollection, we only received draft recommendations from them in the months leading up to the completion of the audit. Therefore, I do not think the department would have had available to it the particular views that the Audit Office had in relation to that particular contract.

Yesterday I talked about one of the many strategic priorities in the department: strengthening our procurement and contract management. We are a very large procurer of services. But that is something that is not new. It is something that has been important to the department for a long time. The particular areas of criticism in the most recent ANAO report in relation to detention services were not exclusively but largely centred on two issues. The first issue was the appropriate construction of the steering committee to oversee the contract and tender consideration and, associated with that, the record keeping of the department. I note that the department had in fact set up a purpose branch to manage the tender process and to ensure appropriate records. Notwithstanding that, the arrangements were not seen as best practice or anywhere near best practice by the ANAO. That is something that we are obviously very mindful of in taking these issues forward.

The second area of criticism related to some quite technical and specific issues in relation to the calculations as to what represented best value between two competing tenderers. It essentially took the proposition that the department, having essentially selected a preferred tenderer, discarded the other major tenderer and then proceeded to enter contract negotiations, which ultimately led, in view of the ANAO, to the potential that the preferred tenderer's final price was in fact greater than the price from the unsuccessful tenderer. There are many different factors that comprise that analysis, and the department and the ANAO had many lengthy discussions about that issue. But I accept that the ANAO ultimately reached the conclusion that it did.

I suspect that second point was quite specific criticism to that particular tender process, although it would apply more generally depending upon the actual commercial negotiations once a preferred tenderer has been established. The more general point, though, about good governance and about good record keeping is very important. Indeed, in seeking to frame strengthened procurement and contract management arrangements in the department and elevating the status of that area of the department and putting it into the legal division, given the importance of legal considerations, we are obviously very mindful of the views of the ANAO. Indeed, yesterday I was pleased to receive a letter from the Auditor-General in response to my letter seeking his views on whether our new arrangements would perhaps strengthen our measures.

Having said all of that, I suspect that the particular arrangements relating to the settlement services tender preceded that criticism by ANAO but still should have been proceeded with in accordance with best practice. At this stage, having made those introductory comments, I will ask Mr Rizvi or Mr Vardos to provide more details on how we went about that process.

**Mr Vardos**—Mr Metcalfe is correct. The ANAO's latest report came after the process but, in preparing for the IHSS tender, we obviously followed the Commonwealth procurement guidelines, the Financial Management and Accountability Act and the ANAO's best practice guide on the conduct of tender processes. We engaged external advisers—legal, probity and business process—on contract throughout the process. The whole process was governed by a steering committee. On that steering committee was the Department of Finance and Administration, several areas of national office of DIMA—my division, the Refugee and Humanitarian Division and the Property and Performance Improvement Branch. We also had representatives from two state offices to bring the state perspective. That was the steering committee.

The tender evaluation teams—and there were a number of them—comprised staff from the state offices that had practical day-to-day experience in monitoring the previous IHSS contracts. With respect to the contract itself, I will need to take advice but my recollection is that the basic contract is a standard Commonwealth contract that was tailored to fit the purpose of that exercise. The performance monitoring is undertaken by our state and territory offices on an ongoing basis.

**Senator HURLEY**—So the contract management rests with the state offices?

**Mr Vardos**—The buck stops with me ultimately, as the national program manager for IHSS, but we cannot do it remotely, sitting in Canberra. Because the services are delivered on the ground in each state and territory jurisdiction, the day-to-day monitoring, observation and interface with all of the 20 contractors occurs through our state offices, clearly guided by us. We have one or two contract managers conferences per annum where we bring our staff to Canberra to talk about contract management issues. Early next month, we will be having a meeting with all of the contractors' representatives for a contractors' meeting. This is not new; it has been an ongoing feature of IHSS since it was first introduced in 2000.

**Senator HURLEY**—So you are responsible for the overall monitoring of the general performance of the contract and the states are responsible for the day-to-day—

**Mr Vardos**—I will ask my colleague to give you more detail but ultimately it feeds back from the states to national office. As I said, we carry the national responsibility. I will ask Ms Pope to give you a greater level of detail.

**Ms Pope**—I have a number of responses to your questions about the tender process, and particularly about the contract management. When the Audit Office report on the detention contract was released, we took a close interest in the recommendations of that report, and in particular in the comments about record keeping. I have commissioned an audit of the records that are held of the tender process, to satisfy ourselves that that was conducted appropriately at the time. I was not actually in this job then, but to assure myself that it was done effectively at the time and to inform our processes going forward, an audit is being conducted of those records. In addition, to look at the tender process further, we have commissioned Ernst and Young to look at the processes and the way it was conducted beyond the record keeping aspect of the tender process.

In relation to administration of the contracts, Mr Vardos is correct: the day-to-day contract management is managed by the state and territory offices. There are staff dedicated to the settlement multicultural affairs function in each of our state and territory offices. There are 20 contracts across Australia, distributed across the states. Each state takes responsibility for its own set of contracts. There are a range of reporting arrangements between contract providers, our service supervisors in the states and central office, and also a number of audit mechanisms that we have in place to monitor the quality of the service that is being delivered. For example, every six months the providers are required to report on their performance, and it is quite a comprehensive report. We have received the first set of those reports and we are working through them at the moment.

We have regular contract management meetings between our state offices and the providers across the states, and we also have contract management meetings here in Canberra. We held one in December last year, and our next meeting is on 7 June in Adelaide. We will be working with the providers through some of the issues that have come up in the delivery of IHSS services across Australia.

In addition, we run a range of quality assurance programs and measures, including home visits to our clients by our staff in the state and territory offices. We are at present conducting an audit of case plans. We are looking at six case plans from each provider to see that the sorts of elements we would expect to be covered are included in those audits. We also do spot checks of service provision—going to watch the service provider deliver a particular service. The state and territory offices conduct those audits. I also visit service providers and go and see clients myself. So far I have been to Perth, Adelaide, Melbourne and Sydney, visiting clients and the service providers and seeing for myself how that process is proceeding.

**Mr Vardos**—Senator, if I could supplement my earlier answer: at the conclusion of the tender process, an independent probity audit was conducted of the process as well, and there were no breaches found.

**Senator HURLEY**—Fine. One of the recommendations of the Audit Office was that there would be risk management guidelines drawn up before contracts were drawn up. Did that occur with this contract? Was there a risk management plan?

**Ms Pope**—Yes, there was a risk management plan for the tender process.

**Senator HURLEY**—What kinds of risks were identified?

**Ms Pope**—I would have to take the detail of that on notice, but I can provide you with a copy of the risk management plan for the tender process if that would be helpful.

**Senator HURLEY**—Yes, thank you. I am thinking, for example, of ACL in Sydney, who clearly were not prepared for the start-up date. They considered that they were not given enough notice before the start-up date and the contract being signed. Was there any guideline for what might happen if the winning tenderers were not ready for the start-up date?

**Mr Vardos**—I am delving into the memory banks now, because I do not actually have a brief with me on that, but my recollection is that the immediate fall-back position—and I will need to have this confirmed—if a successful tenderer was not in a position to commence the contract was that we would negotiate with the previous service provider to continue the service until such time as the new contract provider was able to. That is based on my recollection; I would need to confirm that.

**Senator HURLEY**—Did that happen?

**Mr Vardos**—No. None of the successful tenderers were unable to commence the contract. We recognise, and we have in previous hearings, that the start-up in the case of ACL was not as we would have preferred, but they did start the contract in mid October.

**Senator HURLEY**—In discussing measurement, I think Ms Pope talked about the six-monthly reviews, contract meetings and other methods of measurement. Was there any way of detecting problems early? I am thinking of the last estimates in November, when it was clear that national office were not aware of complaints that had been passed to their Sydney office. Has there been any examination of the failure of that system?

**Ms Pope**—We have done an audit of complaint handling mechanisms by our contract providers, and they all have complaint handling mechanisms in place. We think that some of those need some work and refinement. Some of them are very good, some need more attention, and we are working through those issues with our service providers at the moment.

In relation to the complaints that we commented about—I think it was in the February estimates—we have also done a complete audit of complaints that have been lodged around the country. In a couple of states there have actually not been any complaints, and there are a small number in other states—which I can discuss in more detail if you would like. That is all I really have to say.

**Senator HURLEY**—So the reason for New South Wales not passing on the complaints was a misunderstanding about their role in day-to-day management or contract management?

**Ms Pope**—No, Senator, there is not an expectation that day-to-day complaints would be elevated to national office unless there is a major issue that could not be resolved by the state office. In fact, our first expectation is that if we get a complaint we refer it to the service provider, and the expectation is that they work with the provider to resolve the issue. If they come to an impasse and are unable to resolve it satisfactorily, they are expected to refer it to their contract managing state. In the case of ACL that would be New South Wales. If New

South Wales has an issue that they are unable to resolve locally, then I would expect it to be escalated to our national office.

**Mr Metcalfe**—To provide some further context to that, that is a very usual business model. I am sure you are aware that in a department of almost 6,000 staff spread out around the world, where we make literally millions of decisions and deal with millions of clients every year, we have to make some broad rules as to what our national office does and what our service delivery points in states and territories and overseas posts do. The challenge I think is ensuring that there is an appropriate system of knowledge and feedback in relation to complaints so that that can ultimately inform overall management of contracts together with simply having our state offices pass through every issue, otherwise we would run a very bloated, duplicated public service with no real added value.

I think, as Ms Pope just said, there are ways and protocols of elevating cases. Although there certainly are some cases which become well known and which I would clearly expect my colleagues from Canberra to be well aware of, there are probably hundreds of cases across the department on any one day where someone has a complaint about some aspect of our service, and I do not think it is possible for us to automatically know about all of those cases in Canberra. Getting that balance right across all of our programs, not just the settlement program, is simply a fact of life. But issues which are significant or systemic or which attract the interest of parliamentarians or the media are clearly issues that we would focus on in Canberra.

**Senator HURLEY**—You are right. It is about getting the balance right. This was a new contract. It was a change in the way that settlement services were delivered. There was a policy shift. There was a private contractor coming in who had never performed refugee settlement services before. There were complaints coming in to the New South Wales office. I would have thought that the national office might have taken a particular interest, at least in the early months of this contract, and would have wanted to know about contract delivery and get early warning of any signs that perhaps their contract was not being delivered according to specifications or that there were some problems in the contract. Yet this appeared not to be so. I would have thought that from October through to February, when I asked those questions in estimates, would have been a fair time for complaint collection and that the department might have undertaken some analysis of those complaints in the early months and been a bit more aware of how its contract was being delivered.

**Mr Metcalfe**—I think that is a fair point that you make. I think at the end of the day decisions have to be taken about where the balance is. Everything you have said is correct. I think that there was focus being given to the issue from the national office. It was perhaps not the same focus that you would have wished, but the focus was there. Last time around a series of cases was raised by you before the committee, and there was certainly knowledge and understanding of some of those matters with the department but not all here in Canberra. We always face the challenge about the effective management of contracts, the proper role of our state and territory officers and how they are going about the day-to-day management of those issues, and the appropriate elevation of those matters back to the national office. As I have said, I do not think you would thank me if I ran a duplicate organisation with a whole bunch

of people in Canberra simply doing the same job as a whole bunch of people in the states and territories. It is a question of degree.

Having said all of that, this is a very important contract and its effective management is crucial. We are very proud of the fact that we are involved in the entry to Australia of 13,000 refugees and humanitarian entrants every year, and their successful settlement in Australia is a high priority for us. We would be very happy to provide any specific responses to questions that you might have.

**Mr Vardos**—Yes, it is true that, regarding the specific cases that you raised at the last estimates, we were not able at the time—

**Mr Metcalfe**—Not all of them.

**Mr Vardos**—We were not able to give you specific responses to all of them.

**Senator HURLEY**—To none of them.

**Mr Vardos**—We were engaged well before February. There was a contractors meeting with all contractors' representatives in early December. You are aware of the attempts to organise meetings with the Burundi community, volunteers and others during the course of December. They did not come off for a range of reasons and did not happen until the new year. National office was engaged on a number of issues—clearly, not on the full range of cases. We were engaged because it had been escalated because of the issues relating to ACL.

**Senator HURLEY**—Yet you did not undertake an analysis of the specific complaint?

**Mr Vardos**—At the time, I was dealing with a particular issue relating to the Burundi community. Other individual cases emerged that have now been pursued.

**Senator HURLEY**—So, despite your being aware of a specific case, you did not want to look at any of the other specific cases and analyse whether a similar trend was developing?

**Mr Vardos**—To be honest, at the time, I do not think the range of cases which you flagged at the last hearing were known to us.

**Senator HURLEY**—Exactly.

**Mr Metcalfe**—We will certainly look into any issues that are raised with us. We do not have the resources to have officers in every town and city in Australia. Therefore, while we certainly expect our contract managers in the states and territories to be actively working with our service providers, it is important that if people have complaints or have views that services are not being appropriately provided, that we are told about it. We were certainly very well aware of the circumstances of the tragic death of the young boy. That was clearly a major area of focus. That was something that we spoke about at great length last time. I simply encourage members of the community or other people, if they feel that services are not being provided, to please let us know so that we can follow those issues up.

**Senator HURLEY**—I do not think we are getting very far there, so let us talk about some of the standards that were specified in the contracts. I do not have a copy of the contract, but I have a copy of schedule 3, Service delivery outcomes and key performance indicators. This was a copy that was given to Ms Sharon Grierson, the member for Newcastle. Were the KPIs

that were specified in the contract meant to be performance benchmarks for the delivery of services or were they a minimum standard?

**Ms Pope**—I would view them as a minimum standard but I think they are one and the same: the benchmark for service delivery and setting out our expectations of our service providers. That does not mean that we would not encourage service providers to exceed those standards where possible or appropriate. We are dealing with a caseload that has a reasonably high degree of need. I would expect our service providers to be responsive to the cases that they are dealing with and also to work with us on that basis. I do not take the approach of managing this contract in a restrictive way, but, rather, look for the best and most fair and reasonable outcomes for our clients. That is the important focus of the way we manage the contract and do our work.

**Senator HURLEY**—So the KPIs specified in that schedule are the minimum standard?

**Ms Pope**—Yes, they are. We would certainly not object if those standards were exceeded by our service providers but they set out what we expect our service providers to deliver.

**Senator HURLEY**—Do you assess a kind of best performance benchmark as well as that minimum standard?

**Ms Pope**—We are working on best practice and benchmarking at the moment. At our next contract meeting on 7 June we will be discussing best practice and sharing that across the contract regions.

**Senator HURLEY**—In determining the minimum, is that the minimum that the providers are funded for?

**Ms Pope**—The funding agreement is obviously quite a complex one. If we felt that there was an issue in the way these services were being provided, we would look at what the problems were and the level of funding required to deliver those services. Basically, the contract funding is their bid against the request for tender and the funding they believe they would need to deliver the services according to the KPIs

**Senator HURLEY**—According to the minimum, right. If you looked at those minimums and decided that they were not adequate in actual practice, regarding the way that the contract is working, is there provision for variation of the contract by either party?

**Ms Pope**—Yes, there is. I can give you one example where we have found that we needed to reconsider. It does not actually require a variation of contract for us to make some changes. For example, we have had a series of quite large families arrive, particularly in the Newcastle area, as you would be aware. The contract stipulates a certain furniture package. It was brought to my attention, and I felt that it was not reasonable to have only one sofa for a family of eight, 10 or more, and we are working through a process of one-off approvals on my authority to provide additional lounge room furniture where a family is of a particularly large size. That is just a small example, but it is certainly within our ability to do that.

**Senator HURLEY**—How is that organised? Is there a meeting or correspondence with all providers? How many variations have there been?

**Ms Pope**—We have not made any variations of the contract. These are one-off service orders that are part of the mechanisms available to us under the contract. I cannot remember

the number in the contract regions around the country; I would have to take that specific detail on notice. We would seek not to make a variation to the contract unless it was a major issue because it is quite an undertaking to do that, especially not so early in the contract period.

**Senator HURLEY**—If you make one of those service order variations, is that necessarily with all service providers?

**Ms Pope**—No. It would be in relation to one case or one instance.

**Senator HURLEY**—So if there was a problem in Newcastle with large families, you would not necessarily require someone in Adelaide who had a couple of large families come in to provide extra—

**Ms Pope**—Yes, we would, and we would expect them to approach us for a one-off service order for that large family as well. When issues are raised in one contract region, we provide the information across the full network of providers so that that mechanism is available to other providers.

**Senator HURLEY**—That kind of notification is sufficient. You are saying you do not need a variation of the contract, but schedule 3 does actually specify quite clearly what is required: a wardrobe and/or a set of drawers for each bedroom; a dining table and adequate chairs and lounge chairs. That does not require any variation of the specific contract? Legally, that is—

**Ms Pope**—No, it does not. It can be done with a service order.

**Senator HURLEY**—Have any of the service providers proposed one of those kinds of variations, or does it necessarily come from DIMA?

**Ms Pope**—It can come either way. But, in this case, it was our initiative on recognising that the housing package was not adequate for very large families.

**Senator HURLEY**—In terms of any underperformance in the contract, are there arrangements for any penalties in the contract?

**Ms Pope**—Yes, there are in the contract.

**Senator HURLEY**—What form do these penalties take?

**Ms Pope**—There are a range of measures available to us, should we seek to activate them. Please bear with me while I check in the contract.

**Mr Vardos**—While Ms Pope is looking, the primary or initial response is to refer an issue back to the contractor and to give them a reasonable period of time to correct the issue or to fix whatever the problem is. If it cannot be dealt with in that way then you escalate the matter, according to the contract. But the first option is to give the contractor the opportunity to fix the problem.

**Ms Pope**—Section 31 of the contract details underperformance and breaches. The first clause refers exactly to what Mr Vardos just said—that, when we become aware of any deficiencies, including a failure to meet the standards, we may require service providers to develop and implement a strategy to rectify the deficiencies of the underperformance within a certain time frame. If they fail to implement a strategy to rectify those failures and the parties agree that such a failure constitutes a material default, we may give notice to the service providers under clause 32, which is just a notification that we are of the view that there has

been a failure. The contract is quite detailed, so I do not want to keep reading from it. Basically, the first action is to work with the service provider to rectify the situation and to be satisfied that there is a strategy in place to address any shortfalls. Obviously, it goes through to default provisions and so on if we ever found ourselves in a situation of needing to go to that length.

**Senator HURLEY**—What are the penalties? Are they financial penalties?

**Ms Pope**—I can provide a copy of this segment of the contract to you, if that would be useful—it is a standard set of contract requirements—or I can continue to read it, whichever you prefer.

**Senator HURLEY**—No, that is fine, you can provide it. One thing I am curious about is that it is my understanding that there are monthly invoices for the service providers but six-monthly assessments. How is that reconciled in terms of managing performance?

**Ms Pope**—The invoices are about the services that are being delivered. They do not really go to the quality of the service delivered, and it is our quality assurance measures that are more critical in relation to what is being delivered. Obviously, the provision of an invoice does not go to the quality; it goes to the number of services delivered, the cost of those services and so on.

**Senator HURLEY**—So that is paid. But if it is found that the service is not of sufficient quality, what remedy is there?

**Ms Pope**—It is the responsibility of the service provider to make remedy. There would not be additional charge, if that is the question you are asking. We would not expect additional charges in respect of having delivered that service. In other words, if we have paid for the delivery of a household goods package and that is found to be not in accordance with the contract, we would ask the service provider to rectify that and we would not be paying any additional costs associated with that rectification.

**Senator HURLEY**—What happens if, for example, a refugee is not met at the airport immediately? How is that rectified?

**Ms Pope**—Clearly, that action or the lack of that action cannot be immediately rectified, but we would expect the service provider to outline to us how they would prevent that happening in future cases and for us to be satisfied that they are meeting the standard.

**Senator HURLEY**—Have there been any cases where the department has required a provider to rectify services?

**Ms Pope**—Yes, there have been.

**Senator HURLEY**—How many have there been?

**Ms Pope**—I do not have a number that I could list off the top of my head, but obviously in some of the cases that have been raised there has been clear admission or recognition by the provider that the service has not been at the standard that they would have expected and they have taken steps to rectify those instances. Wherever we become aware of an instance where a service has not been delivered to our expected standard, we work with the service provider. To date, they have rectified all the cases that have been brought to their attention.

**Senator HURLEY**—If a service provider receives a complaint about non-delivery of service or poor quality of service, are they required to report it to the department or can they just act on their own and fix it internally?

**Ms Pope**—Our first expectation is that they deal with the complaint themselves and that they solve the problem and rectify the issue with the client to their mutual satisfaction. If they are unable to do that or there are particular issues about the resolution of that problem, we would expect them to contact our contract managers in the states to assist them to resolve that issue.

**Senator HURLEY**—Unless the complaint is passed on to the state office, no-one need know about it?

**Ms Pope**—I do not think it is really a matter of no-one need knowing about it. It is a matter of our expectation that the service provider would rectify that issue and have complaints handling mechanisms in place that would allow them to address the issues that the client has raised and satisfactorily resolve them.

**Senator HURLEY**—What checks does the department have that the service provider does have adequate complaint handling mechanisms?

**Ms Pope**—As I mentioned earlier, we have completed an audit of complaint handling mechanisms and all our providers have complaint handling mechanisms in place. I commented that in some instances we think that they need some refinement—for example, clear escalation procedures as far as our national office. That is part of a couple of them that we would like to see expanded. Our contract managers are working with the service providers to improve those processes. I have a sample here of one we think is among best practice from a provider in Queensland, which I can read to you or provide to you, if you would like to see it.

**Senator HURLEY**—If you could provide it, that would be good; thank you. If there were repeated complaints to a provider which involved a particular service or a particular caseworker, as long as the service provider eventually fixed that problem you might never know about it. But I go back to that analysis of complaints. When you are drawing up the next contract, how would you know about these kinds of issues?

**Ms Pope**—Clearly, our home visits provide us with information directly from our clients, and we are focusing particularly on clients where there have been issues in the past so that we can be satisfied that those issues have been resolved. There are a range of ways in which people can make complaints. Obviously, complaints can be made directly to central office, they can be made to the department's complaint line, they can be made directly to our state offices or they can be made through the service providers. Then there are referral processes for the resolution of those. If the complaint came directly to our national office or to our state offices, we would clearly be aware of it. If we had a sense that a particular service provision in a particular region was an issue, there are a range of things we could do. One of the first is that I would be likely to visit to discuss the issue with the provider and to see for myself what the concerns were, if it needed that level of attention. The first response would probably be to ask one of our contract managers in the states to visit the provider and to visit the clients involved and investigate the matter.

**Senator HURLEY**—You referred to home visits. These are the random checks, I presume, that are referred to in the contract as a means of measuring performance?

**Ms Pope**—There are two elements. There are home visits so that we can gather feedback directly from clients, so we have the opportunity to visit them in their own homes, see the services that have been provided to them and talk to them about any issues that they may have with the service provision. The random checks or spot checks are observations of service delivery by the provider, which is a slightly different thing.

**Senator HURLEY**—Is there a structured program both for the random checks and for the home visits?

**Ms Pope**—We are finalising the development of that at the moment. I have a list of the audits and visits that we have conducted so far. We are working to develop guidance and a set of expectations for our providers and our case managers about how frequently we want to see those taking place.

**Senator HURLEY**—So there has been no direction. I presume the state offices conduct these?

**Ms Pope**—Yes, there have. They have been instructed to undertake these visits, but we are finalising the guidance to them on the frequency and the sorts of reporting that we want to see on the basis of the visits and checks that have taken place so far.

**Mr Vardos**—Could I add that there is another initiative at the moment, a client feedback workshop that will involve refugee settlers, and senior officers attend that workshop to get feedback direct from the clients. It is facilitated and there will be national office representation at the workshop. I think the first one is happening tomorrow.

**Senator HURLEY**—Have these random checks or home visits uncovered any specific problems or instances where providers have not been performing up to the quality that you would expect?

**Ms Pope**—Less around service provision precisely. The issues that we have uncovered have been particularly in relation to record keeping; we feel that the caseworkers need to be completing records in a more timely fashion so that, when you look at the case plan, it is clear what services have been provided and what issues have been identified with service delivery and basic settlement prospects for the individual clients. We are feeding that information back to the providers. It is more about a time lag than anything else, but reinforcing our expectation that records will be up to date.

In addition, there has been some consideration of needing to support and reinforce arrangements for dealing with particularly difficult clients, where clients do not want to accept a service or have an issue with the service that is being provided. An example is around the provision of accommodation. There have been a couple of instances that I am aware of where it has been difficult to find housing that the client was prepared to accept. This is in the realms of where what is being offered is reasonable and within the contract but the person has not been happy with it; they have been shown a number of properties and it has taken some time to find an agreeable property, just as an example.

**Senator HURLEY**—The random checks are performed by state officers. Have they been trained in any way, or are they just staff in the citizenship and multicultural affairs section?

**Ms Pope**—They are settlement officers that are conducting the checks and, in most cases, they have been in settlement services for quite some time. We have provided very comprehensive external contract management training just recently, which focused partly on quality assurance. We have not run a specific course on quality assurance itself, but I would expect that it is not a deep science in the sense that it is visiting to talk to clients to gauge their satisfaction with the services that have been delivered to them, in the sense of the home visits.

In relation to the spot checks, again, we would expect familiarity with the contract and the expectations and that they would be able to observe the delivery of a service and be satisfied with it. For example, our Tasmanian office has been to the airport to observe on-arrival reception and transportation to accommodation. I think you can observe how successfully that service is being provided. But I am happy to take that into consideration in our future training program for our regional staff.

**Senator HURLEY**—Is there a specific reporting format or is this one of the things you are developing now?

**Ms Pope**—You do not mean the routine reports that the service providers are giving us?

**Senator HURLEY**—No.

**Ms Pope**—No, we have not finalised that. We are working on it in relation to this set of visits that we have completed. At the moment there are a series of dot points covering the major services that are delivered and questions addressing the satisfaction with those services.

**Senator HURLEY**—Are refugees advised by their caseworker when they arrive of the complaint mechanism, including the possibility of staying anonymous if they wish to?

**Ms Pope**—Yes, they are required to be briefed on that. But, in order to introduce a greater degree of consistency and certainty around that issue, we are in the final stages of developing a pamphlet that we will provide to service providers to work with clients on arrival so that, as they arrive, it lists a range of things. It makes a clear identification of the caseworker, the case coordinator, the service provider and sets it out clearly so that the client is aware of who their service provider is. It sets out the services they can expect to receive. It sets out excerpts from our client service charter that are particularly relevant to refugee clients. It will include elements of the volunteer code of conduct and a statement about privacy—not only their privacy being protected but their right to preserve their own privacy in the sense of people coming into their homes and their dealings with service providers and other volunteers and so on.

It sets out, in addition to that, the complaint handling processes to which they have access. In the first instance, it will be in English and then we are working to have it translated into a range of African languages. The use of it at the airport and by the caseworker is so that the caseworker can explain to the client the services and they will be armed with the pamphlet in the first instance. Then we will be working to translate that into a number of languages.

**Senator HURLEY**—It will not do many of them much good to have all that wonderful information in English. When do you expect to have—

**Ms Pope**—The further problem is that quite a percentage of them are illiterate in their own languages and that is part of the reason for an explanation being given by the case worker of what is in the pamphlet. Secondly, we are also working on the development of a DVD which we will be providing to all our clients, both refugees and SHP entrants. It will cover a range of topics which we have not yet completely defined. It will be provided in a range of languages with voice-over so that we do not have the issue of subtitles and so on. Our intention is that case workers can use it with the clients in their own home, volunteers will be able to work through it and, when they become familiar with the technology, clients will be able to reaccess, for example, the chapter on schooling and education—the education system; legal issues; the need to have a licence to drive; household management—poisons, hot water and those kinds of things.

We also anticipate that service providers will be able to use it to work with a group and we are advised that the African communities find it useful and familiar to work through these sorts of issues in a group manner.

**Senator HURLEY**—This raises another issue. You were speaking about people being provided with details about the case worker and who they can go to. I understand that ACL, as a result of the Fiora report, are now providing the refugees that they deal with with a mobile phone versus a phone card arrangement. Is that something that may be widespread?

**Ms Pope**—In my visits to other service providers since this was introduced by ACL, I have promoted it as a positive development that we thought was very useful. We will be raising it at the conference on 7 June to encourage other providers to look at it. We are also exploring whether there are options to reuse mobile phones that are decommissioned by the department when a refresh is done of handsets and whether we can make those available through our providers to reduce the cost and recycle the phones in effect.

**Senator HURLEY**—It seems to me from the descriptions of what you are doing that a lot of the protocols and things being put in place are as a result of the complaints that have got publicity. Many of them have emanated from the volunteers in Newcastle. I think it was at our February estimates that they were referred to as ‘disaffected volunteers’ by I think Mr Vardos. I understood that they took great offence to that. They were making constructive suggestions, many of which appear to have been taken up by the department. They have set in place processes which seem to be improving the delivery of services to newly arriving refugees and humanitarian entrants. Given that complainants were treated with what they regard as disrespect and Mr Metcalfe is now asking people to complain and if DIMA has had an opportunity to go to Newcastle and talk to people, including those volunteers, and have a meeting with them, it begs the question: does it still regard them as disaffected volunteers or as constructive complainants?

**Mr Rizvi**—The volunteers in this area are crucial right across the system, not just in Newcastle. They have played an invaluable role in the development of settlement services over a very long period of time. We regard the volunteers as very much partners in this process and we seek to work with them in every way possible. A crucial element of the contract is that the service providers will work closely with volunteers. But, much more than that, the issues raised by the new cohort of African humanitarian entrants are in many ways quite different to what we have experienced in the past. As a result, I think we are all learning

in this particular area because of the different challenges that we are all facing. To that extent, the government has, in fact, recognised the need for us to significantly strengthen a whole-of-government approach in this particular area, not just through the volunteers and the service providers but right across Commonwealth agencies and state and territory governments.

At Mr Metcalfe's initiative, we have encouraged the head of the Prime Minister's department to arrange an IDC, which is now operating right across a range of Commonwealth government departments, to see where the services that the range of Commonwealth government departments are providing can be better joined up and linked into the services being provided by state and territory governments. This is going to have to be an approach which includes all players in the delivery of these services. The challenges faced by humanitarian entrants from Africa are very substantial and we cannot necessarily proceed on the basis of perhaps assumptions of how services were delivered to previous cohorts. We are all learning in this particular area. I think there is a significant recognition right across both the Commonwealth and the state governments that we are going to have to look at new models and work to integrate those a great deal more. Volunteers are a critical element of that and they will be right across Australia, not just in Newcastle.

**Senator HURLEY**—I do not think we got anywhere with that. Volunteers are allowed to volunteer but not complain. Is that it?

**Mr Rizvi**—Certainly not.

**Senator HURLEY**—They have to adjust to the new environment, so they are still—

**CHAIR**—Senator Hurley, I think you are putting words in the officer's mouth.

**Mr Rizvi**—I do not think that is what I said, Senator.

**Senator HURLEY**—It seems to me he did not say many words.

**CHAIR**—That is not what the officer said. If you want to ask the officer a question, please do.

**Senator Vanstone**—What we are trying to say, Senator Hurley, is that we are off verballing. We get verballing by the media all the time.

**Senator HURLEY**—Disaffected volunteers was a quote. It was not verballing.

**Senator Vanstone**—Saying they are not allowed to complain. The department's aim is to have every single person welcoming genuine and constructive criticism, because it is free market research. You would rather find out about a problem from someone freely saying, 'Hey, you've got a problem,' than having to go and pay to find out about it. That is what we would rather do. But of course you sometimes run into trouble when people, for whatever reasons, seek to either exaggerate the problem or are genuinely passing on to you what they genuinely believe is the issue when they have been presented with an exaggerated version of it.

I would not make this accusation vis-a-vis senators, at this point, but I certainly would about House of Representatives people: they do occasionally seek to exaggerate complaints and criticisms for their personal or political agendas in their electorates. It is certainly not that people cannot make criticism. Nobody likes it when they have something that is not perfect

and someone says, 'Hey, have I got a few home truths for you.' Nobody likes that; nonetheless, in an intellectual sense, we welcome it because we see it as an opportunity to improve. My point is that it is not that people cannot complain—of course they can. People cannot expect that every complaint they make to be taken as verbatim truth and that every suggestion they have to resolve the complaint will be taken as being exactly the way things should be done. That is just anarchy when that happens.

**Senator HURLEY**—Thank you for your response.

**Senator Vanstone**—I am sorry you found that exhausting. I was not trying to be difficult; I was just trying to put it in some perspective.

**CHAIR**—Thank you, Minister.

**Senator Vanstone**—I am pleased that you are pleased, Senator Payne.

**CHAIR**—Always, Minister.

**Senator HURLEY**—Just finishing up on the contract drawing-up: what was the basis of drawing up the contract? Was it a kind of notional number per refugee or was it a contract that envisaged the splitting-up of numbers according to different regions? How does that operate?

**Mr Vardos**—The costs are based around the menu of items that are delivered, so it is effectively a fee for the services that are provided. We have a notional understanding at the beginning of each program year of how many people will be settled in each jurisdiction. Of the 13,000 that come in under the refugee and humanitarian program, we have some sort of say in the location of about 4,000. The 6,000 refugees that come in are all eligible for the full suite of IHSS services. It is a question of the dialogue that we have with state governments, service providers, local government and all other stakeholders to work out an approach to settlement around the country. The service providers themselves, the contractors, need to have a certain level of understanding of what the client base is going to be so that they can gear up accordingly. It is an iterative process.

**Senator HURLEY**—What about if there is a severe drop in numbers? For example, my understanding is that in Newcastle, when ACL took that contract, there was an unexpectedly large influx of refugees into that area. In a way it was very difficult for them to cope. They had expected a particular number and there were, I am told, about 50 per cent more than that arriving. Now, I understand, only three refugee families have arrived in that area since January 2006. Will the total value of that contract stay the same or is there variation if the numbers continue to stay low?

**Ms Pope**—I will try and take that piece by piece. The numbers of arrivals obviously do fluctuate, for a variety of reasons, some of which are beyond our control—to do with referrals by UNHCR and other issues with getting access to clients. But every effort is made by our overseas offices to keep a steady flow of arrivals across the program year, and there has been some success in evening out some of those fluctuations.

Secondly, we assign cases to states by a process of negotiation and we refer cases to state offices on the basis of the suitability of services that can be provided, the links that people might have to that area and so on. As Mr Vardos says, between 3,000 and 4,000, on average, of the total 13,000 have no identified links and we can consider the best place to allocate

those refugees for settlement. That might be, for example, Darwin, Cairns, Geelong or wherever.

In relation to settlement in Newcastle: numbers are referred to our Sydney office for settlement in New South Wales and they make a determination of where the best location is within the number of locations in the state that they have available to them. As you would be aware, there is settlement in Coffs Harbour, Newcastle and Wollongong, as well as in Sydney. There is also settlement in Wagga and other places in the rural contract area. Referrals to Newcastle are negotiated with the service providers so that they can distribute the cases accordingly. Some of the cases that went to Newcastle had links to people in the Newcastle area and so were settled there for that reason. That includes both refugees and SHPs.

I have the figures for the numbers that have been resettled in Newcastle in the contract period. Unfortunately I do not have the figures month by month, so I cannot comment on the number that have been resettled in Newcastle since January, but the numbers of cases between October 2005 and April 2006 are as follows. In the 200 class, which is the refugee class, 11 cases were settled in Newcastle, totalling 63 people. In the SHP class, the 202 class, four cases were resettled, with a total of 22 people. Overall that is 85. For the same period in the previous year, 21 cases, totalling 76 people, in the refugee class and five cases, totalling 12 people, in the 202 class were resettled in Newcastle. That is a total of 88 and a difference of three in the total numbers referred under the previous contract and under this one.

**Senator HURLEY**—We were previously advised that the contract amount was \$27.5 million for that southern area, and the northern area I think, of New South Wales.

**Ms Pope**—That is about right, but I could get the exact figure for you on notice.

**Senator HURLEY**—Thank you. Could you also give me the contract amount for the remaining 18 service providers?

**Ms Pope**—Yes. That has been published in the *Gazette* and we can certainly provide that.

**Senator HURLEY**—I want to ask a bit more about the six-monthly review that the service providers need to submit. I understand that would have been due in March. Is that right? That was the end of the six months. When was the report due?

**Ms Pope**—It was actually due at the end of February. I am not sure why that date was stipulated, but it was and most of them were delivered in that time frame. I am just trying to find the information about the six-monthly reports that are detailed in the contract. It is just the time frame that has been set. The six-monthly business report must be provided no later than 1 February or the nearest business day in each term. It reports on the progress in implementing the annual work plan, issues and so on. I can give you a copy of this section of the contract, if that would be useful.

**Senator HURLEY**—Yes, thank you. Were those reports submitted on time by all service providers?

**Ms Pope**—Not by all service providers. I do not have the details of when we received them, but we have received all of them now and we did some time ago, but I do not know the exact dates. We are working through the issues in them. Some of them are quite substantial—half an inch to an inch thick—with a lot of information being provided to us and we are very

interested in the information, as this is the first set of reports that we have received and we are hoping that this will give us the opportunity to identify best practice across contract regions that we will look to share with other providers and so on.

**Senator HURLEY**—Virtually the only way of measuring achievement of the KPIs specified was the number of entrants who were satisfied with the service. That is really the only way of measuring quality, isn't it?

**Ms Pope**—That is an overall measure. A household goods package with the required elements being provided to the client, for example, is an easily measurable one. That the client has been referred to torture trauma counselling, if that were appropriate, is another. It is, of course, the person's decision whether to take up that service, and that applies across the board. None of these services are mandatory. They are available to entrants and they can choose from those services that are provided and take what they choose from among them.

**Senator HURLEY**—But that is the measurement—that 75 per cent of entrants are satisfied with the service?

**Ms Pope**—That is what is detailed in the contract, yes.

**Senator HURLEY**—Are indications that that has been achieved by most of the service providers?

**Ms Pope**—I do not have that as a firm figure, but that is something we are working through in looking at the six-monthly reports. I would expect that more than 75 per cent are satisfied, but we would have to conduct a full survey of all our clients to get an accurate sense of that.

**Senator HURLEY**—So that survey is not included in the report?

**Ms Pope**—No, I do not believe it is.

**Senator HURLEY**—And it has not been done?

**Ms Pope**—We have not conducted an audit of all of our clients. As I said before, we have done home visits and we are looking at case plans and other elements of quality assurance, but it is not our expectation that we would routinely, every six months or whatever the interval, conduct an extensive survey of that kind.

**Senator HURLEY**—Do you have a plan for when it will be conducted?

**Ms Pope**—We have a couple of review points built into our administration of the full five years of the contract. There is a mid-term review. I have initiated an earlier review, which we expect to begin to conduct in June-July this year in recognition that there have been some issues across the service provision with particular focus on Sydney and Newcastle. We are also ramping up our risk management framework as a consequence of realising we are operating in a different environment to what we might have anticipated at the outset of the contracts.

**Senator HURLEY**—What do the reports contain, if they do not contain any measurement of achieving the KPI?

**Ms Pope**—They do have measurement of it but not a 100 per cent client survey to ascertain satisfaction with the services.

**Senator HURLEY**—So the measurement is them ticking off the box saying they delivered household goods or met people on arrival.

**Ms Pope**—That is part of it, backed up by our quality assurance measures, as I have already outlined. This is an iterative process, and we have a relationship that we maintain and develop with the service provider. Our contract managers work with them on a daily basis. They visit their premises. They meet with them on a regular basis to discuss issues of service provision and so on.

**Senator HURLEY**—But that is meeting with the contract providers. I am interested in what the clients think of it. This being the only measure, it surprises me that you have no plans to measure it.

**CHAIR**—Ms Pope, was that the end of your answer?

**Ms Pope**—It was.

**Senator HURLEY**—So you have no plan whatsoever to do a survey of clients at this stage.

**Ms Pope**—We have not detailed exactly how we are going to conduct the mid-point assessment. I am still working with my staff on the elements that we would like to focus on in the additional review that I have commissioned. I am very happy to take on advice your suggestion that we look at a client satisfaction survey. As Mr Vardos mentioned, groups of refugees will be participating in a client feedback exercise tomorrow, which is part of the broader client service strategy of the department.

**Senator HURLEY**—It amazes me that you have set out a KPI and you have no way to measure it.

**Ms Pope**—I will consult with my contract managers. I do not as the focus of my day work with the contracts on that basis, and I have a range of responsibilities beyond IHSS. I am happy to take that aspect on notice and discuss with my staff a fuller answer to your question.

**Senator HURLEY**—Thank you. If, for example, the client satisfaction was below 75 per cent, would that trigger any action with your service providers? How would it operate if they did not meet the KPI? Is there any plan for that?

**Ms Pope**—It is part of the process we have for dealing with underperformance. If we found that less than 75 per cent of clients were satisfied with the service, we would need to look at what aspects they were dissatisfied with, how they were being delivered and what issues the service providers were encountering. I would expect that, if a sense was developing that we had very low satisfaction with the service delivery, that would have become evident to us over time and would not be something we would suddenly discover by conducting a survey.

The process of us visiting our clients in their homes in addition to the visits that I have undertaken and continue to undertake gives us a sense of client satisfaction with our service provision. As I mentioned earlier, these have not to date thrown up any issues of concern in relation to the delivery of the services. There have been some aspects, as I talked about, to do with managing difficult clients, recording of case notes and so on. That is the process by which I would expect to become aware of it and then take action to deal with it. As I said

earlier, if we had a sense that a particular service provider was not delivering a service adequately, we would immediately investigate that, at the beginning using our local contract managers and then further taking it on with staff from my own area here in national office if it became necessary.

**Senator HURLEY**—I am sure that would happen and will happen. It just seems a strange thing to put a KPI in a contract if you are not serious about measuring it.

**Mr Rizvi**—I am not sure whether that conclusion can be held. Ms Pope has outlined a range of mechanisms with which to get an understanding—

**Senator HURLEY**—But not the ones specified in the contract.

**CHAIR**—Could you let the officer finish, please, Senator Hurley.

**Mr Rizvi**—The KPI relates to the satisfaction of the client and there are a range of ways, as Ms Pope has outlined, from which we can on a regular basis get information on that. A comprehensive survey is another means of doing it. However, a comprehensive survey is something that is quite expensive, given the volume of clients involved, and it would need to be very carefully planned and run in a targeted way so as to make sure that you got the benefits sought from such a survey. It is not the kind of survey that you would run repeatedly over a five-year contract. You may run it once, twice or maybe three times. But what will be important are the day-to-day measurements that Ms Pope has referred to, which give you much earlier feedback on what is happening. That will be far more important in terms of managing the contract. Ms Pope has mentioned the client feedback workshop that we are holding tomorrow. She has mentioned the site visits we are conducting. She has listed a range of mechanisms whereby we are measuring that KPI on a day-to-day basis. The fact that we are not regularly conducting a comprehensive survey of every client does not mean that we are not serious about measuring that particular KPI.

**Ms Pope**—I am sorry, Senator. I have neglected to mention a key measure. I forgot to focus on it. When providers exit clients from IHSS, they conduct an interview with the client to assess the service provision and the extent to which they have been satisfied with the services that they have been delivering. I am sorry; I just did not recall that and forgot to mention it.

**Senator HURLEY**—Mr Rizvi, I agree with you about the day-to-day measures and the reporting back up being important, and I agree with you that you cannot survey constantly. But I am referring to what was in the contract. I presumed, because it is in the contract, that if the other measures are not, that measure is. So I assumed that you had some plan for implementing the measurement.

**Mr Rizvi**—We have already described the range of mechanisms we are using to get feedback against that particular KPI. We will be undertaking surveys of the clients. It is a question of planning how such a survey is conducted, because it is a very expensive exercise.

**Senator HURLEY**—But you must have factored that into the contract. It is all through the contract, so that must have been part of the contract discussions.

**Ms Pope**—It was. I apologise, because the measure I just outlined is really the key one in responding to what you have raised and it did not come to mind. Providers are required to

report on the extent to which clients are satisfied when they conduct the exit interview as clients move from IHSS services. So they do speak to each client individually at the end of the period of their receipt of IHSS services and make a report on that basis of their level of satisfaction with the services.

**Senator HURLEY**—Is that part of the six-monthly report?

**Ms Pope**—Yes, it is. But it is also something that is done with each client. They aggregate that information into the six-monthly report. I can give you more information on notice about what is included in the six-monthly report.

**Senator HURLEY**—Can you give me a copy of any of the reports, or all of them?

**Ms Pope**—I would have to take advice on that. I do not know whether that is contract material that is commercial-in-confidence, but I can take advice on that.

**Senator HURLEY**—Do the exit interviews that have been conducted so far indicate that the satisfaction rate is above 75 per cent?

**Ms Pope**—I would have to take that on notice. I do not know.

**Senator HURLEY**—Part of the IHSS contract is provision of services for the visa class 202 refugees—the humanitarian entrants. Providers are funded to provide some limited range of services to those entrants. In the review of settlement services for migrants and humanitarian entrants, I think that the subclass 202 refugees were mentioned with respect to the need for further support services. Is that how the enhanced proposer support program came about, as a result of that review?

**Ms Pope**—I am not sure how that came about, but it was a pilot of additional services, and Mr Vardos is confirming that that is the case. It fed into that pilot.

**Senator HURLEY**—What is the basis of that support program?

**Ms Pope**—SHP arrivals access, on average, up to 70 per cent of the full services available to refugees under the IHSS service provision. Usually they do not access on-arrival reception, because the person who sponsored them normally meets them at the airport; and they do not usually access on-arrival accommodation. Again that is usually provided by the sponsor. But most of them are requesting and receiving the household goods package, they are accessing case management and orientation services, and they are being referred for torture/trauma counselling.

**Senator HURLEY**—DIMA is currently conducting a review of this proposer support component of IHSS. Is that right?

**Ms Pope**—There is a review of the issues around proposers going on. It is not something that my area is conducting. It is being conducted by the humanitarian branch, which looks at issues to do with the entry of refugees and SHPs.

**Senator HURLEY**—So you have had no input into that review?

**Ms Pope**—No, my staff are working with that branch in relation to that survey and the work that is being done, but probably the relevant branch head could respond.

**Mr Rizvi**—As I understand it, a preliminary report from the consultant who has been undertaking that work in respect of proposers has just been received, and we will be examining that shortly, before proceeding to finalise that particular review.

**Senator HURLEY**—What was the purpose of the review?

**Mr Rizvi**—The purpose of the review, as I recall—I will get Ms Keski-Nummi to confirm this—was, firstly, to identify the roles and responsibilities of proposers and whether that should be modified in any possible way; and, secondly, to look at the question of what kind of appropriate support proposers would require in the context of the roles that might be chosen from within the range of options that might be available. At the moment, the role of proposers in the SHP program is fairly limited, and there is a question of whether we should be looking for a more substantial role of proposers. Of course, if you move down that particular pathway, you have to also look at what kind of support you provide proposers.

**Ms Keski-Nummi**—I do not know if there is more to add.

**Senator HURLEY**—Has there been a problem perceived in terms of proposers providing adequate support or 202 entrants accessing the support available?

**Mr Rizvi**—The issue has been raised in a number of instances by some state governments in the context of the Ministerial Council on Immigration and Multicultural Affairs, and it is within that context that we have taken on a recommendation from that group to conduct this review.

**Senator HURLEY**—Is there any information about how many of the 202 refugees access the full range of services that they are entitled to?

**Ms Pope**—Yes, we can provide figures for the past financial year. Those are recorded in what we call the blue book, which I am sure you have seen. I can give you figures on access to those services to date. I have those with me. So far, the total number of entrants assisted to 30 April is 9,682. Of those, 5,274 were SHP entrants. I am looking to see if I have details of the level of service accessed, but, as I said, on average there is an expectation that it is around 70 per cent of the services. Given that the caseload we are receiving presently comes from pretty difficult circumstances where they arrive with very little in terms of material possessions, financial backing or what have you, we would expect a continued high rate of access to the household goods package and the other services that we offer because they come with very limited resources of their own.

**Senator HURLEY**—What is the mechanism by which they are referred to the IHSS service provider? Does that come via the proposer? How does that operate?

**Ms Pope**—Proposers have access to our service providers to assist them in planning for the arrival of the people that they have sponsored. This is the element of proposer support that is included. They can have a discussion about the services they believe they will be able to manage themselves and those that they may need assistance in providing in advance of the arrival of a family member or a group of entrants. An example is the DVD I was talking about before. We think it is important to help educate proposers about the range of services and support that they are going to need to provide for their relative—for example, linking them up with Centrelink and so on. If they need assistance with those aspects, then it can be accessed

through our service providers. As I said, on average, about 70 per cent of those services are accessed. It is usually on arrival meet and greet at the airport and initial accommodation that are not accessed. Now, on average, most of the other services are accessed. I can get a more detailed breakdown for you of the level of service accessed by SHP entrants.

**Senator HURLEY**—Thank you. There has been some criticism in Newcastle again, but I have heard it elsewhere, that many of the 202 visa holders are going to migrant resource centres rather than being dealt with through the IHSS service providers. Do you have any indication that that might be so?

**Ms Pope**—We meet regularly with the national council of MRCs and migrant service agencies as well as with individual MRCs. They obviously have close relationships with both our national office and state offices. I have not heard that feedback, that 202s are accessing their services rather than going to our service providers.

**Mr Rizvi**—If you do have information to that effect we would of course be happy to chase it up and see what the situation is.

**Senator HURLEY**—By the disaffected volunteers, yes. You mentioned accommodation. I think, Ms Pope, we spoke at one stage about the difficulties sometimes with large families. I understand that in some instances where it has not been possible to house a whole family in one house they have been able to organise side-by-side housing. I am aware of another instance of one family that was split up into three houses a reasonable distance apart.

**Ms Pope**—Yes, I am aware of that case.

**Senator HURLEY**—Is there any work going on with state governments or any other way to address this issue?

**Ms Pope**—Yes, there is quite a lot of work going on. The issue of accommodation is a state issue and the availability of both public housing and affordable housing in the open market is clearly an issue across Australia, not just for our clients but for a range of Australians needing access to affordable accommodation. We advocate for the availability of affordable housing through our Ministerial Council on Immigration and Multicultural Affairs. It is a key issue that is being considered as a part of the IDC which Mr Rizvi mentioned earlier. When we look at regional settlement of humanitarian entrants, accommodation is another key issue, looking for suitable locations for regional settlement. But, as I said, it is a problem across Australia, beyond our client group. We are very much aware of it. Our minister has written to the responsible minister, raising it as a particular issue for our clients as well. Mr Rizvi may want to add something.

**Mr Rizvi**—The minister has written to encourage the matter of accommodation for humanitarian entrants to be put on the agenda of the ministerial council on housing matters. We will certainly be chasing that up to see what the outcome is from those deliberations.

**Senator HURLEY**—There is another concern loosely connected with housing. We were talking about the availability of torture and trauma counselling. My understanding is that, sometimes when people are in temporary housing, that access is not available quickly. Is that right? How does it work? I know everyone is eligible for it if they ask for it. Is there any difficulty if they are in temporary housing in organising a fixed pattern of counselling?

**Ms Pope**—The link between temporary accommodation and access to torture-trauma services is not one that has come to my attention. People access those services in a range of ways. They can go to the office of the torture-trauma service provider or that provider can visit them in their home. I imagine they make a range of different arrangements and they might use other premises as well for the purposes of conducting torture-trauma counselling. I would not think that there is an issue with the nature of their accommodation and their access to that service. You mentioned that they have access to it if they ask for it. We do actually go a bit further than that in encouraging and advocating for them taking up that opportunity if it has come to our attention that there is an issue or concern.

**Mr Metcalfe**—In our desire to ensure that we receive constructive criticism and feedback, can I ask if there was something that prompted that question. If there is an issue, we do not appear to know about it and it would be good if we did know about it so we could do something about it.

**Senator HURLEY**—There is no specific complaint. It is just that I have been visiting a lot of cities recently and that was raised by one of the workers as a possible problem.

**Mr Metcalfe**—We might make sure that we do just re-examine that issue to make sure it is okay.

**Senator HURLEY**—Special humanitarian entrants are entitled to torture and trauma counselling as well, are they not?

**Ms Pope**—Absolutely.

**Senator HURLEY**—Do we have the percentage of refugees and special humanitarian entrants that take up counselling?

**Ms Pope**—I probably have it for the 2004-05 financial year. I could look for it on notice for you for this financial year.

**Senator HURLEY**—Thank you. That would be good. Employment is another area of great concern, of course, because it enables refugees and other migrants to fit into society and to put themselves on a sound financial footing. It is very important to most migrants to get a job as quickly as possible and fit into the community and provide for their family. When people's English language skills are good, that is very helpful but, as we know, for a number of refugees and humanitarian entrants, English is not their first language. Generally people in that situation would need a great deal of assistance with writing resumes, interviewing techniques, writing application letters et cetera and just getting an understanding of what the job market is and where the vacancies could be. I just want to explore that a bit and how refugees under the IHSS program are being assisted in that. I know that some of the service providers have specific links with Job Network providers. Is this so with all IHSS service providers or is this in another way specified as part of the contract?

**Ms Pope**—I will start at the top with this. Employment has been identified as the key issue in relation to the IDC. That is working on humanitarian settlement, and we are engaged with DEWR looking at ways we can enhance the delivery of these services to our clients and the broad range of refugees and SHP clients who are in Australia in a cumulative sense. You are absolutely right that the opportunity to take up employment and become an active and

participating member of the community is a key goal of refugees and SHP entrants when they come to Australia, and we are working to assist them in that process. Clearly, as you mentioned, English language is an important element of finding employment and access to AMEP classes is a very important part of getting to a position of being able to take up employment.

We are looking at a range of initiatives with employers as well to see whether there are ways we can support them to take on humanitarian entrants and work them up to a level where they are ready to take on jobs. Quite a few innovative programs are being looked at at the moment. Job Network and DEWR are looking at ways they can enhance the delivery of services to this particular client group, and we are working with them as part of the IDC to do that.

In relation to what is being done at the moment under IHSS, Job Network is one of the key connections that are made for our clients by the caseworkers. Obviously, the job is not necessarily the first thing that clients focus on. They focus on accommodation, on starting English classes and on getting their kids enrolled in school, so it may be a little down the track before they begin to focus on applying for jobs and so on and that might not be in the first six months of their time in Australia, given that there is such a range of things that they need to adjust to and become familiar with just to operate in the Australian environment. So not all of the initiatives in relation to this would necessarily come from IHSS; they will also come from our broader settlement service providers. The MRCs and the recipients of community settlement support funding run a whole range of programs that assist clients to access and prepare for employment.

**Senator HURLEY**—So the responsibility is shared between the IHSS provider, MRCs and other people?

**Ms Pope**—It is across the full range of the services we deliver, because it is at the point that people become ready in their own minds to approach what is the fairly daunting prospect of applying for jobs and undertaking interviews and so on. Our service providers across the board deliver and offer support to them to go through that process. But, as I said, we are looking at ways we can enhance that. DEWR have run some pilots of service provision to the Muslim community around job access and so on, and we are looking at ways we might be able to expand that more broadly to our clients as well.

**Senator HURLEY**—Do refugees have any access to training in job seeking? How would that occur?

**Ms Pope**—I am sorry; I do not have a detailed answer for you on that, but I can certainly take it on notice. It would be through the sorts of programs that DEWR offers. They would have access to them, I feel confident, but to give you a proper answer I would need to get that information from DEWR. We probably hold quite a bit of that, because we have been gathering information, as part of the IDC, about the services that are offered across government, but they go beyond what DEWR does and extend to state and local governments as well.

**Senator HURLEY**—So it is DEWR's responsibility, basically, to put in place employment assistance?

**Ms Pope**—Yes, and our responsibility is to link refugees to the services that are available, but the services obviously vary from area to area as well.

**Senator HURLEY**—That is one issue, because obviously in various areas it is working well and in some it is not working very well at all. I want to move on to health checks. IOM have a health check procedure for before refugees arrive and before they are cleared to travel—

**Ms Pope**—That is right.

**Senator HURLEY**—How much of this information from IOM gets passed on to DIMA, and how much of that gets passed on to the IHSS service provider?

**Ms Pope**—Perhaps my colleague Ms Keski-Nummi could explain the pre-departure health screening and the general health screening, and then I can talk about what happens when people arrive and the provision of information.

**Ms Keski-Nummi**—We have a multi-layered approach to health screening. There is the initial health screening, which is undertaken to assess whether a person meets the health criteria for entry to Australia. A comprehensive set of tests are undertaken at that stage, on the advice of the Department of Health and Ageing. If a person does meet the health criteria and is granted a visa, they undertake a pre-departure health screening in the 72 hours prior to their departure. That is essentially just to provide us with an early warning of any particular medical conditions that might arise. It is a fairly comprehensive test and it is undertaken on the advice of the CDNA, the Communicable Diseases Network of Australia. They are the ones who have developed the protocols and they make changes to them as they see other issues emerging. That particular test is put onto a manifest, and that manifest is sent down to the department and also to the various IHSS service providers. That is where it then moves into the area of settlement.

I have a copy of the manifest and I am happy to table that if you would like to see the sorts of things that are provided on it. It does identify all the vaccinations that have been provided, any medication that a person is on and any particular health conditions that require medical follow-up. We have made some amendments to it that allow for early alerts and red alerts, as we call them, if there are any significant medical conditions that require treatment immediately upon arrival. We also have arrangements with IOM where, if a person has a medical condition of concern but is still fit to travel, they provide a medical escort.

**Senator HURLEY**—Right. What would constitute a red alert?

**Ms Keski-Nummi**—It would be very unusual circumstances, where a person has been assessed as being fit to travel but may have a medical condition that would require early intervention in Australia. I am not a medical expert and I could not really say what types of conditions. But, for instance, just recently we had a three-year-old boy with epilepsy, and IOM asked if they could send a medical escort to make sure that the child was well taken care of throughout the flight, and we agreed to that. We have had a number of cases of young children in particular where we have authorised medical escorts.

**Senator HURLEY**—Thank you. So that full medical test gets passed on to DIMA?

**Ms Keski-Nummi**—It does.

**Senator HURLEY**—In the country of—

**Ms Keski-Nummi**—IOM send it from the country where they undertake the pre-departure health screening. They send it on a particular manifest. It then comes down to DIMA. DIMA then distributes it to both our state and territory offices, as well as to the IHSS people and to all the CDNA state contacts.

**Senator HURLEY**—How long has that system been in place?

**Ms Keski-Nummi**—We piloted it in May last year and put it in place in East Africa and west Africa initially, in August 2005. Several weeks ago it was introduced in Bangkok, we are in the process of introducing it in Cairo and, by August this year, we will have full coverage for all of our humanitarian processing areas.

**Senator HURLEY**—The case worker who meets people at the airport under that system would have full access.

**Ms Keski-Nummi**—They should have.

**Ms Pope**—I can take it from there. The information is transmitted to the central referral unit, which is part of my responsibility in our national office. On the basis of that report, it is critical to a decision about where an entrant might be placed—for example, if we are aware that there are medical issues associated with a case then we would refer them to a location where specialist services are available, if these are required. We would in most cases have prior advice before the pre-departure health screening as a consequence of the visa health screening that there are issues. The person passes the medical for entry to Australia but there may be issues that will need follow up, so we would seek to place someone where those services were available. We would not necessarily put those kinds of cases in regional areas where services are more limited or what have you, so Sydney, Melbourne, Brisbane—the main centres—would be the likely locations.

We receive the manifest. As Ms Keski-Nummi outlined, that procedure is undertaken 72 hours prior to departure, and we receive that information usually one to two days in advance of the arrival of the case. That information is transmitted to the CDNA in the state where the person will be arriving in addition to the refugee health clinics—if there is one available—and to our state office, and they pass that information onto the service provider. That is the way the information is transmitted.

**Senator HURLEY**—The situation that happened last year with Richard Niyonsaba would not occur under this system.

**Ms Pope**—We have taken steps to reinforce the procedures that were in place at the time. In that particular case, the information was emailed to the service provider. It was to a person's email and that person did not open the email in time for the case worker to be informed of that specific information although the service provider was aware of the general situation with that case a few days beforehand. It had been held back a couple of times on the basis of health issues, so they were generally aware of an issue with that case. As you say, they did not have access to the manifest information.

The service providers have created a general mailbox so that more than one person can access it, and we provide that information to additional people and the service provider. In the

case that you are referring to, as Ms Keski-Nummi mentioned, we have had cases travel since then with medical escorts. In that set of circumstances, we would expect a similar case to come with a medical escort as has been the case with a two-year-old boy with sickle-cell disease and a number of other conditions who came to Brisbane from East Africa. He was accompanied by a medical person. That person took him through the airport process and went with him to the medical appointment that was scheduled within 24 hours of his arrival. He was able to pass from one medical professional to another. They carried the documents about his medical situation, the information about his case and what had taken place at pre-departure and were able to do a professional handover of the case.

We will be using escorts in all red alert cases and also in additional cases where it is not necessarily a red alert but where IOM or others feel it is appropriate that the case is escorted. For example, our doctors in Sydney might identify a case that does not need to be a red alert but for which it might be appropriate to have an escort.

**Senator HURLEY**—Since we have touched on the Richard Niyonsaba case, I would like to ask some questions about meetings that have been held in Newcastle and Sydney with the Burundian community. Why were the meetings held with that particular community?

**Mr Vardos**—I attended the meeting in Sydney and the two meetings in Newcastle. The catalyst for the meetings was the death of Richard Niyonsaba in the one instance and the disquiet that caused amongst the community and also the concerns emanating particularly from Newcastle about the performance of ACL, which seemed to be impacting primarily on the Burundian community. We gave an undertaking to try to pull together an all-parties meeting effectively that included members of the Burundian community, community advocates, DIMA staff and ACL.

When that approach was made by our Sydney office to the Sydney Burundian community, they initially said that they did not want a meeting that big; they wanted it just with DIMA. So I conceded on that. That meeting happened on 18 February in Cabramatta and it was hosted at the Anglicare premises. I have a record of that meeting to pass on to you. The first of the two meetings in Newcastle was held on 4 March. It was held at the MRC's premises in Newcastle. A person from the MRC was in attendance as well as DIMA staff. A range of issues were canvassed. The discussion there was primarily about ACL's service delivery—complaints and concerns about their service delivery. I gave that group an undertaking that I would bring those concerns to the attention of the ACL hierarchy and that we would indeed come back to deal with issues specifically. The second meeting was held in Newcastle on 25 March, which I attended again. It was held at TPI House. I have records of all three meetings for you.

**Senator HURLEY**—Thank you. Could I have those now?

**Mr Vardos**—Yes.

**Senator HURLEY**—Did the meeting at Cabramatta have the specific focus of the issue with Richard Niyonsaba and his family, or was it a general discussion about that and other complaints?

**Mr Vardos**—Eighteen members of the Burundian community attended, and we put it to them that they were free to raise whatever issues they wanted to. The record will show an analysis of the range of questions. A lot of them focused on humanitarian processing, on being

a proposer, how to bring further family members out to Australia, use of interpreters, processing time for SHP category arrivals. There was reference to IHSS and AMEP. There was some discussion of post Richard Niyonsaba issues. I would have to say that the focus of the Sydney discussion was not on ACL. The bulk of the discussion was taken up by their concerns to bring out further family members from Africa—what was involved, how they would get forms to them and what assistance DIMA could provide. As you will see from the record, concern was raised that the media had misrepresented the views of the Sydney Burundian community, which there was not much we could do about. But the Newcastle meetings were almost exclusively on ACL related matters.

**Senator HURLEY**—The meeting in Newcastle?

**Mr Vardos**—The two Newcastle meetings were almost exclusively on ACL service related matters.

**Senator HURLEY**—The Sydney meeting dealt with issues to do with humanitarian entrants and proposers and the difficulties faced by proposers? Is that in getting people over or, once people were here, getting support for them?

**Mr Vardos**—It was primarily their concern about how to bring further relatives to Australia—how to be a proposer, how to get them here. An analysis shows that 14 questions were on humanitarian program processing, nine were on IHSS, four were about Centrelink and five were in relation to Richard Niyonsaba. So the focus was on how to be a proposer: ‘Why is it so difficult to get our relatives here?’ A response I gave was that we get some tens of thousands of requests each year by proposers and there are only 7,000 visas on offer. Just because someone actually qualifies for one of those visas, it does not mean that they will be granted because it is based on the persons most in need, most at risk, in the most difficult circumstances. So there was a lot of discussion around that issue. There were discussions about forms—how to get forms back to their friends and family and how to get them to the post in Nairobi or other locations. They were questions of that nature.

**Senator HURLEY**—In the follow-up here, in the notes of the meeting report, the IHSS manager was to follow up with ACL to ensure that clients were being made aware of the SPP. Can you clarify that?

**Mr Vardos**—Yes. That was one of the issues that came up under the AMEP. The SPP is the Special Preparatory Program, which is an additional number of hours over and above the 510 available under AMEP. I got the sense from the discussion that some of the clients, although aware of AMEP—in fact, ACL was also a service provider for AMEP services for many of them—were not aware of the Special Preparatory Program that was available. So we needed some assurance that the clients were aware of what was available to them. Since then, I have not followed it up; I have left it as a local issue and no further matters of that nature have been brought to my attention.

**Senator HURLEY**—So would it now be made part of the package that clients are made aware of that there is this special preparatory program?

**Mr Vardos**—I might have to take on notice the exact level of detail as to how these messages are conveyed. But the message I left behind was that, since the hours are there and they are available for that clientele, steps needed to be taken. It may not have been ACL

where there was a breakdown in communication. I simply left the message with the Sydney office that I wanted to make sure that the message was sent out about what their entitlements were. I have not followed up how they actually do that.

**Senator HURLEY**—A second note is to follow up with ACL on issues faced by the Burundian community and clarify the level of assistance. Can you tell me what that is about?

**Mr Vardos**—One of the issues that came up led me to conclude that there was a perception amongst the community that basically whatever it was that they asked for, ACL was there to provide. I had to make the point that ACL and all the other contractors delivered the services that the Australian government was paying the service providers to deliver. The point I made was: ‘Simply because you ask for something and ACL doesn’t give it, it doesn’t mean that ACL doesn’t want to give it; it may fall outside the menu of services available under this program,’—to make it understood that it was a national program with a fixed range of elements. That is what that comment relates to.

**Senator HURLEY**—What does this mean: ‘follow up with ACL on issues faced by the Burundian community’? Is it that they did not believe there was the assistance—

**Mr Vardos**—To clarify exactly what was ACL’s responsibility in terms of delivering services. I cannot, off the top of my head, recall one of the issues, but I can recall one of the issues from the Newcastle meeting which was of a similar nature, and I can refer to it by way of example, if you wish.

**Senator HURLEY**—Yes, if you would.

**Mr Vardos**—The Newcastle group raised this issue: ‘Why isn’t ACL developing sporting teams for us to participate in community activities?’ I had to explain that it was not ACL’s role to do that, but nevertheless we would take it up as an issue to see what ACL, in conjunction with the MRC, could do in that area. It is not a function of IHSS service providers, but it is the sort of activity that MRCs and other community organisations funded by DIMA could get involved in with wider community organisations for social engagement. That is just one issue that I can recall.

**Senator HURLEY**—You are saying that, as a result of this Sydney meeting, those kinds of issues were referred to the New South Wales office to follow up on?

**Mr Vardos**—Although I was the most senior DIMA officer there, there were four staff from the New South Wales office with me at that meeting, as indeed there were New South Wales office staff at the two Newcastle meetings as well. In fact, these records are the records of our office in Sydney.

**Senator HURLEY**—With respect to the discussion about capacity building within the Burundian community with a CSSS worker at Cabramatta, MRC and Anglicare, would that kind of thing be followed up by the New South Wales office?

**Mr Vardos**—There have been ongoing meetings—and I don’t have records of all of those meetings; I have not been in attendance. For example, the Burundian community had a perception that they were on their own in trying to cope with a range of issues. One of the points I made—it was in Sydney or Newcastle, one or the other—was that as a community they were not alone. Apart from the services provided by the various levels of government,

there are other African communities here in Australia with perhaps longer term experience that they can turn to for guidance and assistance. I think I referred at one of those meetings to the Federation of African Communities Council, which was formed during the course of last year. They were not alone; that was the message I was trying to convey to them.

**Senator HURLEY**—Were the Newcastle meetings only with members of the Burundian community? There were no other communities invited or present?

**Mr Vardos**—No other community members were invited because I think I recall saying at the last hearing that I felt I needed to deal specifically with the Burundian issues, given how many had emerged from within that community. They were a high-need community. So the meetings were with members of the Burundian community. At the first meeting, on 4 March, there were five DIMA staff, no ACL staff and one from the MRC—and they were the members at the meeting. At the meeting on 25 March, there were, in addition to the members of the Burundian community, five officers from DIMA, 12 ACL staff, three from the MRC and an officer from Centrelink. The second Newcastle meeting was a broader based meeting, but just with the Burundians.

**Senator HURLEY**—Is there any intention to meet with any other communities along similar lines to these kinds of meetings, or does the department feel that it is just the Burundian community that has difficulties?

**Mr Vardos**—No, it is not just the Burundian community. They are the most visible high-need clientele at the moment, given the range of issues that have been raised. There will be, on an ongoing basis, meetings with a wider range of subgroups within the broader African community in Australia. It is just that I have only attended these three. As I travel around the country—and I have not been able to manage much travel thus far—I do meet with communities and it may or may not include broader representation from the African communities. Ms Pope has just reminded me: one of the primary roles of our community liaison officers in our state offices is to maintain that ongoing regular dialogue with all communities, not just one. I think in any given year there are something like 6,000 contacts between those officers and the broader migrant refugee community in Australia.

**Senator HURLEY**—Why was ACL brought into the second meeting?

**Mr Vardos**—The first meeting on 4 March was so focused on deficiencies in ACL's service delivery, complaints about ACL, that I gave them a personal undertaking that (a) I would come back—I would not just drop in and never be seen again; (b) that I would bring their concerns personally to the attention of the ACL; and (c) that I would actually bring ACL personnel back with me so that they could hear direct from the Burundian community what the concerns were. The proposed approach for that second meeting was not to have a general discussion again but to break it down into subject matter specific issues that ACL caseworkers that dealt with various components of IHSS could deal with, whether it was housing, meetings to take them to medical appointments and that sort of thing. So the room was set up in such a way that they could break down into subgroups.

As it transpired, the members of the Burundian community did not want to have that sort of meeting. They wanted to have a broader engagement and a broader discussion, so we abandoned plan A and went to plan B, and we had a broad, general discussion. It is fair to say

that the same set of issues that came up at the 4 March meeting were raised at the 25 March meeting, but ACL was there to hear them directly and to be able to respond directly to the issues raised. There were some Centrelink issues dealt with, and three members from the MRC were present because it was clear there were linkages in the transition between IHSS and MRC that needed to be dealt with as well.

**Senator HURLEY**—How have they been dealt with subsequently?

**Mr Vardos**—During the course of that meeting, my sense was that there was a degree of confusion as to what the services were that this particular group was entitled to. One member of the community fed back to me that there was a perception that, because there was now a new service provider, the menu of IHSS services would start de novo with ACL, whereas in fact they had been clients of the MRC and their partners under the previous contract. So after some considerable discussion, it was decided that the easiest way to deal with these issues and to get rid of the confusion was to formally exit all of that existing caseload from IHSS, however many of them were left with ACL—and there were not all that many—make the transition to become full MRC clients and that all new settlers arriving under the refugee program from that point on would become ACL's clients. My recollection is that all of the Burundian community that were present there agreed to that. There was greater clarity. In fact—and Ms Pope will correct me if I am wrong in my recollection—one member who was not at that meeting who subsequently heard that all of her friends, colleagues et cetera—

**Ms Pope**—She was actually at the meeting.

**Mr Vardos**—made the point after the meeting that she too wanted to be exited with the group to transition into the MRC. That was basically trying to draw a line under the issues, with clarity as to who was and who was not the service provider, and the lessons learned from that early, difficult period with ACL would flow on as benefits for subsequent arrivals in the Newcastle area. That was the objective of the exercise.

**Senator HURLEY**—Was the MRC given additional funding to deal with these—

**Mr Vardos**—They were not given additional funding specifically at that time because, as a matter of course, the funding they would have would pick up the transition of refugee IHSS recipients exiting IHSS, whether it was in six, eight, 10 or 12 months. The Newcastle MRC does have an application in—or maybe more—at the moment under the Settlement Grants Program for the continuation of its community work. Those grants will be announced by Mr Robb in the near future and we will take it from there.

**Senator HURLEY**—Those people who exited were at the six-month time period anyway; is that what you are saying?

**Mr Vardos**—My recollection is that many of them had actually exited but it lacked clarity. Some of the concepts that we deal with on a daily basis and that we just chew up are difficult to convey to people who are not native speakers of the English language. I think it was a bit of a communication challenge for us to convey the messages about being a client of IHSS, the concept of transitioning, then what MRCs do. So I accept that there was probably some confusion generated by the fact that our articulation of what we see as a process was not very clear. But I hope that, by the end of that meeting, it was clear that they had received the initial

service, and that they were now ready to move on to a different set of services provided by a different provider in a broader context.

**Senator HURLEY**—Could you say at what stage those who exited post that meeting were?

**Mr Vardos**—Ms Pope may be able to give that level of detail.

**Ms Pope**—I believe I have that information here but I cannot lay my hand to it right now. I can take that on notice or, if I find it in the process of the hearing, I will provide it to you. My recollection is that not all of the clients in the end decided to exit but it was close to the full group and that for the most part they were either at, past or close to the six-month period. One, I know for certain, arrived in August last year, so it was by this stage well beyond the six-month period. Obviously, clients exit IHSS when they feel it is appropriate to do so. The average is around six months, but a percentage leave earlier than that and some extend up to 12 months in cases of need. But on the specifics of that group, we can get the figures for you about how long they had been accessing at the point they were exited.

**Senator HURLEY**—This failure by clients to understand—

**Mr Vardos**—I put the failure on us rather than them—failure to convey the messages properly.

**Senator HURLEY**—Is this restricted to these particular people or do you think this is something that other people may not completely understand?

**Mr Vardos**—That is a very good question. I think what that exercise brought home to me was that we need to be much clearer in articulating the concepts that we deal with. It simply bubbled to the surface with the Burundian community and I was able to see it for myself first hand in that situation. But it is entirely possible that it is a bit more endemic than just the Burundian community that we have been dealing with. I will hand over to Ms Pope.

**Ms Pope**—I can add a little bit of detail to that. In my visits with clients in the capital cities that I mentioned earlier, I would agree with Mr Vardos that there is a degree of confusion, partly because none of our clients are familiar with the service delivery concept in itself and because the plethora of organisations that is available to assist them—local, state and territory and federal governments, community and NGO organisations and so on—is pretty complex to come to terms with. I would agree that the level of understanding of where those services come from and how they fit together is challenging for our clients and it is one of the things that we are seeking to respond to by developing this pamphlet, for example, setting out exactly what services they can expect to receive from their particular service provider. The DVD will also help to clarify the range of services and the sorts of expectations.

Coming from an environment of, say, 10 years in a refugee camp and the non-availability of all of the things that we are talking about, I think it is a big ask and it is certainly one that we are focused on being able to meet. But it takes time through that process for people to put together all the pieces of what is a complex, urban, modern environment and work out the way they choose to operate within it. I think it varies from community to community. We do have a sense from our service providers and from the Refugee Resettlement Advisory Council that the Burundian community are one of particular need because of their pre-arrival

experiences, and we are looking quite closely at that. But I would not want to suggest that those struggles are confined just to that community group. I think they are quite broad among those who have spent extended periods in refugee camps and had disrupted education and so on. This is really quite hard to come to terms with coupled with a lack of facility in English and a lack of literacy in their own languages. It is a very challenging process.

**Senator HURLEY**—Is the exit process from the IHSS provider out into the wider world one interview or a series of interviews?

**Ms Pope**—It is actually a much more integrated process than that. IHSS clients are able to access the services provided by MRCs and community organisations funded under the current CSSS and, into the future, the Settlement Grants Program if they are not provided by IHSS directly. We encourage our IHSS service providers to have close links to other service providers in the community. There have been some struggles with that in the early period of the contracts, partly attributable to changes in service providers and the need to develop new cooperative arrangements under the new contract holding situations that are experienced across Australia. Where there has been a change in the contract provider, that has been slightly more challenging than where there has not, in my view. There is definitely an integration of service delivery. The prime focus is IHSS, but, if they felt that the local MRC had something that would be relevant to their client that was outside of IHSS, they could certainly encourage that. In terms of links to their own communities and the broader community, those organisations provide a very good conduit for that sort of access.

It is also important because the primary focus for a client in that early period is their caseworker, clearly, and their service provider under IHSS. But we do not want the point of exit to be an abrupt change of service provider and suddenly a whole new arrangement. We expect that there will be a gradual process of introducing other service providers and the sorts of points of access that they will need once they graduate from IHSS. The exit interview examines and discusses with the client what they perceive their ongoing needs to be, and the assessment is made by the person doing the exit interview of the specific pathways that they will need to be linked to to continue to settle as the process goes on. It might be at that point that they suggest that they continue with some services under IHSS as well as beginning to look at service provision elsewhere.

**Senator HURLEY**—You referred earlier to the change from the CSSS scheme, and the core funding of migrant resource centres and other agencies, to the new Settlement Grants Program in which, as I understand it, MRCs will not have core funding. They will not get the guaranteed core funding to ensure their ongoing existence yet they are clearly an integral part of this process. I think some of them are struggling under the new system—those that were not successful in getting the IHSS tender. You said that the SGP grants would be announced soon—I believe they are due to start on 1 July.

**Ms Pope**—That is right, Senator.

**Senator HURLEY**—So most MRCs would not know what is going to happen to them after 1 July?

**Ms Pope**—They do not yet, Senator, in detail. There are a number of comments I would like to make in response to that. We had a discussion at the previous estimates about the

change in core funding which was a key recommendation of the settlement services review. The main rationale underpinning that is that the funding we provide for settlement services needs to be responsive to the changing demographic settlement patterns of new client groups and emerging communities. If that money is invested in the overheads of organisations that are in one particular location, it may not be, and it is felt not to be, as responsive to those needs as it could be. So the \$8.1 million that was previously provided to MRCs as core funding has become part of the pool of money available for project funding under the Settlement Grants Program. That money has effectively been amalgamated and it is around a \$30 million program that will be commencing next year.

The basic process that migrant resource centres and migrant service agencies are following is that they have bid for project funding about commensurate with the level of core funding that they were receiving before. We have encouraged the organisations to build their overheads into the project funding that they seek from the department. Those projects can then be delivered directly to the clients and to the communities that we have identified through a pretty thorough needs based assessment that our state and territory offices have conducted across the areas of their responsibility—looking at communities and individuals, at where services are currently provided, where there might be gaps, where there might be overlaps, at geographical barriers to accessing services and so on—to work out a complex map of the recommendations for funding under the new program.

Indeed, it was a similar process for the funding outside of core funding under the previous process as well—that a needs based assessment was done—but we have significantly enhanced that and will continue to do that over the years of this new program. The key element is that the MRCs are eligible and have been very effective in bidding for project funding in the past, and we expect them to remain competitive into the future where they are well located, and where they have recognised and responded to the needs of newly arrived and newly emerging communities.

**Senator HURLEY**—If an MRC does not manage to get SGP funding, on exiting the IHHS program what will happen to refugees and humanitarian entrants?

**Ms Pope**—There are a couple of issues there. MRCs have been encouraged by the department—and have been quite successful—in diversifying their sources of funding. Many of them are funded by DEWR for employment programs, by FaCSIA for family services programs, and by the Department of Health and Ageing and other agencies. They also receive funding at the state and territory level and from local government for the range of programs that they put in place. This is not an attempt to dismantle the MRC network by any measure—it is to ensure that it remains as responsive as possible to the clients that we are currently receiving. That is one aspect of it, and I have actually forgotten what the second aspect of your question was that I was going to respond to.

**Mr Vardos**—Referral to MRCs.

**Ms Pope**—Yes. So we do not expect to lose our MRC network on the basis that core funding is no longer provided. But, in addition to working with the MRCs, the clients have access to the full range of settlement grants. The range of recipients is very broad: there are some 200 or 300 organisations across Australia that deliver those services on a grant basis.

**Mr Vardos**—Senator, as we have discussed at previous estimates, those MRCs that have diversified their sources of funding over the years are in a strong position. Those that have an overwhelming dependence on DIMA core funding are the most vulnerable. There is no way around that. But, as Ms Pope said, those MRCs that are well located and are dealing with the client focus that we have are well placed to be as competitive under the Settlement Grants Program as they ever have been.

**Ms Pope**—There is another element to the funding for this coming financial year, and for the following one. As the MRCs put it to us, their core funding had been used to a certain extent to underpin the CSSS grants that they had received over the years, and the cessation of core funding would mean that there would be a base of continuing grants that would be lost. Quite a number of MRCs—in fact, most of them—have two-year grants that continue in the next financial year and a smaller proportion have grants continuing for a third year. So an agreement was reached that they would be provided with 25 per cent of the value of those ongoing grants to support their continuation in the absence of core funding. We maintain an effective relationship with the National Council of Migrant Resources Centres and Settlement Agencies, who have worked through this process with us, and we are advised by them that their expectation is that there will be some shift in funding. Obviously, they are not aware yet of the detail of that, but certainly that is their expectation.

**Senator HURLEY**—So we have less than six weeks until the start-up date of the SGP.

**Ms Pope**—Yes.

**Senator HURLEY**—Some MRCs will miss out, but they do not know it yet.

**Ms Pope**—Some will not receive the full level of funding for which they have bid; that is right. It is the same situation for the grant recipients. We have a struggle with the timetable around the advertising and processing of grant applications because we are bound by when the budget confirms the amount of money that is available under the grants program each year, and it is obviously quite a complex process to assess. There were 360 applications for grants this time, and we have to work through the complexities of overlapping services and gaps in services that I was talking about. So it is quite a complex process to get to the set of recommendations that we have put to the parliamentary secretary.

**Senator HURLEY**—And you have no date yet for when that is going to be announced?

**Ms Pope**—We do not have an exact date, but we would expect it to be quite soon.

**Senator HURLEY**—Given that we already know, at least in Newcastle, that there is some confusion about the transition and given that the transition to the change in IHSS funding caused some problems, do you have a risk management strategy this time to deal with any issues that may arise?

**Ms Pope**—We do not have a national risk management strategy for this particular issue, and I have a couple of comments to make about that. We have been working with the national organisation, and our state offices have been working with the cohort of MRCs across their states. It has been known for three years that this change was coming. In addition, as we mentioned, the MRCs are very familiar with the process of bidding for grants funding and they have been very successful in the past in receiving grant funding, so there is nothing

different about the process that they are going through at the moment. The major change is that they will not be able to rely on the level of core funding. They know clearly what that is and they know they will not get it next year. They are all working towards being in a position to continue to operate in the absence of that funding. One of their main strategies has been to apply for project funding from us, but they will also have been enhancing their bids to other organisations and putting themselves in a viable financial position for the coming year.

**Senator HURLEY**—I guess the problem is that state governments and other organisations are often fairly specific about what they want with their project funding too—which probably would not cover the Commonwealth requirement.

**Ms Pope**—I think that there is probably a reasonable degree of mutual benefit or congruence in the sense that they are providing, for example, DEWR services. That clearly is part of what we would like to see delivered. This whole suite of services that the Commonwealth provides is part of the IDC process that we have been talking about, to see the best way of bringing those services together so that there is less overlap and more advantage taken of the programs that are available.

**Senator HURLEY**—But this IDC process has just started, so it may be that there are gaps in the short term as the new program is taken up.

**Ms Pope**—I do not believe that that will be the case, because of the needs based assessment that underpins the grant process that we undertake every year in preparation for the grants and the planning around settlement service delivery. I have with me a copy our new national settlement planning framework, which sets out fully the way we go about the planning process and information provision. You may already have a copy—

**Senator HURLEY**—No, I do not think I do. I would like a copy. Could I return to the problems that arose as a result of the change in the IHSS contract. That did cause some short-term difficulties at least, particularly the ones that were drawn to our attention in Newcastle and Sydney. As a result of that, ACL—the service provider in that area—conducted their own report, which became known as the Fiora report. Did DIMA conduct its own independent assessment of those complaints, apart from the meetings we have discussed?

**Ms Pope**—Yes. Did you want responses to specific cases?

**Senator HURLEY**—No, not in this instance—just whether an independent internal inquiry was conducted by DIMA into those cases that were covered in the Fiora report.

**Ms Pope**—No, we have not commissioned an independent inquiry, if you mean an inquiry by someone outside of the department.

**Senator HURLEY**—Sorry; ‘independent inquiry’ was the wrong term. ACL conducted their own internal inquiry. Did DIMA conduct their own internal inquiry independently of ACL’s inquiry?

**Ms Pope**—I see what you mean. Yes, our service provider has been working very closely on those cases and issues that were identified in the Fiora report and, indeed, a number of others that were raised as concerns in addition to those covered by the Fiora report. We have undertaken a range of meetings with ACL about service provision, particularly in Newcastle, and we have also been working with them on a couple of Sydney cases. We have had home

visits to a number of those cases; in fact, all of the ones in the Fiora report, with the exception of the Niyonsaba case, have been visited.

**Senator HURLEY**—Did that generate an internal report with recommendations?

**Ms Pope**—No, not in relation to the general cases in Newcastle.

**Senator HURLEY**—So DIMA's inquiry was for the purpose of establishing whether the allegations were true or false?

**Ms Pope**—Yes. We looked at the individual cases to assess whether there had been issues in service provision, and clearly the Fiora report had identified that there were service provision issues in relation to some of those cases and others. We have worked with ACL to address the issues around those particular cases, and we have conducted follow-up visits with the individual clients concerned to get a sense of their satisfaction with the service provided to them so far.

**Senator HURLEY**—The Fiora report, which is the only one I have seen, addressed a number of shortcomings in their own service. They also discussed a number of their requirements being inadequate under the circumstances. We have already established that, under schedule 3 of the contract, they were minimum requirements. It seems to me that in a couple of instances they were saying, 'We should be funded to provide more for these families because it's often not adequate.' Have they addressed those kinds of issues with you?

**Ms Pope**—I am not aware of them seeking additional funding for any services they felt they were not providing that they ought to have been. They have done a range of things in response to those cases but I am not aware that they have sought any additional funding.

**Senator HURLEY**—So they have not talked to you about the inadequacy of the food allowance, specified as the minimum in the report, or the furniture allowance or anything of that nature?

**Ms Pope**—As I mentioned earlier, we have had a discussion about the furniture situation with regard to large families. I should clarify that I have not personally had all of these contract discussions with ACL. Those have taken place with our contract managers in the New South Wales office. They are the ones that have dealt with the day-to-day issues around these cases. I have details of the way ACL has gone about addressing the recommendations of the Fiora report, which I can talk to, and I can talk to the individual cases that I believe you may have an interest in.

**Senator HURLEY**—DIMA's own internal report did not identify any areas where DIMA needed to review its contract, services or the way it operates?

**Ms Pope**—There is a range of things we are looking at in support of service providers across Australia, not just in relation to ACL. The DVD, the pamphlet and other initiatives are in part a response to that. The pamphlet, in particular, was to help with greater clarity around who the service provider is, rights to privacy, complaints and so on. One of the issues that came out of this was the ability to make complaints and the level of direct complaint being made to us by our clients, which is actually quite low. So those are the sorts of things we have worked on. In relation to the particular issues raised in the Fiora report, most of those were quite case specific and we have addressed them in a case-specific manner.

**Senator HURLEY**—So you did not feel that those specific cases involved any systemic problems?

**Ms Pope**—Clearly some of them have. If you could give me an example, I might be better placed to answer specifically. For example, we have had ongoing discussions with Centrelink about cash payments and the process for making sure that entrants have access to income support immediately when they arrive in the country. We are in ongoing discussions with them about that. The furniture issue was obviously one that was relevant to all arrivals of large families across Australia, not just in relation to Newcastle. Issues around health processing and so on are clearly an issue across the network, not just in relation to Newcastle and ACL.

**Senator HURLEY**—The Fiora report concluded that allegations of poor performances were not justified in those specific cases that were dealt with in that report. Does DIMA agree with that?

**Ms Pope**—I do not agree that that is exactly what the Fiora report said. I think it detailed instances where service had been poor and not in accordance with the contract—for example, the case of the Gbdeah sisters, where there were not window coverings on their accommodation, they were required to sign a lease and food vouchers were withheld. That did actually happen and is acknowledged in the Fiora report. It has been addressed by ACL. So I would not agree that the Fiora report does not point to instances of poor service.

**CHAIR**—The committee will suspend for lunch.

**Proceedings suspended from 12.30 pm to 1.32 pm**

**CHAIR**—We will reconvene. We were pursuing questions in outcome 2, output 2.1 under settlement services. Senator Hurley will be continuing on those issues.

**Senator HURLEY**—Before the break I was talking a little about the ACL service in Newcastle and I want to ask a bit about the involvement with volunteers following some criticism that ACL, initially, were not participating well with volunteers. I understand that under the arrangement between ACL and the volunteers there is some payment for expenses. How many volunteers have received payments from ACL or their consortium partners, Mission Australia, to support refugees settling in the Newcastle and Hunter region?

**Ms Pope**—I can tell you how many volunteers are registered on their books, but I do not know how many of them have received payment. I would need to take that one on notice.

**Senator HURLEY**—Can you tell me how many have received payments and what each volunteer has received to date?

**Ms Pope**—Certainly.

**Senator HURLEY**—I want to raise another issue in the Newcastle area that I understand has been canvassed recently, including by Ms Sharon Grierson, the member for Newcastle—that is, the issue of relationship with Centrelink. There have been some claims that the service provider has encouraged newly arrived clients to take out the \$500 Centrelink loan in order to assist them in the settlement process. Is DIMA aware of any issues along these lines?

**Ms Pope**—This issue came to our attention via the media release that Ms Grierson put out this morning. We have been in contact with ACL and they have actually made a statement to the effect that they have not encouraged people to take out loans through Centrelink or through any other means. They have clearly denied that. ACL advises that they clarified this matter in an interview on ABC radio in Newcastle. It is possible that Ms Grierson might be referring to the advance payment that is made in relation to income support through Centrelink, because the loans that are available through Centrelink, as I understand it, are only available after residents have been in the country for three months. ACL have advised that they do not encourage their clients to seek loans. An advance payment is made by Centrelink, which is later recouped through the regular Centrelink payments, which is to cover the fact that Centrelink pays benefits in arrears. As we were discussing earlier, many of these people come with no resources at all and need financial assistance on arrival. That is one of the ways that that is being addressed.

**Senator HURLEY**—Refugees are immediately eligible for assistance through Centrelink, are they not?

**Ms Pope**—They are immediately eligible and they are registered straightaway, but Centrelink pays benefits in arrears, so it pays for the preceding two weeks each payment cycle—if that is clear. So, if someone arrives out of sync with the payment cycle, then they would not necessarily get assistance on the day they arrive. To address this, Centrelink makes an advance of the benefit that they will receive on the two-week point when they would be paid for the preceding two weeks—if I am making it clear, which I am not sure that I am.

**Senator HURLEY**—Are you saying that Centrelink overpays them and then recoups that?

**Ms Pope**—It advances money out of the payment that they will receive at the two-week point so that they have money from the day they register to carry them through until that first payment. Then they deduct the amount that has been advanced from what they get at the two-week point. This has been the subject of discussion between us and Centrelink and DEWR—who I believe own the policy and legislation around this process—on how we can better synchronise Centrelink processes and approaches to payment with the needs of our clients. That is an ongoing discussion. It is also being addressed in the IDC.

**Senator HURLEY**—Maybe I am a bit slow. If they come through a week into the two-week cycle, then, rather than Centrelink waiting three weeks before they are paid, they are paid two weeks or—

**Ms Pope**—They are given money on the day that they register, as I understand it—and I can get more detail for you on this—so that they are not left with no money while they wait for their first payment, which is made in arrears. That is the term they use. So, on the day that it is paid, it is the money that they were eligible for for the preceding two weeks. That is the way they operate.

**Senator HURLEY**—When they are not in fact eligible for it because they were not here. Is that what you are saying?

**Ms Pope**—Yes.

**Senator HURLEY**—That is why they have to pay it back?

**Ms Pope**—It is to cover the fact that they cannot be paid in arrears for the two weeks preceding the day when they arrive because, as you said, they were not here. So they get a cash advance to help them through the time until the first payment that is being made, in arrears, is made. Sorry; I am not explaining it very well.

**Senator HURLEY**—Isn't the service provider responsible for maintaining them during that period? Isn't that part of their contract?

**Ms Pope**—They are required to provide them with a food parcel on arrival and so on, but they are not required to hand out cash. They are required to put them in touch with Centrelink immediately so that income support can commence.

**Senator HURLEY**—So a number of families start with a debt to Centrelink.

**Ms Pope**—It is not really a debt. They get an advance payment that is then deducted from their first pay.

**Senator HURLEY**—That they then have to pay back. I call that a debt. If you are paying something back, it is something you are not entitled to, isn't it?

**Ms Pope**—They are entitled to it. They get it in advance of the day they would otherwise receive it. Otherwise, they would be waiting two weeks to receive income support. It is an issue that we have concerns about which we are continuing to raise with Centrelink and DEWR. We have actually put forward a couple of suggestions of ways this could be better managed. We acknowledge it is not ideal.

**Senator HURLEY**—So ACL will deny that any of their clients have taken out any kind of \$500 loan from Centrelink?

**Ms Pope**—No, what they have advised us is that they certainly do not encourage their clients to seek loans on arrival. If you have a particular case in mind that I could respond to, I am happy to deal with that.

**CHAIR**—Ms Pope, did you say you had a statement there from ACL?

**Ms Pope**—I have some points that they provided to us by fax.

**CHAIR**—So it is not a statement that they have issued.

**Ms Pope**—No. They made some comments on radio but I do not have a transcript of that.

**Senator HURLEY**—So if any clients of ACL have the \$500 debt to Centrelink, it is because those clients requested it directly of Centrelink.

**Ms Pope**—If a client has a loan that they have taken out which they are eligible for under Centrelink arrangements after being in Australia for three months, ACL's statement is that they have not encouraged them to take those loans out. Indeed, we would not encourage refugees to go into debt early in their period in Australia. But I cannot comment any further than that.

**Senator HURLEY**—Also, there have been some comments in Newcastle that, from time to time, ACL have requested assistance from Lifeline for items like blankets and other bedding materials. Is DIMA aware of that?

**Ms Pope**—Yes. Mr Vardos is going to answer that.

**Mr Vardos**—I received an email on Friday evening from, I presume, a senior person of Lifeline in Newcastle asking me whether I was aware of ACL referring their clients to Lifeline for donations of warm clothing and blankets. Before I got a chance to respond to that email, ACL came back to me and said that they did not in fact do that; it was one of their caseworkers, a former refugee themselves, who had unilaterally made the approach to Lifeline. Lifeline was contacted by ACL. They apologised for the confusion. They said it was not company policy to refer clients to Lifeline for blankets and warm clothing and said that this was a unilateral action by one of their staff that was not authorised, and the matter was dealt with then and there. I believe that a senior person from ACL would have contacted my correspondent yesterday to clarify the situation. That is the only time that matter has been drawn to my attention. I am not sure if Ms Pope is aware of any other cases.

**Ms Pope**—I am not. I can only add that the caseworker was actually taken to Lifeline to apologise for her misunderstanding and the matter was cleared up with Lifeline on Friday.

**Senator HURLEY**—So that particular instance was the only instance with Lifeline.

**Mr Vardos**—That is the only one that has been brought to my attention and to Ms Pope's attention as well. It came Friday evening.

**Senator HURLEY**—Why did that caseworker act on his own like that?

**Mr Vardos**—I do not know whether it was a he or a she, but the explanation given to me is that the person is a former refugee themselves. They understood the charities in Australia provided clothing to people and either made the approach directly or took a client to Lifeline seeking the clothing.

**Senator HURLEY**—So rather than go to his or her employer and ask, he or she went to a charity.

**Mr Vardos**—I do not know any more than that at this point. I have not had a chance since Friday night to follow it up.

**Senator HURLEY**—What about other charities like St Vincent de Paul or any others—no reports from them?

**Mr Vardos**—There have been no reports, allegations or criticisms made of ACL directing their clients to charities to access free goods, but that is not to say that individuals in their own right might not be approaching these organisations.

**Ms Pope**—I have a further point as well. I believe ACL has purchased furniture on occasion from charities—I do not know which charities in particular—which is acceptable under the contract, provided that the items are new or near-new, as the description in the contract says, to supplement the furniture package that is provided. In most cases it is a new package, but I believe there have been a couple of purchases of sofas through charities. I do not think Lifeline has an objection to selling their goods, because that is part of the way they raise funds to support the work that they do. This was objected to on the grounds that they were seeking it for free.

**Senator HURLEY**—Thank you. I want to move on to a slightly different area: migration advice for newly arrived refugees and immigrants. Obviously, in talking to a number of refugees and humanitarian entrants, reuniting their family and getting people over is a key

consideration for them. In my recent visits to a migrant resource centre I have found that this situation a real strain because recent arrivals are not able to afford migration agents and MRCs get very little funding to do this. I believe that it is government policy to encourage people to go to migration agents rather than to fund MRCs to provide the service. It is causing great strain in MRCs, I understand, because it is matter of such anxiety for families that they are providing the service anyway. It is a great strain on their resources.

**Mr Vardos**—I will start and Ms Pope can then come in. This was a matter of some discussion during the consultation process when we were developing the Settlement Grants Program. At one point, yes, it was out as a matter for discussion that the Settlement Grants Program would not fund migration advice. The government has moved on that position and the SGP will fund the provision of migration advice for humanitarian entrants who have arrived within the last five years and are seeking to propose family members—family being immediate and/or extended family members. That was made known when we advertised the grants program in October last year.

**Senator HURLEY**—Really.

**Ms Pope**—There are only a couple of things I would add to that. That is certainly the case, Senator. The MRCs do have concerns broader than the humanitarian program. We felt that, with limited settlement funding, the most appropriate category to direct that funding to was the humanitarian class and that being able to sponsor your relatives to come to Australia is a basic settlement need, especially as people feel concern for relatives that they have left behind and so on. It has been identified as a service that can be provided under the Settlement Grants Program and organisations were able to put forward bids to do that as part of casework. It is not a stand-alone service that they are funded to deliver but part of the casework and referral efforts that they take on on behalf of clients but, as Mr Vardos said, limited to humanitarian entrants who have arrived in the past five years.

**Senator HURLEY**—How does that work? Are the caseworkers meant to be migration agents?

**Mr Vardos**—No, they have to use registered migration agents to provide migration advice.

**Senator HURLEY**—Are they funded for that?

**Ms Pope**—Yes.

**Mr Vardos**—Their project proposal would cover the costs. A lot of organisations have arrangements with registered migration agents and the assistance is provided on a pro bono basis, but outside that process it is as we have described it. We have put some parameters around it to contain both the size of it and the cost of it, but it is for eligible settlement services where there is an identified need as part of casework, not as a stand-alone activity.

**Ms Pope**—As Mr Vardos said, when we were looking at the policy parameters for the new Settlement Grants Program, this was part of our negotiations with the national MRC and MSA council and they were satisfied with the amendments we made to our proposed policy that were later agreed to by government.

**Senator HURLEY**—Thank you. I would like to turn now to the AMEP administration. In the past couple of estimates we have heard about the contractual responsibilities of AMEP

providers for child care, and in February we heard that there was only one service provider in breach of obligations. Is that still the case?

**Ms Ellis**—In the 2005-06 year to date one service provider has been in breach of the contractual obligations regarding child care. That matter has since been addressed. The client has been accommodated. We have had no other reports.

**Senator HURLEY**—So there is no breach currently.

**Ms Ellis**—I do not have any records of any further breaches.

**Senator HURLEY**—I have heard that, although child care is technically available, there have been long waiting lists or that the child-care service can be quite a distance away, making it difficult for people attending English language courses to access that child care, sometimes waiting many months. Is that criticism being heard within DIMA?

**Ms Ellis**—I have heard of concerns about the distance. The contractual requirement is that the places be available no more than 20 minutes travel from where the English language tuition is provided.

**Senator HURLEY**—Is that 20 minutes by car?

**Ms Ellis**—It is not specified because, of course, not everyone would have access to a car. But, as I have said, we have no information of any breaches in respect of child-care obligations beyond that one that we have mentioned.

**Senator HURLEY**—I suppose I am not talking about technical breaches. Is the department aware of any criticism that women in particular are not accessing their entitlement to English language tuition because of child-care difficulties?

**Ms Ellis**—I am not aware of anything specific.

**Mr Vardos**—We have been aware of the issue of difficulty with child care for some time. It is not a new issue. In fact it was a subject of discussion at our meeting with the contractors last year I think. There are challenges in finding an adequate number of child-care places in the community. It goes beyond AMEP. But the specifics of the case you have raised, as Ms Ellis has said, have not been brought to our attention.

**Ms Ellis**—It is entirely possible that a child-care place might not be available at the location where the English language tuition is being provided. It is possible that some parents might decide to wait until a place is available closer to where they are accessing their tuition. Certainly if there were any specific allegations or concerns we would investigate them.

**Senator HURLEY**—It is not so much a complaint as in someone is not fulfilling their contract, but perhaps it is an area that needs to be looked at. It seems that a lot of women, in particular with young children—and many of the new refugees have young children—are not accessing the course because they are unable to leave their children.

**Ms Ellis**—If they make a decision that the child-care place that is available is not acceptable to them because of the distance from where the tuition is being provided, that, of course, would be a matter for the individuals involved. It is not always possible for child care to be available at the location where the tuition is provided.

**Senator HURLEY**—So it is not of concern to the department at this stage that this may be a problem that is preventing people from accessing English language training.

**Mr Vardos**—Any issues that impact on the reach of AMEP to all of those entitled to it are of concern to us. It is a question of what we can reasonably do to fix any issues that come up. We cannot fund the running of child-care centres. We do put it to providers to look for innovative ways to try and deal with these challenges, which the whole community is facing at the moment, not just AMEP students. But there is a limit to what this organisation can do in terms of creating child-care places.

**Ms Ellis**—And it may be that the infrastructure where the tuition is being provided simply would not permit the establishment of child-care facilities. So, if you are asking is it highly desirable for child care to be available at the place of tuition, I think we would have to say that, yes, that would be highly desirable. But it is not always possible.

**Senator HURLEY**—So you are not aware of any government policy being directed to this area?

**Ms Ellis**—No.

**Mr Vardos**—Not specifically to AMEP. It is caught up in the government's broader response to child-care issues.

**Senator HURLEY**—How far in the contract period are the current AMEP contracts?

**Mr Vardos**—The current contracts expire on 30 June 2008. The preparations for the new tender cycle will commence initially at the end of this year but in earnest once the Christmas hiatus is over, in about February next year. That will give us a full 18 months to have the contracts ready for commencement on 1 July 2008.

**Senator HURLEY**—How are the contracts set up? Is it a service provided per person entering the classes?

**Ms Ellis**—The contracts involve an obligation on the part of the service providers to provide English language tuition in accordance with government policy and legislation. Many of the clients have a legislative entitlement to tuition under the Immigration (Education) Act. There are other clients who have access to tuition through policy arrangements.

**Senator HURLEY**—How are the contractors paid? Is it per person or an overall—

**Ms Ellis**—There is a formula. It is an adjusted offered hour. So it is per hour that the client participates.

**Mr Vardos**—Can I clarify—did I say the contracts expire on 30 June 2008? That is what I meant to say.

**Senator HURLEY**—Yes, you did.

**CHAIR**—You have now.

**Mr Vardos**—I was worried that I might have said 2007.

**Senator HURLEY**—Are there any performance standards as part of the contract in terms of the success of people learning English or people exiting at various functional levels?

**Ms Ellis**—No, there are not. I think that would be very difficult to impose on a service provider because there is no control over the level of English language or education. There are a whole range of factors that impinge on a person's ability to learn English and the rate at which they learn, and many of those factors are not within the control of the service provider. It would not be reasonable to expect them to perform to a particular level in that regard.

**Senator HURLEY**—Are there any other performance standards, any other quality assurance measures, in the contract?

**Ms Ellis**—We did speak about performance standards earlier in the year. There are performance indicators that the contractors are required to report against. The performance of service providers is managed through a number of mechanisms, including examination and analysis of quarterly and annual reports which address key performance indicators specified in the contracts, quarterly meetings with service providers to discuss performance expectations and issues, and annual on-site inspection by the National English Language Teaching Accreditation Scheme.

**Senator HURLEY**—What are the key performance indicators in the contract?

**Ms Ellis**—In response to a question on notice earlier this year we indicated that the key performance indicators identified in the contracts for which quarterly progress reports are required include:

- the number of clients enrolling as a proportion of annual target business levels
- promotional efforts
- the percentage of Special Preparatory Program clients who proceed to mainstream AMEP
- the flexibility and cultural sensitivity of timetabling, intensity, location and delivery mode of classes
- the percentage of clients matched with a home tutor against agreed annual target
- provision of satisfactory childcare
- the number of organisations assisted in the Home Tutor Scheme Enhancement Program
- the number of tutors trained for the Home Tutor Enhancement Program.

**Senator HURLEY**—The figures I have, which I think are for 2005, state that 36 per cent of entrants in the program exited early. Is there any effort to monitor why those who exit early do so and how many of them were IHSS clients or humanitarian entrants?

**Ms Ellis**—There are a range of factors for those exiting early. Some exit early because they have obtained employment and wish to pursue the employment rather than continuing to improve their English language skills. Some leave early for family reasons. There are many factors that could result in them leaving early.

**Senator HURLEY**—How do you monitor that?

**Ms Ellis**—We get reports from our service providers as to why clients leave early. While every encouragement is given to people to continue to access their English language tuition, there are obviously other factors that they balance against that. Of course, it is a decision for the individual.

**Senator HURLEY**—Is there any analysis of who is failing—who is not achieving good levels of English—and why? Is there any systematic analysis of what is happening there and how to address it?

**Ms Ellis**—I am not sure what you mean by ‘failing’. Departure from the program does not necessarily equate to failure. It may be that someone was progressing very well. Exiting before finishing may simply mean that they have completed 500 hours of their entitlement and, if they have not reached functional English, they would be entitled to a further 10 hours.

**Senator HURLEY**—So you are happy with the level of people who are exiting the course with, say, level 1 functional English? Is there no consideration of whether that is performing up to standard?

**Mr Vardos**—Overall, ideally, we would like to have 100 per cent reach and 100 per cent retention for maximum usage of the hours available. One of the mechanisms that have been developed over the years to encourage people to stay longer and use more of their hours is to provide more delivery mechanisms, rather than traditional classroom situations, to make it more flexible so that they can accommodate family pressures, a job and AMEP. Is it a concern that people drop out? Yes, it is. Is it a concern that we do not have 100 per cent reach? Yes, it is, but the program is not mandatory and that is where the balance has to be struck, because one of the biggest tensions is between staying and learning English or getting a job. The message goes out that you will probably get a better job if you stay longer and learn better English, but often the dignity of getting a job and earning an income outweighs that consideration, so it is a tough balance to achieve in this environment where the program is not mandatory and there are many other competing pressures that the students face.

**Ms Ellis**—The change that was made two years ago so that there is no longer the five-year limit on people completing their entitlement to English language tuition is helping in that respect, so, with that limit being lifted, there are people who had left not having completed their entitlement who are coming back. Perhaps they have a period of unemployment and decide to use that time to improve their English.

**Senator HURLEY**—So you are telling me that the department is quite satisfied with the performance of the AMEP scheme and is not looking to make any improvements?

**Mr Vardos**—All of our programs are always under review to see how we can enhance and improve. For the time being the framework that we have in place is the model that we are pursuing, but that is not to say that over the next year or so some further enhancements will not be made to the program. I cannot speculate as to what that might be. Particularly with AMEP, the importance of English and the challenges faced by the current refugee cohort, we are thinking about more creative ways. But there is nothing I can put on the table at the moment.

**Senator HURLEY**—With the home tutor scheme, what kind of training are the tutors expected to have?

**Ms Ellis**—I would need to take that on notice to give you the detail of precisely what is provided to volunteers.

**Senator HURLEY**—Fine. That finishes output 2.1.

[2.06 pm]

**CHAIR**—I did indicate to Senator Bartlett that we would be moving on. He has flagged that he has some questions on 2.3 in particular, I think. As I indicated when we commenced

the outcome this morning, Mr Metcalfe, we will now move to 2.4. Senator Hurley, I would ask you to continue with your questions.

**Senator HURLEY**—I am a little disappointed that the minister is not here, because I have some questions to ask her about the Harmony Day initiatives and statements which have been made by members of her own party about it—comments from those members about whether the program does in fact have the value that the minister has been talking about. In particular, I would mention the previous Minister for Citizenship and Multicultural Affairs, Mr Cobb. I will start anyway on Harmony Day. In the budget, there was a boost of, I believe, \$6.5 million over four years to the Living in Harmony initiative. How much of that amount is dedicated to activities relating to Harmony Day?

**Mr Vardos**—If I could just give some context, as you indicated, the program has been re-funded for the next triennium. The model, as it currently stands, is under review. Mr Robb has not yet indicated the form and content that Living in Harmony may take in its next iteration. We are having an internal policy discussion about that at the moment. There will be the three pillars: community engagement, Harmony Day and the grants program; but as to how they may all fit together, it is early days to say.

**Senator HURLEY**—I wonder then if that discussion is in response to an editorial piece by Senator Mitch Fifield in a Liberal Party publication called *The Party Room* from autumn 2006. I will read part of it. It states:

Which country mandates a national “Harmony Day”? North Korea? No. Cuba? No. China? No. Australia? Yes. Since 1999 the Australian Government has spent \$26.5 million funding Harmony Day to promote the concept of ‘harmony’. The genesis of Harmony Day was in anti-racism research commissioned in 1996 by the then Department of Immigration and Ethnic Affairs. It discovered, not surprisingly, that Australians deeply believed in the concept of ‘a fair go’ and thought community disharmony was destructive.

The Government response was to establish Harmony Day, first celebrated on 21 March 1999. The day’s symbol is an orange lapel ribbon. This year orange wrist bands are also being made available. The concept of community harmony is a worthy one. But the question should be asked whether Australian taxpayers need a program to state the obvious. Since the inception of Harmony Day, 302 community groups have shared \$12.5 million in harmony grants.

Readers should decide for themselves if the \$50,000 granted last year to the Australian Wrestling Federation to educate its athletes not to verbal competitors was necessary or if the \$50,000 awarded in 2003 for a “goodness and kindness campaign” was worthwhile.

Other examples of projects supported by harmony grants are \$50,000 in 2003 for “Harmony Cafes” and \$54,300 for the 1999 play “Postcards from Nanna” about the challenges of a multi-ethnic, multi-generational extended family. Further examples include \$40,000 to Wollongong City Council in 2003 for the “Different Faiths: One Vision” series of inter-faith forums and \$35,000 in 2004 for the “Believing women for a culture of peace” program: an inter-faith, interethnic dialogue for Muslims and Quaker women.

**CHAIR**—Senator Hurley, is there a question in this?

**Senator HURLEY**—Yes, there is.

**CHAIR**—What is the question?

**Senator HURLEY**—When I get to where I want to make the point, I will ask the question.

**CHAIR**—In terms of best utilisation of the committee’s time, wouldn’t it be easier to table the document and ask the question?

**Senator HURLEY**—I will certainly table the document once I have finished my question. The piece goes on:

As the Coalition passes a decade in government it is important not to be too proprietorial about the programs introduced during our period in office. We should not take these as a given. Our reflex should never be to defend a program or policy simply because we introduced it.

One way to evidence our ongoing capacity to govern well is to continually reevaluate our policies. Our philosophy and values will remain unchanged, but the manner of giving effect to them should be constantly reviewed. We should admit when a program is redundant or, as in the case of *Harmony Day*, should never have been instituted.

Has this become the government’s view? Is there strong support within the government for this kind of view—that Harmony Day should never have been instituted and has not achieved its aim?

**CHAIR**—Senator Hurley, you have noted that the minister is not in the main committee room. I also understand that, in terms of these questions, that is a problem. But these are not questions that the officers are able to answer in terms of the individual views of members and senators, and I would not expect them to.

**Senator HURLEY**—As it is, the minister declared unexpectedly this morning that she would not be available from four o’clock to answer these kinds of questions. My only opportunity to expand—

**CHAIR**—But there will be a minister at the table.

**Senator HURLEY**—what I think is an important issue is to ask the department whether there has been any policy consideration within the government as to whether Harmony Day—

**CHAIR**—The department will be able to make a statement based on a reference to portfolio budget estimates, I am sure. I do not expect to hear, and in fact I will not entertain, the department responding to questions on the individual views of members and senators, no matter which side of the parliament they come from.

**Mr Metcalfe**—I refer the committee to page 29 of the portfolio budget statements. It contains the continuation of table 2.2.2. You will see at the fifth entry an entry called ‘Living in Harmony initiative enhancement’.

**CHAIR**—And you are pointing to this as an indication of the government’s position on this matter?

**Mr Metcalfe**—I think it is an indication of the government’s enunciated policy in the budget.

**Senator HURLEY**—I think we just heard Mr Vardos say that he is not sure much of that is dedicated to Harmony Day and how much of it is dedicated to the other Living in Harmony initiatives. I note that the minister is now present. I ask her if the review of Harmony Day is in response to sentiments from those such as Mitch Fifield, who said, regarding Harmony Day:

We should admit when a program is redundant or, as in the case of Harmony Day, should never have been instituted.

Is there widespread support for that view among government members?

**Senator Vanstone**—I am not here to answer questions on the views of a variety of people in my party but, generally, the views of a government of any persuasion are affected very much by the cabinet ministers and more so by the Prime Minister. They then have great opportunity to be affected by the junior ministers and then, of course, by the members and senators, whose views are important. But it is a long time since I can recall an occasion on which a government has set its policy on the basis of what one member thought. We do not have a party in which, if you have a view that is different from that of others, you are not allowed to express it. I understand that is foreign to the culture from which you come, but it is not foreign to me.

**Senator HURLEY**—Have you spoken to Senator Fifield about his comments?

**Senator Vanstone**—No. I am not what I call an ‘evangelical Liberal’. I do not see it as my mission in life to convert other people to my view. My mission in life is to have a world where everyone is entitled to have their view. That means a place for me, but I accept that it means a place for people with different views. I do not seek to go and counsel them or remonstrate with them because they happen to have a different view. I do not care that they have a different view. The more important thing to me is that there is a place for the different views, because that means there is a place for mine.

**Senator HURLEY**—Senator Fifield obviously does not share your views about evangelising, because he has written in an editorial of *The Party Room*, which I understand is the Liberal Party magazine—

**Senator Vanstone**—No, no. That magazine is a thing put together by a couple of members. We have a number of these. Various members have concluded over time that getting others together to put their views is a good way to air different views—and I think it is. They come across my desk. I have a flip through the index. Sometimes I bother to read them; sometimes I do not. Maybe it is because I know I will not agree with what that person says or because that topic does not particularly interest me. But it is a handy way of getting a quick look at the views of colleagues. Sometimes they get people outside of the party to write for them. I welcome that. It is all part of the big conversation of life. For someone like me, the democratic process is the big conversation of life. If there is only one speaker saying, ‘You will all think this,’ then there is no conversation.

**Senator HURLEY**—So you have not spoken to Senator Fifield about the value of the \$50,000 to the Goodness and Kindness campaign?

**Senator VANSTONE**—No, I have not. Senator Fifield chose to write that without consulting me. He has expressed his views and it is not my place to counsel him.

**Senator HURLEY**—So you have mounted no defence of that kind of program or of the \$50,000—

**Senator Vanstone**—That is not correct, Senator. Whenever anyone asks me about the program, I will say what I think about its positiveness. In fact, I participated in one of the Harmony Day initiatives at one of the schools in my state that does a tremendous job taking in refugee and humanitarian entrants into the school. It combines with another school that

specialises in languages. We had a great day, and I think those sorts of things are very important. They are what Australia is about, as far as I am concerned.

**Senator HURLEY**—But it does not impel you to make a response to people like Senator Fifield?

**Senator Vanstone**—Senator, let us run over the transcript of this and see how many times you have asked me the same question.

**CHAIR**—Yes, it seems to me that is the third time you have asked the question, Senator Hurley.

**Senator Vanstone**—If someone has told you to keep everybody busy until eleven, fine. But you are not an idiot. I have answered the same question two or three times. You are going to get the same answer each time. We can keep doing this if you like.

**Senator HURLEY**—Is the government conducting a review of the Harmony Day program?

**Senator Vanstone**—Mr Vardos can answer that question for you.

**Mr Vardos**—The current construct of Living in Harmony has been in existence since the end of 1998. The end of this financial year is the end of its current life. It is entirely appropriate to review what we have done, pick the best out of it and have a policy contemplation on what the next iteration will look like. We are going to have that internal policy contemplation. It will also be with Mr Robb, as the new parliamentary secretary.

**Dr Nguyen-Hoan**—We conducted a review of the Living in Harmony program and all of the multicultural affairs programs at the end of 2005. We are in the process of looking at the evaluation report and will decide on the next steps.

**Senator HURLEY**—I suppose I am querying the government's commitment to these kind of programs because we formerly had a Minister for Citizenship and Multicultural Affairs, and Mr John Cobb was the last minister. When he was shifted out, that role became a parliamentary secretary's role—a downgrading, if you like, of the citizenship and multicultural affairs section. Is this a view of the government—that it is no longer so important or that there is no need for a minister to supervise the projects?

**Senator Vanstone**—No, it is not anything of the sort. Mr Robb is a very, very experienced political operator—one of the most experienced, I think, to come in as a member of parliament in a long time. He is just unlucky in the sense that there are other ministers occupying ministries that someone like him, and other members we have, might otherwise aspire to. So the position or title that he holds is not in any way an indication—in my view, anyway—of his ability. It is simply a question of the seats being taken, if you like. But we can use that ability and it can be applied to this important area.

**Senator HURLEY**—Indeed, I was not questioning Mr Robb's ability. I was only questioning the downgrading of the portfolio to a parliamentary secretary.

**Senator Vanstone**—I think the importance given to an area is not to be judged by the title of the person to whom it is given but by the effort put into the area and the commitment shown to it. That is what makes it important. Similarly, with kids—you might have two kids,

both of whom have a mother and a father. One family does a good job at parenting and the other does not. It is not important in a sense that they have a mother and a father, what is important is the quality of parenting that is given. In this case it is not important what the title is of the person who is doing the job but how well they do it.

**Senator HURLEY**—And whether they get a chance to sit around the cabinet table and make decisions.

**Senator Vanstone**—Well, from a Labor Party perspective it is all about who sits around the cabinet table. From a Liberal Party perspective it is about getting the job done. I have been there, Senator Hurley—I have been in an opposition, where you are, for 12 or so years and all that everyone can think about is getting into government and who is going to be the leader. I sit and look across at the Labor Party, and I see a mirror of an experience that I have been through. So it is from experience that I can assure you I understand that oppositions are always wondering about the spoils rather than the responsibility that they will be taking on.

**Senator HURLEY**—Well, we will look forward to reversing the roles soon.

**Senator Vanstone**—Do you want to take a bet on that? I mean, you can never be sure. The Prime Minister is the first, actually, to say no-one is unable to win an election, because people would have at some point said that about him. I am sure people have taken bets that he would not lead us to victory, and certainly not to the long term in government that we have had. But he remembers that experience and never, ever takes it for granted. He frequently says to members, ‘Never, ever say that so and so, who happens to be in the leadership at the moment of the Labor Party, cannot win because you can never, ever say that.’ We do not take it for granted but, all other things being equal, I tell you what: I think I would bet you a Mars Bar today.

**CHAIR**—Thanks, Minister. Now, in relation to 2.4, please—and possibly even the PBS; I do not know. I am a glass half-full sort of person.

**Senator HURLEY**—I will not cite the particular page but in the PBS it gives effect to a budget decision for a boost in funding of \$0.2 million over four years for FECCA, the Federation of Ethnic Communities Councils of Australia, and in a budget fact sheet put out by Andrew Robb it states:

... the fixed annual core funding that has been in place for the past decade has eroded FECCA’s ability to deliver services ...

In what way has it eroded FECCA’s ability to deliver services?

**Dr Nguyen-Hoan**—The government decided to increase funding for FECCA in order for it to assist new and emerging communities to integrate into the broader Australian community, including through community capacity building. It should advocate on behalf of ethnic communities through government, business and the broader community, so that we can strengthen links between this community and mainstream organisations. We also asked FECCA to report feedback on government service delivery. So those are some additional responsibilities with which we asked FECCA to assist us, in return for some additional funding.

**Senator HURLEY**—What was the last one about?

**Dr Nguyen-Hoan**—For example, the access and equity strategy which government departments and agencies are using in order to assess whether they are delivering appropriate services. One aspect which we have asked FECCA to report on is which agencies are doing better than others in terms of delivering services.

**Senator HURLEY**—When is that report due?

**Dr Nguyen-Hoan**—We have regular contact with FECCA, and it has reported in the access and equity annual report for 2005, which was tabled on 9 May. There was a section on community input. That was part of what FECCA provided to us, and that was for the first time. We will ask FECCA to do it more regularly.

**Senator HURLEY**—That is one of the reasons that it was given the extra funding, to enable it to do that?

**Dr Nguyen-Hoan**—Yes.

**Senator HURLEY**—The second was to help to develop new and emerging communities?

**Dr Nguyen-Hoan**—At the moment there are a lot of new issues arising from new and emerging communities, and FECCA would be in a position to assist us to help those communities to be more independent and to be able to respond to their own problems.

**Senator HURLEY**—This is a bit of a change of heart by the government, who I think were saying that communities would be able to lobby for themselves and do their own work and that, I suppose, FECCA was not so essential in that process.

**Mr Vardos**—What has happened in the budget that was just announced is that it has put our business relationship with FECCA on a sounder footing. It had not received any funding increase for quite some years, so there has been a bit of an increase and also indexation of the annual grant that it gets, so that it has certainty as to the outcome. That also enables us to put specific projects or proposals to it for its assistance. FECCA does have an important role to play within Australia's broader ethnic communities.

**Senator HURLEY**—Did FECCA make a submission for this funding? Was it tendered out or was it just decided that FECCA would be in the best position to deliver those services?

**Mr Vardos**—FECCA has been receiving a grant from the federal government for quite some years. It is their main source of income. There has been a recent change of chair. The new chair made the approach to government, the request was considered, it was blended into the budget considerations and the government decided to increase its grant to FECCA.

**Senator HURLEY**—Another announcement of the new parliamentary secretary was in the surf lifesaving area. This is \$0.9 million over three years, dedicated to work with the Sutherland Shire Council, Surf Life Saving New South Wales and Surf Life Saving Australia with the aim of engaging young people from diverse cultural backgrounds in lifesaving. The budget papers have \$0.4 million set aside in 2005-06 and 2006-07 and then \$0.1 million in 2007-08. Can you explain a bit more about how this program is going to work? Is it a pilot program? Is that why it is only funded for the first three years?

**Dr Nguyen-Hoan**—This is in response to the riots in Cronulla. There was a submission from the Hon. Bruce Baird for the government to fund the Sutherland Shire Council and Surf

Life Saving Australia to look at a number of initiatives—firstly, to train young people, including people from different backgrounds, to be able to help in surf lifesaving, and also to employ development managers to work with young people to promote these kinds of volunteering services.

**Senator HURLEY**—Are the council and Surf Life Saving New South Wales being funded to employ someone?

**Dr Nguyen-Hoan**—Yes—to employ someone to work with young people.

**Senator HURLEY**—Will that cease after three years or is this a pilot that may be—

**Dr Nguyen-Hoan**—It is a pilot program. We believe that after a few years those organisations should be able to do, on their own, similar things to our pilot project. Firstly, it is for New South Wales, but there could be some extension nationally. I think that we need to do the evaluation of the pilot project to see how successful it is in meeting its objectives before it can be extended nationally.

**Senator HURLEY**—The aim, as stated in the budget papers, was to engage young people from diverse cultural backgrounds in lifesaving.

**Dr Nguyen-Hoan**—Yes.

**Senator HURLEY**—Will the person employed be going out into the community or will they be working purely with those people who attend the clubs?

**Dr Nguyen-Hoan**—There will be a steering group which will be set up to advise on this project. The steering group will consist of the Sutherland Shire Council, Surf Life Saving Australia, the department and other community groups, such as Muslim and Lebanese groups in New South Wales. They will be able to advise on who should be the target and who are the young people they should approach in order to train them.

**Senator HURLEY**—Is the money being split up between those three organisations?

**Dr Nguyen-Hoan**—I have got the break-up here. I can take it on notice, but basically we would give Surf Life Saving Australia \$600,000 altogether for three years—2005-06, 2006-07—and Sutherland Shire Council will receive altogether \$420,000. For the two organisations, there is \$860,000 over three years. It is split between the two—\$600,000 for Surf Life Saving Australia and \$260,000 for Sutherland Shire Council.

**Senator HURLEY**—Under ‘Promoting the benefits of cultural diversity’ we have these three initiatives—the FECCA funding, surf lifesaving and the increase to the Living in Harmony initiative. They are the key initiatives out of this budget for promoting the benefits of cultural diversity. How does this fit in with what the Prime Minister is doing with the Muslim community council?

**Dr Nguyen-Hoan**—This is additional to the national action plan funding. In 2005-06 we were given \$5.9 million for the national action plan to address extremism. All the funding that you have just mentioned would be additional to that, and we expect to be able to get additional funding for the national action plan as well.

**Mr Vardos**—There is one other initiative as part of that budget announcement. That is an expansion of our community liaison officer network.

**Senator HURLEY**—I will get to that later. Just to follow my train of thought, not in the budget but in a speech to the Sydney Institute the parliamentary secretary Andrew Robb flagged the idea of the government funding an institute of Islamic studies to train moderate imams here in Australia. I take it there is no specific funding in the current budget for that, but is there any action proposed on that?

**Mr Vardos**—There will be further contemplation by the government later in the year on a package of initiatives to do with the national action plan. The item you referred to is part of that package. It is not part of the funding announcements made in the budget.

**Senator HURLEY**—It is part of the national—

**Mr Vardos**—It is a separate exercise.

**Senator HURLEY**—So the consultation about that will be done through the national action package.

**Mr Vardos**—Yes. There are a number of elements that will go into the national action plan, and that is one of them.

**Senator HURLEY**—Does DIMA have any representation on that body? How does the input come in?

**Ms Ellis**—Which body is that?

**Senator HURLEY**—How does DIMA have input into that national action plan?

**Mr Vardos**—Dr Nguyen-Hoan's branch is responsible for coordinating that on behalf of the federal government. I guess the stakeholders in that exercise are a range of federal agencies and state and territory governments, and their inputs are being consolidated to form what will effectively be a national action plan by all the parties to deal with these issues. Any funding that emerges from that process will not exclusively be DIMA's. There will be a number of federal agencies that are party to that. What the state governments put into their budgets for this activity is their call. We do not have a role in that process.

**Senator HURLEY**—All coordination of all these efforts will be done through the Prime Minister's office rather than through—

**Dr Nguyen-Hoan**—No, through DIMA.

**Mr Vardos**—DIMA has been given the responsibility for coordinating the inputs from all parties and consolidating them into a national action plan.

**Senator HURLEY**—Certainly there are a number of views around that are very difficult to overcome. I was at an SBS Radio forum recently at Parramatta. One of the speakers there was Peter Coleman, who was talking about multiculturalism and saying that he had long been suspicious of it, as were many other people, and that there were some things which just could not be reconciled. I think there was a general intake of breath at one stage when he was talking about what he called the lure of Islam in Australia. He said:

For a small minority, its appeal is mystical or spiritual — a personal matter that does not raise questions of public policy, and certainly not in a multicultural society. But for most recent converts, the lure is less spiritual than political and is akin to the revolutionary appeal of communism to earlier

generations. They want to destroy or revolutionise our way of life, which they regard as corrupt if not evil.

**CHAIR**—That is an interesting reflection, Senator Hurley, but do you have a question?

**Senator HURLEY**—Yes, indeed I do. That forum organised by SBS Radio was good in that it brought together those very diverse points of view, but it did not give people a chance to respond to that. Is that going to be part of the way that the department promotes the benefits of cultural diversity? It is all very well to have these pilot programs in lifesaving in smaller areas, but when you get influential people like Peter Coleman going out and spreading those kinds of views it is obviously very difficult to overcome.

**Dr Nguyen-Hoan**—I was at that forum. I saw you there as well.

**CHAIR**—You should have both dropped into my office.

**Dr Nguyen-Hoan**—That SBS Radio forum was held in the context of Harmony Day. That was part of their contribution to this. Certainly the department encourages those kinds of forums for people to express their views. There have been several held in the context of Harmony Day as well as the Living in Harmony program in general. In the context of the national action plan, we have held a number of youth forums as well. There was a national youth forum held in December 2005 in Sydney. Recently in Victoria we also had the Muslim youth forum for us to listen to young people and their concerns. That is part of the initiative that we are taking.

**Senator HURLEY**—This is a difficult question to survey, I suppose, but has there been any attempt to survey people's attitudes to cultural diversity and religious diversity in Australia?

**Dr Nguyen-Hoan**—SBS did one recently as a follow-up to their previous one. I think they did one in 2001. A few months ago they released a follow-up report. Certainly the views of people on cultural diversity were quite positive. This particular survey focused on young people and their views on cultural and religious diversity. Although the department has not done one specifically, we are aware of a number of surveys.

**Senator HURLEY**—The minister said just now that she does not like to evangelise, but are there any plans by the government to have a positive program to counteract this kind of attitude from people like Peter Coleman? He is in a very influential position. I understand he is the father-in-law of our Treasurer, Peter Costello, which might account for some of Peter Costello's comments.

**CHAIR**—Senator Hurley, you can continue to engage in personal reflections but I do not think it advances the process. I would be very keen for you to ask the officers clear questions. I know that will present a challenge.

**Senator HURLEY**—Is there any plan by the department for a program which gives a more positive view of cultural diversity other than through just the one day of Harmony Day?

**Mr Vardos**—There is some policy contemplation under way at the moment. I cannot talk about it, but there are some initiatives that will be developed as a consequence of the budget funding that we have under these various headings. There will come together under output 2.4.

**Senator HURLEY**—The additional community liaison officers that have just been announced might fulfil some sort of role in that. Could you expand a little on where they will operate and how they will operate?

**Mr Vardos**—My colleague will correct me if we have the information, but they will be allocated on a needs basis around all of the state and territory offices to increase their capacity to stay in touch with ethnic communities of Australia, which is fundamentally what the CLOs do. But it is, then, a two-way process. What their full brief will be I cannot articulate. It could change from day to day. I often describe it as maintaining the dialogue and keeping your finger on the ethnic pulse of Australia. They are the bridge between the government and this department and those communities for conveying messages both ways. We will often call on CLOs, for example, to seek the views of particular communities on a particular issue that may be running. The information we get back informs our initiatives.

**Senator HURLEY**—And are those community liaison officers the kind of people that would speak, if requested, at schools or to groups? Is that part of their role?

**Mr Vardos**—They could, but more often than not it is senior officers like ourselves who are invited to speak at forums, seminars and such. But, yes, it is entirely possible that one of our departmental officers from any of our state offices would go to a school to deliver a speech on multiculturalism, living in harmony or any of the other issues that we deal with.

**Senator HURLEY**—How many community liaison officers are employed at the moment?

**Mr Vardos**—I would have to take that on notice.

**Dr Nguyen-Hoan**—The amount of money that we have got is for paying additional ones, not just the new ones.

**Senator HURLEY**—They are for ongoing positions; they are not for a limited time.

**Dr Nguyen-Hoan**—Yes.

**Senator BARTLETT**—We have had all the various questions about Harmony Day. This section, as far as I understand it, is on promoting cultural diversity. Is this the section that covers the consultative group with the Muslim community?

**Mr Vardos**—Yes, it is.

**Senator BARTLETT**—Apologies if some of this has been covered; I have not been listening to every section of the last questions. There has been some public debate about the make-up of that group and whether that might change, and there have been various comments about people's commitment to it. What is the ongoing vision for that group? Does it have a time frame or a review period or something like that?

**Dr Nguyen-Hoan**—They were appointed in September last year and the terms of reference indicated that their term would be one year, so presumably by the end of the 12 months the parliamentary secretary or the minister will have a view on whether they will continue or there will be a different body or a different kind of membership.

**Senator BARTLETT**—So there has been no decision to date about whether the group will be an ongoing one?

**Mr Vardos**—Not yet, no.

**Mr Rizvi**—Probably indicative of the issues here is the government's commitment to the development of the national action plan in a way that is consultative with the Muslim community. I think that would be indicative of the fact that the government will continue to want to have some mechanism for dialogue with the Muslim community. Whether that it is precisely this particular form or another form is something that ministers may well want to deliberate on, but clearly the intention is to have some mechanism to continue the dialogue, if only just to deliver the national action plan.

**Senator BARTLETT**—Sorry, which national action plan is this ?

**Mr Rizvi**—This is the national action plan on extremism. That is the action plan that is being coordinated by DIMA across a range of Commonwealth agencies and across state and territory governments and will be considered by COAG later this year.

**Senator BARTLETT**—I was noting that in the annual report it talks about this output, saying it covers implementation of the government's multicultural policy reflected in *Multicultural Australia: Strategic directions for 2003-06*. Is there a review of that policy, given that it is up to 2006. Is that under way at the moment?

**Dr Nguyen-Hoan**—The department conducted a review late in 2005, and we are in the process of looking at the recommendation from that evaluation report in consultation with our minister and parliamentary secretary and we will look at maybe a revised policy statement later in the year.

**Senator BARTLETT**—I realise that some of this involves wider detail and is not necessarily budget specific, but given the ongoing community debate that obviously got a kick-along, if you can call it that, from the Cronulla activities, not just in regard to the Islamic community but in regard to some of the wider debate that occurred afterwards about whether multiculturalism was a good or bad thing, would that new policy be looking at other ways to emphasise the benefits of multiculturalism? Does it include economic and long-term business aspects as well as the intellectual and spiritual stimulation of cultural diversity?

**Mr Vardos**—The content of that policy statement is yet to be determined. It is really a matter for government and ministers to take forward, with our support. It is a work in progress.

**Senator BARTLETT**—Have there been any extra resources added to that? I know there was an extra bit of money for FECCA.

**Mr Vardos**—There has been an increase in the budget allocation for output 2.4 across the board, encompassing a range of initiatives, some of which have been discussed here today. The total allocation for the period 2006-07 to 2009-10 amounts to \$40 million, but that covers all the work that we do under output 2.4.

[2.51 pm]

**CHAIR**—We will now turn to output 2.3, Australian citizenship.

**Senator BARTLETT**—Firstly, could you outline, as you just did with the other output, what the monetary contribution is to this output over the forward estimates period and whether that includes any extra bits from the budget.

**Mr Vardos**—Despite the copious quantity of folders, I don't have a nice, concise summary for you. Hopefully, Ms Ellis will be able to assist.

**Ms Ellis**—Against 2.3.1, the decisions on citizenship status, the allocation is \$29.6 million. Against 2.3.2, promoting the value of Australian citizenship, the allocation is \$6.3 million.

**Senator BARTLETT**—Is that over four years?

**Ms Ellis**—That is for 2006-07.

**Senator BARTLETT**—Have any extra specific budget measures been announced in this area?

**Ms Ellis**—Yes. For promoting the value of Australian citizenship there was an additional \$1 million per annum, so that is an additional \$4 million over the four years.

**Senator BARTLETT**—How are the numbers going in terms of applications? What is the trend there at the moment?

**Ms Ellis**—To the end of March, the figure for applications for conferral of citizenship was 83,091. For 2004-05, the total number was 102,745. That relates to people who applied. Of course, there can be more than one person included in an application—for example, a parent including a couple of children in their application. That would be one application form but three applications.

**Senator BARTLETT**—That first figure of just over 83,000 to the end of March should increase by the end of the financial year.

**Ms Ellis**—Yes, a slight increase.

**Senator BARTLETT**—Is that fairly consistent with recent trends?

**Ms Ellis**—Yes, it is.

**Senator BARTLETT**—Have you done any analysis of that trend? Obviously we have a growing migration intake, which means there are more available to apply. Are we going out amongst eligible people in the community and more actively encouraging them?

**Ms Ellis**—Yes. Since 2001 there has been the campaign to promote Australian citizenship, and it is clear that the activity associated with that campaign has resulted in increased numbers of applications. Two years ago, in response to tracking research, the pattern of advertising was changed and that has resulted in higher numbers of applications more evenly spread across the year. It is clear that application rates do respond to promotion.

**Senator BARTLETT**—The parliamentary secretary, Mr Robb, has responsibility for this area, as I understand it—is that right?

**Ms Ellis**—Yes.

**Senator BARTLETT**—We heard his recent speech about a citizenship test and those sorts of things. Obviously, he is free to float ideas et cetera, but is there any work being done within the department to explore those sorts of things? Can you tell me where that is going?

**Mr Rizvi**—The policy in that area is in the process of development. To assist in that process, Mr Robb has asked us to do some surveying of what other countries do. So we are looking closely at what a range of other countries do and we are briefing him on that. We are

going through the normal policy development processes of identifying various options that might meet the broad directions that he would like to think about.

**Senator BARTLETT**—Can you give us an idea of what those broad directions are?

**Mr Rizvi**—I think that would be a bit premature for us to do that.

**Senator BARTLETT**—At this stage, it is very early days and you are just scoping around the world to see what other people do and whether we want to take on board any of those ideas.

**Mr Rizvi**—Yes.

**Mr Metcalfe**—Mr Robb made it clear in his speech to the Sydney Institute that he was interested in exploring these issues and virtually invited, I think, a public discussion, which has been occurring, in relation to the issues. Based upon that, it is an issue for him as to whether he wants to proceed and, of course, the government would provide support to him. Essentially that goes to policy matters, so depending on what the future holds we might be able to provide some more detail.

**Senator BARTLETT**—Could I get at least one possible clarification? I did read his speech and also saw some commentary he made afterwards—though sometimes it is hard to tell whether it is the media's interpretation or his own statement. In terms of what you are looking at, my assumption is that it would be the sorts of things you would do in determining a person's eligibility to take up citizenship rather than, as reported, prospective migrants before they have entered the country.

**Mr Rizvi**—It does not relate to the migration selection process. That is a very separate process.

**Senator BARTLETT**—Is it solely eligibility for citizenship?

**Mr Rizvi**—That is correct.

**Senator BARTLETT**—Having been to a few citizenship ceremonies, I note they vary quite a lot. I wonder what the baseline legal requirements of the citizenship process are and how much flexibility there is in terms of what people can and cannot do.

**Ms Ellis**—There is the Australian Citizenship Ceremonies Code, which has been issued, which details the essential elements of a ceremony and also gives guidance on the range of other matters that might be included in a ceremony. The essential elements are that the national symbols be displayed; that the presiding officer has the appropriate delegation from the minister; that they read the preamble to the act; and that the prospective citizens, those who have had their application approved, make the pledge of commitment. That is the core, if you like, of a ceremony, and guidance is given in the code for whatever else is put around it in terms of who speaks et cetera. The code covers the nature of the speeches and who should be invited. It specifies, for example, that the local federal member, a senator from a different political party to that of the local federal member and representatives from the state and local levels of government should all be invited.

**Senator BARTLETT**—Are the first criteria you mentioned legal criteria in effect or are they basically just extremely strong advice?

**Ms Ellis**—No, they are in the act.

**Senator BARTLETT**—And the other bits on top of that in terms of invitations et cetera are more to do with protocol.

**Ms Ellis**—It is policy guidance, if you like. The act does provide that if a citizenship ceremony is to be held in public then the minister may dictate the arrangements that are to apply. It is under that provision of the act that the Citizenship Ceremonies Code has been issued. Certainly the act very clearly specifies at section 15 that there is a requirement for the pledge of commitment to be made in front of a person who is either mentioned in the act or appropriately delegated.

**Senator BARTLETT**—I guess I could have a look at the code myself. I probably should do that.

**Ms Ellis**—We can certainly provide you with a copy of that.

**Senator BARTLETT**—I just have one question in relation to it. I would appreciate that. I might look through it. Is there an aspect that deals with the role of Indigenous people, the traditional owners, and that sort of thing?

**Ms Ellis**—There is a reference in the code that it is desirable to make a reference to the Indigenous people. I will tab the exact wording in the book that we provide for you.

**Mr Vardos**—In fact, at some ceremonies the organisers are also choosing to put on a traditional ‘welcome to the country’ dance at the beginning of the ceremony.

**Ms Ellis**—Some of the dances are not all that traditional. For example, a group of young people and one adult performed some dances on Australia Day here in Canberra, and they managed to incorporate rugby league in one of them.

**Senator BARTLETT**—Culture is ever changing. How recent is that code?

**Ms Ellis**—It is due for review. I think it was done in 2001 or 2003.

**Mr Vardos**—I think it was developed during the period 2001-03 and released some time in that period. I cannot recall exactly.

**Senator BARTLETT**—I was just wondering. I seem to be getting a much larger number of invitations this year than in previous years, so I wondered if there was some new aspect of the code. It is great; I am just curious.

**Mr Vardos**—No, we have not issued an update in recent times.

**Senator BARTLETT**—No little ‘don’t forget the Democrats this time’ clause or something? Finally, I know it is not up to you when something gets brought before the Senate, and the order of business is a matter for other people, but can I clarify that there is still an intent to go ahead with the citizenship amendment bill and that it is not being pulled back because of other things?

**Ms Ellis**—Yes. As you would be aware, the government has yet to respond to the Senate committee’s report on the bill. At this stage, subject of course to passage through the parliament, we are using Australia Day next year as the planning date for commencement.

**Senator BARTLETT**—There is plenty of haste happening with other legislation. I would just be quite happy to see this one come forward as well. As long as it is still coming forward, that is good.

**Senator HURLEY**—Following on from the citizenship bill and when it will begin, are you looking at Australia Day next year?

**Ms Ellis**—We are using that as a planning date for departmental purposes so that we can get all of the arrangements in place that are necessary for commencement of the act.

**Senator HURLEY**—Excellent. What about the Australian citizenship instructions? Are you doing a rewrite of them just in case?

**Ms Ellis**—Yes. That is one of the major pieces of work that will be required as part of preparations for commencement of the new act. That is work that we need to have completed, and we are working on trying to have that completed for when the legislation has completed passage through the parliament.

**Senator HURLEY**—The proposed changes in the citizenship bill are substantial changes. Apart from the odd flurry of publicity here and there about it, there has not been a great deal of understanding in the general public about the changes. Will the Australian citizenship instructions be widely circulated before the implementation of the new act?

**Ms Ellis**—At the moment the citizenship instructions are included in LEGEND.

**Senator HURLEY**—What does that mean?

**Ms Ellis**—LEGEND is a database for instructions, which people need to subscribe to. One of the things that we will be looking at is whether it would be possible to have the instructions available through the citizenship website so that they would be more widely accessible. That is a matter that we will be looking at over coming months.

**Senator HURLEY**—The instructions will probably be much simpler if the bill goes through.

**Ms Ellis**—Hopefully, yes.

**Senator HURLEY**—Will there be any other publicity about the new changes? How will the changes be disseminated?

**Ms Ellis**—The issue of communication around the changes is one of the recommendations made by the Senate committee. The government response to that recommendation is not yet available.

**Senator HURLEY**—In some areas, overseas posts will have to be advised on a range of issues—whether people are eligible for citizenship and whether people might have inadvertently lost citizenship but do not know it, which might be clarified in the new act. Is there a training package or some training mechanism prepared?

**Ms Ellis**—We have already commenced communicating with our overseas posts about the nature of the changes and the implications for the overseas posts. Certainly training is another aspect. The citizenship instructions are one major task, and the development of training for all relevant staff is another part of the work program that needs to be completed before commencement of the legislation.

**Mr Vardos**—It is entirely possible that we will be sending senior staff from the national office to conduct training sessions for our posted officers, bringing those officers together at one location. It may well be Ms Ellis that undertakes that, or others.

**Senator HURLEY**—A lot of people will become eligible for Australian citizenship and it would be nice—I guess this is, unfortunately, just a comment, Chair—for them to know about the availability of it.

**CHAIR**—It is hard for me to tell the difference, Senator Hurley, but thank you for pointing that out.

**Senator HURLEY**—I have a couple of questions on the citizenship test. At the current stage, the preliminaries are an investigation of what occurs in other countries with citizenship rules and requirements.

**Mr Rizvi**—That is correct.

**Senator HURLEY**—You say this is a very preliminary stage, but is there any intention to have a wider communication with the community to see what community views are? You referred to the fact that there has already been some discussion around it.

**Mr Rizvi**—That would be part of the issues that ministers would need to consider, exactly how that would be done.

**Senator HURLEY**—I think Senator Bartlett referred to this, but Andrew Robb mentioned that the test would require new citizens to have a functional level of English. Would that relate to the functional levels described in AMEP or is that something that would be developed?

**Mr Rizvi**—Again, that would be in a range of options that ministers would need to consider.

**Senator HURLEY**—In terms of the conduct of citizenship tests, which Senator Bartlett went through a bit, there was mention of there having to be a delegation from the minister for someone performing that citizenship ceremony conferring citizenship. What classes of people are given that delegation and is it a permanent delegation? How does that work?

**Ms Ellis**—Apart from the people who are specifically mentioned in the act, there are a number of people. Generally the language of the delegation is that it is a person or a person undertaking the duties of the following positions. For example, at the local government level, it would be the mayor or CEO of a particular local council. There are a number of people at overseas posts that have the delegation. There are a number of positions in the department that have the delegation.

**Mr Rizvi**—And delegations can be provided for a one-off exercise so it has a termination point.

**Ms Ellis**—There are also a number of members of parliament who have a standing delegation.

**Senator HURLEY**—Which members of parliament are they?

**Ms Ellis**—I would need to take that on notice.

**Senator HURLEY**—If you could.

**Ms Ellis**—A couple of years ago, then Minister Hardgrave wrote to all members of the House of Representatives asking if they were interested in having a standing delegation. Over the years a number of members of the House of Representatives had frequently asked for delegations. So instead of continually doing the one-off delegations, standing delegation arrangements were put in place.

**Senator HURLEY**—And that does not apply to senators.

**Ms Ellis**—That is correct.

**Senator Vanstone**—I do not see why it should not. You may want to write to the parliamentary secretary. If he asks my advice, I will give it to him, and it will be that it is not called the upper house without good reason.

**Senator HURLEY**—I do not quite follow that logic.

**Senator Vanstone**—I do not see that a House of Reps member has any greater entitlement to do that than a senator does.

**Senator HURLEY**—For your information, Minister, I have already written asking for a standing delegation and it has been refused.

**Senator Vanstone**—I will chase that up for you.

**Senator HURLEY**—Thank you.

**CHAIR**—That completes 2.3.

[3.13 pm]

**CHAIR**—We move on to 2.2, which is translating and interpreting services. It probably requires a change of folders again.

**Senator HURLEY**—I want to start with the telephone interpreter service. In an answer to a question taken on notice in the February estimates it was stated that the TIS National has 40 African language interpreters available. Another question on notice revealed that NAATI tests interpreters in 60 languages, only three of which are spoken in Africa—Arabic, Somali and Tigrinya. Almost 80 per cent of our current refugee intake is from Africa, and many do not speak the tested languages. Are there moves being taken to address this?

**Mr Vardos**—Yes, Senator, but it is proving quite difficult to find people who have a sufficient level of competence in English and in their native language, whether it is Kirundi or any of the other emerging languages—people who can qualify to become interpreters. We do have an active program to try and find people. In fact, I have a small budget to try and subsidise the accreditation of people from new and emerging communities. But it is proving extremely difficult, and this is a challenge not just for us and TIS but for the state governments that have their own translating and interpreting services as well.

One of the innovative approaches that we are looking at is to see if there are people in refugee camps who may qualify to come to Australia as part of our resettlement program and, if they have the basics, maybe bring those first, help them to become interpreters and then, as others follow, they will be able to help. But it is a critical problem right across the country.

**Senator HURLEY**—With respect to those 40 African languages able to be interpreted through TIS National, they are obviously untested interpreters. How are they available? Where do they come from?

**Mr Greateorex**—That number has actually expanded now to 42 languages. There are about 345 interpreters in those languages—although some of those interpreters speak multiple languages, so the number of interpreters is probably less. But we have 345 languages covered by our interpreters in those 42 African languages. In terms of some of those languages, some of the interpreters would be recognised by NAATI, which is a process that NAATI looks after themselves. But we do have a number of interpreters that are neither accredited nor recognised.

**Senator HURLEY**—How are those interpreters employed? Is it on a casual basis, as required? How are they distributed?

**Mr Greateorex**—They are contractors. They are on a contractor panel of about 1,500 nationally, throughout Australia.

**Senator HURLEY**—Are they on call, so to speak? If a newly arrived refugee comes to Brisbane and needs an interpreting service, can they ring up at any time? Is that how it works?

**Mr Greateorex**—A number of our interpreters have specified hours of availability. In attracting people to the panel in some languages, we are needing to go to people whose availability is perhaps less than ideal. But our feeling is that it is better to have somebody available for a certain number of hours than nothing at all. So it is variable. I think that one of the attractions for some people is that they can make themselves available at certain hours of the day, which fits around other commitments.

**Senator HURLEY**—What happens in an emergency situation?

**Mr Greateorex**—We have four emergency lines. There are emergency lines, for instance, for police and emergency services, hospitals, doctors and also for DIMA airport and compliance staff. A call to those lines takes precedence over the existing public queue.

**Senator HURLEY**—Presumably you would try to make sure at peak times that some interpreter would be available in that language?

**Mr Greateorex**—We normally ask our interpreters to be available for normal business hours. That, of course, as I mentioned earlier, is increasingly variable with some of the new and emerging languages.

**Senator HURLEY**—As we have just discussed, when we have new communities coming into Australia, it takes some time to get interpreters and then, subsequently, to get accreditation. There was a media release from the minister fairly recently which said that we are expecting to resettle more refugees from Asia. I would think that that might be people who originate from countries like Myanmar. Are there forward plans in place to have interpreters for when those refugees arrive?

**Mr Greateorex**—We receive data from national office about forthcoming intakes and the make-up of those intakes, and we use that as intelligence for priorities for our recruitment in the ensuing weeks and months. Sometimes, of course, it is very difficult, particularly with

new languages, because people are not really available until the intakes arrive in Australia. That is part of the difficulty we have with new and emerging languages.

**Senator HURLEY**—Let us take Myanmar specifically. Are there interpreters available? I confess ignorance: I do not know whether there is one language or several or many dialects involved.

**Mr Greatorex**—At a quick glance, I cannot find the information. Perhaps I can take that on notice and get that to you.

**Senator HURLEY**—Sure.

**Mr Vardos**—They may be dialects rather than just Burmese.

**Senator HURLEY**—Yes, I understand that. If you are taking that on notice, can you give me a list of what languages we do have interpreters for?

**Mr Greatorex**—A complete list? Nationally?

**Senator HURLEY**—Yes.

**Mr Greatorex**—Yes, we are happy to do that.

**Mr Vardos**—We do have Burmese listed.

**Mr Greatorex**—But it does not have the number of interpreters listed, so we will take that on notice.

**Senator HURLEY**—Thank you. New arrivals are a critical issue, but there also seems to be an issue developing with some people from the intakes of the fifties and sixties from countries such as Greece and Italy. People are getting older; they need more medical help; they are in nursing homes. I have heard some discussion that there may not be interpreters available for medical interpretation for those groups of people. It is not a shortage within the community but on an official level. Have you found that? Is there any difficulty there?

**Mr Greatorex**—As in the general community, a lot of our interpreters are in a similar age bracket and they are ageing as well, of course, so there is beginning to be the need to have some churn in those areas and we are taking that into account in our planning of recruitment strategies for interpreters.

**Senator HURLEY**—Do you find that the second generation—the children of those migrants—are keen to fill that sort of role?

**Mr Vardos**—That is a real challenge, because the second generation are going into full-time professional, technical and other jobs and it is generally accepted that it is very hard to make a full-time living as an interpreter, so you cannot rely on the second generation to fill the gap. So, yes, it is a challenge.

**Senator HURLEY**—What about the women, who might be at home a bit more? Can you recruit them as interpreters?

**Mr Greatorex**—I think that that is something that we are going to have to look at with regard to how we tackle those more settled languages. We are in the throes of looking at revamping our recruitment strategy right at the moment. There might be a national advertisement seeking people with language skills in those languages and, with regard to the

availability, it may well be that we might need to be more flexible as well, like we are with some of the new and emerging languages.

**Mr Vardos**—One of the challenges that is difficult to quantify is to what extent the second or third generation are acting as informal interpreters for their parents or grandparents who are in that 70s, 80s or 90s age bracket.

**Senator HURLEY**—I think many of us would have friends who are involved in that situation, but it can be difficult if they are working full time as well. Sometimes it is difficult for older people to tell their children exactly what is wrong with them and have that lack of privacy.

**Mr Greatorex**—Exactly.

**Senator HURLEY**—Turning to NAATI and the way that they operate, I understand that NAATI operates as a separate organisation, but I also understand that the Commonwealth is on the board of NAATI and does play some role in the way it operates. I am also aware that there have been some criticisms of the way NAATI operates. That criticism is principally from competitors, but that does not mean that the criticisms are unjustified. I want to explore what is happening there. How is the success of NAATI in maintaining standards for translating and interpreting measured?

**Mr Vardos**—As you have said, NAATI is owned by all nine governments around the country. To go to the issue that you have just raised, the current issue that is causing some debate is the reaccreditation of qualified translators and interpreters after a certain period of time. I am told—and I am not an expert in this area—that the T&I profession is one of the few where, once you get your qualification, there is no formal requalification or revalidation process. As it happens, we had a telephone conference late last week with all of the jurisdictions, my counterparts from around the country, to discuss this issue. There is a body in the community that feels that NAATI should not be the body responsible for revalidation of interpreters' qualifications and that it should go to the practitioner representatives. I think AUSIT is one of them. I think there was almost unanimous agreement by all of the owners—one or two states had some reservations—that they want NAATI to pursue the revalidation project but to clearly bring in the other stakeholders to be parties to it. NAATI is the appropriate national authority to conduct that revalidation or retesting of interpreters after whatever period is agreed, whether it is five years, six years or whatever. The owners certainly see NAATI as the body that should have the responsibility for maintaining professional qualifications standards.

**Ms Ellis**—As part of its commitment to continuous improvement, NAATI initiated a study into the reliability of NAATI tests and their scoring by examiners for interpreters and translators. That was commissioned in the middle of last year. The final report was received by NAATI in late April and will be considered by the NAATI board at a meeting later this week. NAATI have advised us that information on the report will be available on the NAATI website following the board's meeting.

**Senator HURLEY**—Is that the Cook report?

**Ms Ellis**—No, this was the NAATI rate, reliability study, which is separate from the Cook report. The Cook report was about an independent review of NAATI administrative procedures relating to testing, including quality control processes.

**Senator HURLEY**—While we are on the Cook report, my understanding is that it made no fewer than 30 recommendations for improvements to NAATI's service delivery. Is there any commitment to implementing those recommendations? What kind of influence does the report have?

**Mr Vardos**—This has been a vexed issue for NAATI. There were a number of very important recommendations made, but what the NAATI board are saying to the owners is: 'You give us the most significant proportion of our budget. We cannot do everything. You the owners tell us what the priorities are, from 1 to 30, and we will work out a reasonable work plan—but we can't do everything with the money that we have available.' So the bottom line is that if owners do not increase their contributions then NAATI will have to take a long-term serial approach to implementing the recommendations. This is one of the issues we are tussling with at the moment.

**Senator HURLEY**—Perhaps you can go through for me who did the Cook report and how they arrived at their recommendations.

**Mr Vardos**—It was a Mr Cook who did the report; that is why it is called the Cook report. He was appointed by NAATI. I am not sure whether we have the terms of reference.

**Ms Ellis**—I do not have the terms of reference here. The terms of reference and the report, I understand, are up on the NAATI website. The review was finalised in September last year, apparently after extensive consultations in Canberra, Sydney, Melbourne, Brisbane and Perth, not only with state government agencies responsible for multicultural affairs but also with NAATI member representatives, NAATI personnel, some NAATI examiner panels, a number of practising translators and interpreters, some employers of translating and interpreting services, and some NAATI candidates whose test results were the subject of disputation with NAATI. So there were extensive consultations by John Cook before he put together the report and made his recommendations.

**Senator HURLEY**—What about steps to gauge the satisfaction of the people who use the services delivered through NAATI—not just the translators and interpreters, the people involved with NAATI, but also the government agencies, say, who use—

**Mr Vardos**—The clients?

**Senator HURLEY**—Yes.

**Mr Vardos**—We do not have that information with us. It may well have formed part of the report. We will have to take it on notice and contact the NAATI secretariat.

**Ms Ellis**—Certainly, the users of translators and interpreters were consulted by John Cook in his preparation of the report and his recommendations. I might just add that the NAATI board's initial response to the findings of the Cook review is also publicly available, I understand, on the NAATI website.

**Senator HURLEY**—There are also NAATI regional advisory councils. Is that right?

**Ms Ellis**—I understand they have regional panels, yes. They have a presence in most states.

**Senator HURLEY**—What role do they perform?

**Ms Ellis**—I would need to take that on notice and get that advice direct from NAATI.

**Senator HURLEY**—Okay. Going to NAATI's role, my advice is that NAATI began in 1975, so a lot has changed—the nature of what is required in interpreting and translating, the community demographic and so on, as we have just been discussing. Has the role of NAATI been reviewed recently, and how does the government see NAATI's role?

**Mr Vardos**—Under the auspices of the Ministerial Council on Immigration and Multicultural Affairs, NAATI was reviewed in 2001, if my memory serves me correctly—that was the last major review. Out of that review came a number of changes to governance. A new constitution and a number of governance issues were adopted. The funding arrangements have not changed. NAATI tries to stay contemporary to the needs of modern Australia—the changing needs for different languages and that sort of thing—but they face exactly the same challenges that we alluded to earlier in trying to find people they can assist to become interpreters in new and emerging languages. We will be able to provide information on what emerged from that 2001 review.

**Senator HURLEY**—Was there any discussion in the review of what role the board plays in governance terms and how it should operate?

**Ms Ellis**—NAATI in 1984 became a company incorporated under the Companies Act and it is currently operating under the Corporations Act 2001. The operation of the board is dictated by that legislation.

**Senator HURLEY**—The board would then actively engage in setting business plans, determining governance, talking about efficiency and effectiveness of the organisation and that kind of role.

**Ms Ellis**—Yes. As a result of concerns that had been raised, the board commissioned John Cook to do the independent review of the administrative procedures of the testing arrangements.

**Senator HURLEY**—Is there any specification as to how the directors of NAATI are appointed? Are they board appointed or is there another mechanism?

**Ms Ellis**—That mechanism is covered in the new constitution that Mr Vardos referred to.

**Senator HURLEY**—It specifies what kind of person should be a director, what kind of qualifications should they have?

**Ms Ellis**—There are selection criteria.

**Mr Vardos**—The general approach taken by the members—I will describe them as the owners of NAATI—is that the board should comprise of people that have a range of complementary skills: business skills, being in the T&I industry, being involved with ethnic communities of Australia—to bring a mix of complementary skills to the board. I think the present board pretty much reflects that overarching parameter.

**Senator HURLEY**—And the staff? I will make it clear: there seems to be some criticism of the directors and staff of NAATI that they do not necessarily have formal or current expertise in modern practice. Would you accept any part of that criticism?

**Mr Vardos**—I could not relate to you all of the qualifications of the five members of the board. I think it might be fair to say that one or perhaps two of them have formal translating and interpreting business expertise. Then there is the secretariat that supports the NAATI board—off the top of my head, I cannot outline the range of skills. We do not have anything to add at this point on that issue. We could give you the CVs of the five members of the board, but the board provides the guidance to, effectively, the NAATI secretariat who conduct the technical operation of NAATI.

**Senator HURLEY**—Let me move to a specific example that has been put to me—that is, the NAATI chief executive officer. I would stress that this has just been put to me. I have no knowledge of the NAATI CEO and I have heard no criticism of his method of operation, but this has been a criticism from some people in the industry. The background to it is that questions about the position of the CEO of NAATI were submitted on notice to the New South Wales Legislative Council in late 2005.

The New South Wales Legislative Council was advised that the NAATI board of directors had, to date, not consulted with shareholders regarding the terms and conditions of the employment of the CEO, and the current CEO had held the position for 16½ years. The New South Wales NAATI member's representative was to write to the federal minister for multicultural affairs to seek an extraordinary shareholders meeting to discuss the issue. Was that meeting held?

**Mr Vardos**—There have been a number of meetings of all members' representatives, as we are called. The parliamentary secretary is the member and I am the member's representative. That is how it all fits together. We have had a number of telephone conferences. I do recall the questions on notice in the New South Wales parliament. I cannot recall if the New South Wales member's representative followed up with a letter.

**Ms Ellis**—I recall the matter being raised in the parliament, but I do not recall precisely what happened after that. We would need to take that on notice.

**Senator HURLEY**—Could I ask, then: were any changes made to the NAATI constitution between the end of 2005 and currently? Have there been any subsequent changes?

**Mr Vardos**—No, not to my recollection. I do not think there were any changes to the constitution once the new constitution was put in place—in fact, I am positive.

**Senator HURLEY**—And that was in 2004?

**Mr Vardos**—It was around 2001-02 when the new constitution was put in place, and since then there have been no major changes to the constitution. I think that suggestions have come up from time to time at the AGM, but I do not think that any of them have been carried. The issue about the CEO relates to the conditions of service of the CEO. When the organisation went from the old articles of association to the new constitution, the terms and conditions, or the contract, of the CEO were not suitably amended to reflect the new regime. So that person is not on a fixed term contract. That person is on, I think, an open-ended employment

arrangement. That is the issue that caused some concern amongst members' representatives—that it should have been dealt with at the time and the CEO should have been put on a fixed term contract.

**Senator HURLEY**—I see. But the board would conduct regular reviews of that person's job in the normal manner?

**Mr Vardos**—The CEO is accountable to the board, and then the board is accountable to the members' representatives.

**Senator HURLEY**—Is there a formal review process, or is it just ongoing?

**Mr Vardos**—I would have to take on notice just what is involved in the performance evaluation of the CEO.

**Senator HURLEY**—To get back to some accountability issues, we were talking about the board role, and we were talking previously about best practice and so on. Has there been any attempt to develop or define best practice in test design and administration?

**Mr Vardos**—I would have to refer questions of that nature to NAATI themselves to advise us. The members' representatives try not to micromanage the board. We will put the questions that you put to us to the chairman of the board to respond in detail.

**Senator HURLEY**—So you do not involve yourself in setting performance criteria or measures to determine the success of the organisation as such?

**Mr Vardos**—The members' representatives would get involved at the macro level through the AGM process—the annual reporting, the financial reporting that is provided to us by the NAATI board. But the day-to-day operation, the nitty-gritty, is managed by the board. I should add that some jurisdictions are more vocal than others in pursuing these issues through the board.

**Senator HURLEY**—The question of testing and interpreting is obviously an important and, it seems, a growing one because it affects so many people's lives and the availability of services and so on. Would it be right if I summed up what you were saying by saying that the board—and the Cook report is part of this—is currently looking at whether the organisation is responsive to emerging trends and new practices?

**Mr Vardos**—I think the Cook report is only one part of what the board has on its table at the moment. I cannot enumerate all of the processes or issues they are contending with. The Cook report itself is only one part of it. It looked at a specific set of issues.

**Senator HURLEY**—Is it all right if I go back to the Translating and Interpreting Service briefly?

**Mr Vardos**—Sure. Luckily Mr Greatorex has not gone back to Melbourne.

**Senator HURLEY**—I have just a few questions. One of the things I have encountered going around the country talking to various community groups is they are all quite critical, not of the telephone interpreter service but the use of the telephone interpreter service by a number of agencies, particularly doctors and other medical personnel. I gather one of the issues for medical people is that it takes some time. If they can book and organise the service,

that is not so much of an issue, but if someone appears unexpectedly and they need the service then it takes some time. Is that your understanding of what can happen with agencies?

**Mr Greatorex**—We aim to answer all calls to the telephone contact centre within 30 seconds and connect to an interpreter in major community languages within three minutes. We do that usually in keeping with the portfolio budget statement requirements. So there is a lag, sure, but three minutes is quite reasonable.

**Senator HURLEY**—So it is not significant amount of time.

**Mr Greatorex**—There is always the exception to the rule, but generally within three minutes it is fine. There is also, for doctors in private practice, the doctors' priority line, which is one of the emergency numbers that I mentioned earlier, where they take priority over the public queue.

**Senator HURLEY**—I have had it said to me that the TIS budget is usually not fully expended. Is that right? Does the take-up not match the availability of the service?

**Mr Vardos**—I think you are referring to the fee-free program that we have.

**Senator HURLEY**—Sorry, yes.

**Mr Vardos**—A certain amount is budgeted for it and, because it is demand driven, we can never predict how much of it will be used. But there are issues in managing that type of arrangement. One of the challenges that we face is the preference of the medical industry for on-site interpreters—to have a person there, physically present, for the consultation—which costs I think three to four times more than a telephone interpreting service. So there are some balancing issues there. But you are right: the fee-free allocation is sometimes not expended because we cannot predict the full level of demand for it.

**Senator HURLEY**—Is this something that is being discussed with other departments about increased use of the telephone interpreter service? We mentioned before children interpreting for their parents, and I think within a family that happens, and willingly, but there is some criticism that it often is not appropriate and it is just done because of the perceived reluctance of people in the agencies to go to the bother of organising an interpreter. Is there any discussion with other agencies by DIMA about the availability of the service, the type of service and the ease of the service?

**Mr Greatorex**—We have a promotional campaign or program every year, and we visit agencies across Australia in state and local government as well as Commonwealth jurisdictions. Increasingly, we find that that attitude is becoming more marginalised, but it is nonetheless a factor in some areas. They talk about budgetary concerns and what have you, and we take that opportunity to talk about the issues involved in using friends or family members and how that may hinder the actual process of diagnosis or whatever the interpreting episode is about. I think, generally, those agencies are receptive to that.

**Senator HURLEY**—One case that was put to me was that newly arrived migrants, when they finally get a job, find that they too frequently have to leave work to translate for their wife and children with various agencies and that kind of thing, so it is regarded as fairly critical to make sure agencies know that such services are available to them. Have you had any discussions with migrant groups about their willingness to use telephone interpreter

services? Mr Vardos mentioned that some people feel uncomfortable unless they have a face-to-face interpreter. Is there any kind of discussion with community groups about that?

**Mr Greateorex**—On our promotional and liaison program, we do meet with members of communities from time to time. We are also just about to complete what we are terming a client satisfaction survey and, as part of that survey, there is a segment which will be devoted to non-English speakers, asking them how they view TIS's services and whether there is any gap between their expectations and our performance requirements.

**Senator HURLEY**—Do you talk to the IHSS service providers and the migrant resource centres as well?

**Mr Greateorex**—Usually at the contractor recruitment level. There are occasions where, at a larger forum, senior members of the TIS group would be there and they would be mixing with those representatives, but there is no formal mechanism in place.

**Senator HURLEY**—Okay. Thank you.

**CHAIR**—Anything further in output 2.2, Senator?

**Senator HURLEY**—No.

**CHAIR**—All right. Then, as I understand it, Minister Vanstone and Mr Metcalfe, that completes this examination of budget estimates in this part of the portfolio for this committee.

**Senator Vanstone**—Thank you very much. I am not sure Senator Abetz will be very happy, having flown up for it.

**Senator HURLEY**—I thought he might be disappointed!

**Senator Vanstone**—He might be—that he left his family earlier than he needed to. But, as I said, I am sorry about the mix-up and I wanted to make sure that you had a minister here to go on with.

**CHAIR**—Thank you very much, Minister; we appreciate you facilitating that. Mr Metcalfe, I thank you and all your officers for your assistance in the last two days. The committee will reconvene with its usual enthusiasm at nine o'clock tomorrow morning to consider the budget estimates for the Attorney-General's portfolio. I declare this hearing adjourned.

**Committee adjourned at 3.53 pm**