

CHAPTER 2

IMMIGRATION AND CITIZENSHIP PORTFOLIO

Introduction

2.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the budget estimates for the Immigration and Citizenship portfolio for the 2009-10 financial year.

Migration Agents Registration Authority

2.2 The committee asked a number of questions in relation to the final stages of Migration Agents Registration Authority's (MARA) absorption within the department, which is to take effect from 1 July 2009. The committee was told that 26 MARA staff had been invited to submit their job descriptions to the Department, 19 had received offers of employment and 17 appointments were confirmed.¹

2.3 The committee also questioned officers about MARA's operating surplus of '\$3 to \$4 million' concerning the ownership of the money and the proposed use after the merger. The Minister stated:

MARA is the government regulatory authority and, as I understand it, these are Commonwealth funds we are debating. Any question about what might be done with those or other Commonwealth funds is a decision for the Commonwealth government.²

Department of Immigration and Citizenship

Outcomes structure and staffing

2.4 In his opening statement, the Department's Secretary, Mr Andrew Metcalfe, outlined the Department's new outcome and program structure, which is a result of changes made to the reporting arrangements as part of Operation Sunlight.³ The new structure can be found at Appendix 5.

2.5 The committee sought information concerning the department's reported staff reductions of 10 per cent. The Secretary advised the committee that the department was expected to reduce staffing numbers over the year ahead but at a lower level than that reported, commenting that 'the one in 10 article that appeared in the media was made up by someone. I do not know where that came from.'⁴

2.6 The Secretary gave a detailed explanation of the reasons for the reductions:

A range of measures in the budget, such as the Gershon review relating to IT, are seeking savings from the department's IT expenditure. Conversely,

1 *Committee Hansard*, 27 May 2009, p. 58.

2 *Committee Hansard*, 27 May 2009, p. 60.

3 *Committee Hansard*, 27 May 2009, p. 67.

4 *Committee Hansard*, 27 May 2009, p. 69.

part of that strategy has been to reduce the number of consultants and contractors that we use and to replace them with full-time staff. While we are making savings, some of that is reducing contracted numbers but increasing our own employees. Like all agencies we are subject to the normal efficiency dividend, so that has an impact on us as well.

There are a range of other savings measures or measures that needed to be absorbed by the portfolio. Another significant driver of our financial position is described as activity levels under our resourcing agreement with the Department of Finance.⁵

Residency tests

2.7 The committee also questioned officers in relation to the changes that are in train for the test applied to applicants for permanent residency in respect of serious health conditions that have the potential to cost the public health system more than \$21 000.⁶ Officers explained that negotiations are underway with state governments to raise the threshold of the test to \$100 000, on the basis that it is state governments that bear the majority of health costs. The new arrangements are already in place in the ACT, Victoria and Western Australia.⁷

Unauthorised arrivals

2.8 Senators sought information about the rise in unauthorised boat arrivals since last year, and the factors that have contributed to this.⁸ Mr Metcalfe addressed this issue:

To only look at the picture from an Australian perspective is missing probably 95 per cent of the story. The real story is what is happening in terms of global refugee matters; stability in key areas; protection for people in places near their homes, such as Pakistan, and whether that is effective; the role of people smugglers; the ability to cooperate with countries of transit, such as Malaysia and Indonesia; and the fact that, although we certainly receive numbers of refugee applicants in Australia, what we see here is tiny compared with other countries.⁹

2.9 Senators also asked about research undertaken into what factors encourage or deter people to seek to come to Australia.¹⁰ The committee was told that there was a specific budget measure of \$810 000 to improve capacity which will increase the department's capability to do research in this area.¹¹ The committee also asked

5 *Committee Hansard*, 27 May 2009, p. 69.

6 *Committee Hansard*, 27 May 2009, p. 88.

7 *Committee Hansard*, 27 May 2009, p. 89.

8 *Committee Hansard*, 27 May 2009, p. 99.

9 *Committee Hansard*, 27 May 2009, p. 101.

10 *Committee Hansard*, 28 May 2009, p. 16.

11 *Committee Hansard*, 28 May 2009, p. 16.

questions about the people smuggling taskforce and the range of interviews conducted with illegal entrants by a range of agencies.

Non provision of information and public interest immunity

2.10 As was the case during consideration of the Estimates for the Attorney-General's portfolio, there were a number of occasions when officers or the Minister declined to provide information.

2.11 The Department refused to supply advice to government regarding the number of extra refugee tribunal members needed to deal with its workload. The Department referred the matter to the Minister who did not make a claim of public interest immunity but stated that such advice is never provided to committee:

Senator Chris Evans—Departments do not give Senate estimates advice that has been provided to government. The Senate order does not change any of those things. That deals with documents in a public interest defence. No public interest defence has been advanced here. The officer made clear that the selection panel, as described by the secretary, has reported to government. The government is in the process of making a decision and that will be publicly announced when the decision has been made.¹²

2.12 The committee revisited the issue on two occasions later in the hearings, where the Minister reiterated his position:

Senator Chris Evans—I do not need to take it on notice, Senator Barnett. This is advice to government for consideration by cabinet. It has not been provided in the past, will not be provided now, and you can take it as a formal rejection. The government will not be providing you details of advice for decisions by cabinet, full stop.¹³

...

Senator Chris Evans—Let me just be clear to you. What the department has provided me with is a submission which is to be taken to cabinet. It will be a cabinet document. Will I be releasing it to you? No. Will I be discussing its contents? No. I have been very clear about this. You may not like the answer and you may get advice that says I should. This will be a cabinet document and a cabinet decision. You raise the public interest criteria defence and the Senate's motion in relation to that. I am not claiming the public interest defence. I am making it clear to you that it is a cabinet document. Neither I nor any other ministers, I suggest, will be releasing or discussing the contents of advice to the cabinet....I am happy to defend the process and the decisions with you when they are made, but this is a document that has been provided as advice to cabinet for decision and appointment by cabinet. I will not have officers discussing the content of that—not the numbers, who is recommended, what states they are from. It is a submission to cabinet. I do not, quite frankly, care what the Attorney-General's Department does. I will not, and my officers will not, be

12 *Committee Hansard*, 27 May 2009, p. 48.

13 *Committee Hansard*, 27 May 2009, p. 66.

discussing submissions to cabinet at estimates. Under the previous government they would not have, either.¹⁴

2.13 During consideration of the Immigration and Citizenship portfolio, questions were asked about the protocol for interviewing asylum seekers. The Secretary of the Department, Mr Metcalfe, objected to answering the question in the following terms:

Mr Metcalfe—Senator, I think there is a very strong public interest as to why in public evidence before this committee we would not disclose operational methods designed to combat people smuggling. Otherwise people who are engaged in people smuggling will look at what we do and devise countermeasures. What is very clear from many years of practice in this area is that people smugglers are smart criminals; they alter their tactics to respond to Australian and international measures.¹⁵

2.14 The committee accepted Mr Metcalfe's explanation and did not persist with the question.

Senator Trish Crossin

Committee Chair

14 *Committee Hansard*, 28 May 2009, p. 4.

15 *Committee Hansard*, 28 May 2009, p. 29.