

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 26 May 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(40) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 47) asked:

Are there child-specific procedures contained within the new contract with GSL? Are they spelled out?

Answer:

Compared with the previous contract with ACM, the GSL contract has a greater emphasis on reporting and accountability. Performance measures have also been expanded upon and care of children in detention is given considerable focus in specific contractual provisions.

The full public version of the contract is available at the following web site:

<http://www.immi.gov.au/detention/group4/index.htm>

Key provisions specific to children are as follows:

Schedule 2

Part 4 Duty of care, dignity and other fundamental principles

Section 4.1.5 outlines the special duty of care owed to unaccompanied minors because of the Minister's guardianship responsibilities for these children.

Part 8 Care needs: Special care

Specific care needs of children are detailed throughout this part of the contract. Section 8.1.5 specifies that the services provider must address the special needs of minors in detention taking account of the best interests of each child.

Cross-cultural issues are identified in relation to differing childcare practices under Section 8.1.7.

Subsections 8.1.8 (a) and (e) provide specific examples of where special care needs may arise for children in detention.

Section 8.1.11 requires a strategy for health provision to children at times of protest action and issues for consideration and action might include the legal aspect of parent's actions in relation to their child.

Part 9 Food and Beverages

Section 9.1.5 identifies an additional requirement for the supply of milk for children.

Part 10 Education and Other Activities

Educational services for children

Sections 10.1.5 to 10.1.16 inclusive specifies the responsibilities of the services provider for the educational needs of children in detention.

Sections 10.1.21-10.1.23 outlines the need for children in detention to participate in sporting and recreational activities.

Section 10.1.24 requires the detention services provider to encourage those in detention aged 15 and over to be involved in meaningful activities which will benefit the detainee community and themselves. Meaningful activities refer to activities such as gardening, preparing meals, cleaning and running activities for children and adults within the centre.

Immigration Detention Standards

The Immigration Detention Standards (IDS) found in schedule 3 of the contract outlines standard of service delivery the department expects from the Detention Services Provider (DSP).

The IDS that are directly related to child detainees are as follows:

2.2 Care Needs

- 2.2.3.1 Special care needs of minors;
- 2.2.3.2 Minors including babies, infants and unaccompanied minors;
 - 2.2.3.2.1 Safety, care and welfare of children in detention;
 - 2.2.3.2.2 While parents are responsible for the health and welfare of their children, they are assisted, where necessary, including through the provision of training, parenting and life skills;
 - 2.2.3.2.3 Suitable care for children when the parents are away from detention facilities;
 - 2.2.3.2.4 Service provider should draw on the advice of relevant state and territory agencies; and
- 2.2.3.2 Ante natal, obstetric and post natal services and facilities.

3.1 Education

- 3.1.1.1 School aged children are encouraged to participate in educational services;
- 3.1.1.2 School aged children have access to a range of after school and school holiday programs;
- 3.1.1.3 Pre school aged children in detention have access to early childhood development;
- 3.1.1.4 Recognising that parents remain responsible for their children, parents are encouraged to allow their children to access educational services and provided with the adequate information about educational requirements and practices in Australia.

3.2 Sporting, Recreational and Leisure Activities

- 3.2.2 Children particular development needs for sporting leisure, recreational and play activities, equipment and play amenities are met;
- 3.3 Self help program – subject to the security and good order of the detention facility and the safety of all those within it. The program is available to those in detention over the age of 15.

6.8 Assaults

- 6.8.4 Any allegations or reasonable suspicions of assault including sexual assault of minors are referred to promptly to the appropriate authorities, in accordance with the law and relevant Memoranda of Understanding with state and territory agencies and the Department's manager.

Operational Procedures

Under section 2.4 of the contract, the DSP is to develop operational procedures for the effective delivery of services, which must be approved by the Department. Some 34 of the 102 operating procedures outline the provision of specific services to children.

Migration Series Instructions

Also, the Department's case management of children in detention is informed by the following procedural documents from the set of Migration Series Instructions (MSIs):

MSI 370: Procedures for Unaccompanied Wards in Immigration Detention Facilities

MSI 371: Alternative Places of Detention

MSI 384: Bridging Visa E (Subclass 051) – Legislation and Guidelines

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(41) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 49) asked:

How many Australian born children have been held in detention centres over the last two years?

Answer:

In line with the response provided by Mr Davis at the Budget Estimates hearing on 26 May 2004, the following confirmation of statistics is provided.

In the current financial year to 30 April 2004, three children have been born to mothers who were in immigration detention.

For the full two year period from 30 April 2002 to 30 April 2004 there were 12 births to mothers in immigration detention.

Please note that all births occur in hospitals. None of these children was born in a detention centre.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(42) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 49) asked:

How many children have been removed from Australia with one parent still remaining behind in a detention centre?

Answer:

Statistics regarding the removal of unlawful non-citizen children when one parent has remained behind in a detention centre cannot readily be obtained using departmental systems. In order to respond to this question accurately, thousands of individual files would have to be examined. This would be an unreasonable diversion of departmental resources. However, departmental officers involved with removals in Central and State/Territory offices can only recall one case over the last two years.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(43) Output 1.3: Enforcement of Immigration law

Senator Kirk (L&C 49) asked:

Provide a breakdown of the length of time the people who are either overstayers or unauthorised air arrivals have been held in detention?

Answer:

Detailed below is a breakdown of the length of time the people who are recorded in departmental systems as either overstayers or unauthorised air arrivals have been held in detention, as at 11 June 2004.

<u>Timeframe</u>	<u>Number of persons</u>
0 to 3 months	283
3 to 6 months	54
6 to 12 months	80
12 to 24 months	72
24+ months	30

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(44) Output 1.3: Enforcement of Immigration law

Senator Kirk (L&C 49-50) asked:

Provide a breakdown of persons in “other” detention facilities and the cost per day per detainee in “other” detention facilities.

Answer:

Breakdown of persons located in other facilities

The Department uses a wide range of facilities other than detention centres and Residential Housing Projects. The main types of other facilities used by the Department are private housing, accommodation organised by community groups, state government care, motels and medical facilities.

As at 11 June 2004 the following persons are recorded in departmental systems as being located in other facilities:

- 48 detainees located in correctional facilities including those located in police watch houses, police lock ups, remand centres and prisons. The Department generally accesses state facilities for criminal deportees, some compliance cases and those in immigration detention of behavioural concern in exceptional circumstances. For instance in Queensland, immigration detainees are regularly housed at the Arthur Gorrie Correctional Centre.
- 14 detainees located in Foster Care
- 5 detainees in transit between place of location and Immigration Detention Centre
- 8 detainees located in Harbours (under the care of Australian Fisheries Management Authority (AFMA))
- 3 detainees located in Hospital
- 7 detainees located in Private Apartments

Costs

In relation to State Correctional facilities, a daily rate is paid for accommodation for each immigration detainee. The rates are reviewed on a regular basis and range between \$95 and \$546.54 per day per detainee depending on the State and location.

Motels when used as alternative places of detention can range from \$50 to \$95 per night per detainee. In addition to the daily rate the Department is responsible for the cost of guarding, food and medical treatment if required.

Medical facilities have a variety of daily bed rates dependent on the treatment required during admission.

All other places of detention generally do not have a cost per day structure and costs are negotiated on a case by case basis depending on the needs of the individual. For example, private housing and community group costs are highly dependent on family composition and individual health needs.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(45) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 50-51) asked:

In relation to the newspaper article headed 'Asylum Fiasco', are the claims in the article correct?

Answer:

There are a number of claims in the article.

The response to Question on Notice number 48 provides the cost of the individual's removal from and return to Australia.

In relation to escorts, three individual escorts were used overall but no more than two escorts were used at any one time.

There were 12 flights taken in total (with a return ticket counted as two flights).

The routes taken were required in light of available commercial links to the destination.

It is not correct that the Australian Government hired two "troubleshooting" companies, one in Australia and one in South Africa. Removal arrangements were made with one private South African security company, Snyman and Migliore International Pty Ltd.

The claim that the removee's "Australian Government-issued identity papers were rejected by Sudanese officials in Tanzania" is incorrect. The removee was travelling on an Australian Certificate of Identity, which was accepted by the Tanzanian authorities. Tanzanian Immigration advised that the individual could enter on this document and transit for a period of seven days for nationality verification and issue of a travel document for Sudan. While in Tanzania, the removee was interviewed by Sudanese authorities who determined at that stage that they did not consider that he was a Sudanese national.

In relation to the claims of the individual's previous countries of residence, it is difficult to definitively verify claims. The information provided by the individual changed during his time in detention and during the removal described above.

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(46) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 51) asked:

In relation to the newspaper article headed 'Asylum Fiasco', how many similar instances have occurred in the last five years?

Provide details of the cases and the costs involved, including how many guards were involved and the destination if possible.

Answer:

As advised during the hearing, in order to answer this question, the Department is relying upon recollections of relevant officers. To the Department's knowledge, in the last five years, there have been three instances where individuals have been removed and then refused entry and returned to Australia.

Case 1

On 29 December 2003, with two escorts, a detainee departed Australia to his home country with a valid passport. On arrival, the detainee was refused entry and returned to Australia. The cost of this removal and return was \$14,212. The Department is pursuing discussions with the country concerned.

Case 2

This case concerns a family, comprising eight members (parents and six children). The family secured valid visas to travel to a third country. The family was removed on 16 August 2003, with two escorts. On arrival, the authorities refused entry. The family returned to Australia via the same route. The net cost of these removal arrangements was \$18,215.

Case 3

On 8 August 2000, with one escort, a detainee departed Australia with a valid visa to a country where he had lived previously. After arriving at a transit point, he was refused onward travel by an airline representative. The individual returned to Australia on 11 August 2000. The authorities concerned could not explain the refusal at the airport. The individual was voluntarily removed to the same country on 31 October 2000 and was granted entry.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(47) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 52) asked:

In relation to the person referred to in the newspaper article headed 'Asylum Fiasco', had the RRT made any determination as to his country of origin?

Answer:

The Refugee Review Tribunal (RRT) was unable to make a finding as to the applicant's identity. Among other things, the RRT found that "the applicant's evidence in relation to most aspects of his claims was vague, unconvincing, generalised and contained significant inconsistencies."

For the purposes only of making a finding on the applicant's claim for protection, the RRT determined to accept the applicant's claim that he was born in Kuwait to Sudanese parents. The applicant also claimed to be a citizen of Sudan.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(48) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 52) asked:

Provide details of the contract with the company that assisted with the removal of the person referred to in the newspaper article headed 'Asylum Fiasco', including the cost and details of any other contracts of that nature that have been used in the last couple of years.

Answer:

Arrangements for removal of identified case

Arrangements for the removal of the person referred to in the newspaper article were made with a private South African security company, Snyman and Migliore International Pty Ltd (SMI). The services provided by SMI cost AUD \$26,282 and included:

- air tickets for the removee and escorts;
- accommodation and meals;
- security services;
- escorts and management fees; and
- other miscellaneous, eg telecommunications.

The invoice for services was provided in South African Rand. The above costs are calculated at an exchange rate of 1 Rand for .214420 Australian Dollars.

Other contracts

As advised during the hearing, the Department does not have standing offers for removal contracts. The Department uses a range of different providers and not-for-profit arrangements, in response to the particular requirements of the removal. This ensures that the Department can find the most effective match between operational needs and value for money.

Factors that impact on operational needs and any requirement for a contract include the level of cooperation of the detainee, the available routes to the destination country, the willingness of an airline to carry certain individuals, the requirements of certain airlines, the expertise of any contracted company, and existing arrangements and agreements negotiated by State offices.

The removal arrangements put in place by the Department in any particular case are diverse and responsive to those factors described above. For this reason, it is not reasonably possible to detail other contracts of the same nature.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(49) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 54) asked:

- (1) Is there an MOU between DIMIA and Customs to deal specifically with Townsville?
- (2) Is the MOU between DIMIA and Customs available to the committee?
- (3) Specifically, what arrangements does DIMIA have for Customs to deal with immigration matters both at the primary line, in the initial observance and detection of immigration matters, and then in the secondary line, where Customs officials would be using whatever skills they have or DIMIA has trained them with to ensure that any immigration irregularities have been picked up?

Answer:

- (1) No. There is a Memorandum of Understanding between the Australian Customs Service and the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) for the Provision of Passenger Clearance Services Australia wide.
- (2) A copy of the MOU between DIMIA and Customs is included at Attachment A.
- (3) Primary immigration screening of all arriving and departing passengers and crew is undertaken by Customs on behalf of DIMIA. DIMIA provides Customs with relevant instructions.

The immigration clearance responsibilities performed by Customs on behalf of DIMIA include:

- confirming identification of the passenger;
- conducting basic examination of travel documentation;
- confirming the traveller has the authority to enter by checking against DIMIA databases;
- ensuring the passenger card is fully completed; and
- notifying all system and manual referrals to an immigration officer before the passenger is allowed to pass through the Primary Line.

DIMIA airport inspectors monitor the inward and outwards immigration clearance function and provide secondary immigration clearance support to Customs at Inward and Outward Control Points at International Airports.

DIMIA is responsible for all processes and interviews in relation to persons referred by Customs to DIMIA including those refused immigration clearance.

DIMIA provides training to Customs officers to carry out immigration clearance procedures.

MEMORANDUM OF UNDERSTANDING

between the

AUSTRALIAN CUSTOMS SERVICE

and the

**DEPARTMENT OF IMMIGRATION AND
MULTICULTURAL AND INDIGENOUS
AFFAIRS**

for the

PROVISION OF PASSENGER CLEARANCE SERVICES

PART I – INTRODUCTION

1. Parties to and Purpose of the Memorandum of Understanding

- 1.1 This Memorandum of Understanding ("MOU") between the Australian Customs Service (Customs) and the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) sets out the role and responsibility of the Australian Customs Service in the immigration clearance of passengers and crew at airports and seaports. It also outlines the role of DIMIA in the immigration clearance function and the support DIMIA will provide to Customs in carrying out the Immigration clearance function.
- 1.2 This MOU does not encompass arrangements relating to the processing of unauthorised arrivals by sea. These arrangements are the subject of a separate MOU between Customs, DIMIA and other relevant agencies.

2. Legislation

- 2.1 DIMIA is responsible for administering the Migration Act 1958, the object of which is to regulate, in the national interest, the travel, entry and stay in Australia of non-citizens. While Australian citizens have a right to enter Australia, the Migration Act requires all persons arriving in Australia, including Australian citizens, to seek immigration clearance and to provide evidence of identity and authority to enter Australia.
- 2.2 Section 165 of the Migration Act enables the Minister for DIMIA to authorise officers (including Customs officers) to be "clearance officers" for the purposes of performing immigration functions under Division 5 of Part 2 of the Migration Act.
- 2.3 The Minister has, by instrument of Authorisation and Delegation, authorised certain Customs Officers to be "clearance officers" under section 165 of the Migration Act.
- 2.4 It is Customs responsibility to ensure that officers performing clearance functions are properly delegated.

3. Statement of Principles

- 3.1 In the delivery of services, Customs and DIMIA agree to perform functions consistent with their respective service charter standards.
- 3.2 This MOU includes schedules that provide detailed information on each agency's responsibilities in relation to:
 - A. Air passenger and crew processing;
 - B. Sea passenger and crew processing;
 - C. Information and technology systems, data bases and equipment;
 - D. Training;
 - E. Communication and Consultations;
 - F. Evaluation and Performance Measurement;

PART II – ROLES and RESPONSIBILITIES

4. Broad Roles

- 4.1 The role of Customs is to facilitate trade and the movement of people across the Australian border while protecting the community and maintaining appropriate compliance, to administer specific industry schemes and trade measures and to efficiently collect customs revenue.
- 4.2 DIMIA is responsible for the administration of the Migration Act 1958 and accordingly, the establishment and maintenance of operational policies and procedures regulating the movement of people, both citizens and non-citizens, across Australia's borders. A key responsibility for DIMIA is to ensure Australia's Immigration border is an effective barrier to the entry of persons who have no legal entitlement to enter.

5. Specific Roles at the Border

- 5.1 Schedule A of this document outlines in detail, the specific roles of DIMIA and Customs in relation to Air Passenger and Air Crew processing at the border. Both parties agree to their individual and joint roles as outlined in schedule A including performance measurement indicators.

Airports

- 5.2 Primary immigration screening of all arriving and departing passengers and crew is undertaken by Customs on behalf of DIMIA. DIMIA provides Customs with relevant instructions.
- 5.3 The actual immigration clearance responsibilities performed by Customs on behalf of DIMIA at inwards include:
- confirming identification of the passenger including a deliberate face to travel document check;
 - conducting basic examination of the travel document to ensure there are no obvious flaws, particularly in relation to the biodata page;
 - confirming the traveller has the authority to enter, and accurately recording the movement;
 - ensuring the face of the passenger card is fully completed by every traveller, and
 - notifying all systems and manual referrals to an Immigration officer before the passenger is allowed to pass through the Primary Line.
- 5.4 The actual immigration clearance responsibilities performed by Customs on behalf of DIMIA at outwards include:
- confirming identification of the passenger, ie a deliberate face to travel document check;
 - conducting basic examination of the travel document to ensure there are no obvious flaws, particularly in relation to the biodata page;
 - accurately recording the departure movement on PACE;
 - ensuring a completed passenger card is submitted by each traveller; and
 - notifying all systems and manual referrals to an Immigration officer before the passenger is allowed to pass through the Primary Line.
- 5.5 Customs is responsible for ensuring the checks at 5.3 and 5.4 are completed. DIMIA airport inspectors will monitor the inwards and outwards immigration clearance function.
- 5.6 DIMIA will provide secondary immigration clearance support to Customs at Inward and Outward Control Points at International Airports either in person or by telephone.
- 5.7 DIMIA will be responsible for all processes and interviews in relation to persons referred by Customs to Immigration including those refused immigration clearance.

Seaports

Schedule B of this document outlines in detail, the specific roles of DIMIA and Customs in relation to Sea Passenger and Crew processing at the seaborder. Both parties agree to their individual and joint roles as outlined in schedule B including performance measurement indicators.

- 5.7 At the seaborder, Customs will undertake the immigration clearance function on behalf of DIMIA. DIMIA will provide Customs with relevant instructions.
- 5.8 Customs Officers will report the presence of a stowaway or other unlawful non-citizen on board a vessel to DIMIA immediately and take action in accordance with DIMIA instructions. Customs will immediately pass to DIMIA information received concerning deserters and take appropriate action as per DIMIA advice.
- 5.9 At seaports, if possible, DIMIA will attend the vessel to interview any person referred by Customs for immigration clearance. Where there is no DIMIA presence, support will be provided from the nearest International Airport or by a DIMIA duty officer appointed to a local roster to cover periods outside normal DIMIA office hours.

General

- 5.10 Customs will ensure the safe custody at all times of all DIMIA issued stamps, documents and computer user identifications and will maintain an asset and custodial register in accordance with accepted audit practice. The loss, destruction or misuse of accountable items is to be reported to DIMIA immediately it is identified.
- 5.11 Either party may bring procedural difficulties with respect to immigration clearance to each other's notice for resolution.
- 5.12 Both parties will implement agreed procedures for the checking, handling and reconciliation of passenger cards.

6. Privacy Principles

- 6.1 Customs and DIMIA acknowledge that they must comply with the Information Privacy Principles of the Privacy Act 1988 in relation to personal information.
- 6.2 Customs and DIMIA acknowledge that information that passes between them in accordance with this MOU is provided on a confidential basis

and will not be used for any purpose other than as prescribed by and in accordance with section 16(3) of the Customs Administration Act 1985 and for any purpose other than those allowed by section 488 of the Migration Act 1958.

7. Legislative, Policy and Administrative Changes

7.1 Customs and DIMIA will each consult the other about proposed changes relevant to immigration clearance:

- (i) to the Customs Act or Regulations made under that Act;
- (ii) to the Migration Act or Regulations made under that Act;
- (iii) in policies or procedures at air and seaports;
- (iv) in resourcing of the passenger/crew clearance function particularly at the primary line, and
- (v) in technology affecting the provision of passenger/crew clearance services which may impact on the procedures or operations of the other party.

8. Information Technology (IT) Systems, Databases and Equipment

8.1 Schedule C of this document outlines in detail, the specific roles of DIMIA and Customs in relation to Information and Technology Systems, Data Bases and Equipment used in passenger clearance procedures at the border. Both parties agree to their individual and joint roles as outlined in schedule C including performance measurement indicators.

8.2 Customs and DIMIA agree that passenger and crew clearance computer systems, data bases and equipment of both agencies are to be well maintained, reliable and accessible to authorised officers to fulfil their statutory responsibilities and associated functions in the timely and accurate processing of passengers and crew.

8.3 The parties will consult on any planned upgrades or replacement of passenger and crew computer clearance systems.

8.4 Both parties acknowledge that IT issues may need to be addressed in conjunction with their respective IT service providers.

9. Training

9.1 Schedule D of this document outlines in detail, the specific roles of DIMIA and Customs in relation to Training of Customs Primary Officers

to undertake passenger clearance procedures at the border. Both parties agree to their individual and joint roles as outlined in schedule D including performance measurement indicators.

- 9.2 The parties agree to cooperate to ensure that Customs Officers are appropriately trained in passenger/crew immigration clearance procedures.
- 9.3 DIMIA agrees to provide advice and guidance to Customs officers on matters and questions relating to the administration of immigration legislation, policy and regulations in relation to the processing of passengers and crew.
- 9.4 Customs will, in consultation with DIMIA, determine the number of officers to be trained or retrained and the location and timing of the training.
- 9.5 Additional training will be provided by DIMIA when new technology or procedures are introduced at airports and/or seaports, which impact on the immigration clearance function.

PART III – ADMINISTRATIVE ARRANGEMENTS

10. Communication and Consultation

- 10.1 Schedule E of this document outlines in detail, the specific roles of DIMIA and Customs in relation to Communication and Consultation in relation to passenger clearance procedures at the border. Both parties agree to their individual and joint roles as outlined in the schedule, including performance measurement indicators.
- 10.2 Customs and DIMIA agree that they will establish regular liaison procedures at the national and operations levels to deal with the various procedural and administrative processes set out in this document.
- 10.3 The Director, Air and Sea Port Operations for DIMIA and the Director Compliance Policy, Passenger Processing for Customs are appointed as the liaison/contact officers for the purposes of this MOU.
- 10.4 Both agencies will ensure that at the operational level Customs and DIMIA managers will coordinate their activities to give effect to the intent of this MOU and where possible resolve any issues at a local level.

- 10.5 Local issues that cannot be resolved should be brought to the attention of the local DIMIA or Customs manager for resolution. If these cannot be resolved locally by a manager it should be brought to the attention of the appropriate persons at 10.3 above for resolution.

11. Media Guidelines

- 11.1 Where it is intended that information in respect of the joint activities of Customs and DIMIA with respect to the provision of passenger and crew clearance services is to be released to the media, then, prior to release the parties will consult on the nature and content of that information which, in all cases, should seek to acknowledge the contribution made by each party.

12. The General Public

- 12.1 Customs will be responsible for dealing with the general public in respect of all matters arising from the administration of the Customs Act and/or Regulations, including actions by Customs officers and disputes in relation to the said administration.
- 12.2 DIMIA will be responsible for dealing with the general public in respect of all matters arising from the administration of the Migration Act and/or Regulations, including actions by DIMIA officers and disputes in relation to the said administration.
- 12.3 DIMIA will consult with Customs, where appropriate, in respect to responses to complaints/inquiries regarding the performance of immigration clearance functions by customs officers.
- 12.4 Customs will be responsible for dealing with complaints about Customs officers.

13. Evaluation and Performance Measurement

- 13.1 Schedule F of this document outlines in detail, the specific roles of DIMIA and Customs in relation to Evaluation and Performance Measurement of activities related to passenger clearance procedures at the border. Both parties agree to their individual and joint roles as outlined in schedule F including performance measurement indicators.
- 13.2 A set of measures, mutually acceptable to both parties, will be adopted to assess the efficiency and effectiveness of passenger and crew processing activities of the parties. Information collected will be

evaluated on a regular basis by the contact officers mentioned at paragraph 10.3.

- 13.3 The parties will share performance measurement information as described in 13.2.

Commencement, Review and Variation to the MOU

- 14.1 This MOU will come into effect on the day that it is signed by the party signing last.
- 14.2 This MOU may be varied or terminated at any time by agreement in writing between both parties.

SIGNED

(GAIL BATMAN)
National Director
Border Intelligence and
Passengers Division

Australian Customs Service

(JOHN MOORHOUSE)
First Assistant Secretary
Border Control and
Compliance Division

Department of Immigration
and Multicultural and
Indigenous Affairs

DATED

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