



Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

Report from the Secretary

To

**Senator the Hon Amanda Vanstone
Minister for Immigration and Multicultural and
Indigenous Affairs**

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PALMER REPORT OF THE INQUIRY INTO THE CIRCUMSTANCES OF THE IMMIGRATION DETENTION OF CORNELIA RAU

September 2005

people our business

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1. Background

In February 2005, the Minister for Immigration and Multicultural and Indigenous Affairs, Senator the Hon Amanda Vanstone (the Minister) commissioned Mr Mick Palmer AO APM to investigate the circumstances of the immigration detention of Ms Cornelia Rau.

The Inquiry was conducted in accordance with the terms of reference issued to Mr Palmer on 9 February and 2 May 2005. The report was highly critical of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). The 49 recommendations go to specific issues raised by Ms Rau's case and Mr Palmer's preliminary examination of the Vivian Alvarez/Solon case. Mr Palmer's findings also point to the need for broader cultural change in DIMIA across leadership, governance, training, client service, openness, quality assurance, values and behaviour. On 14 July 2005, the Australian Government indicated that it accepted the thrust of the findings and the recommendations. Clearly mistakes were made. This report shows the very substantial commitment the Government is making to address the concerns Mr Palmer has raised.

This report has also been informed by my discussions with the Commonwealth Ombudsman and Mr Neil Comrie AO APM on the draft report of the inquiry into the circumstances of the Vivian Alvarez matter. The initiatives described below are consistent with both the recommendations of the Palmer Report and those in the draft report by the Commonwealth Ombudsman on Ms Alvarez's case.

This Plan indicates action the Government has taken to date, and measures that will be taken, to address both the specific recommendations in the Palmer Report and the need to achieve cultural change in DIMIA.

I will provide a progress report to the Minister in September 2006 that will be tabled in Parliament.

2. Achieving cultural change in DIMIA: values, standards, stronger accountability and governance

The Prime Minister announced my appointment as Secretary to DIMIA on 10 July 2005. On 14 July 2005 Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet announced the appointment of two Deputy Secretaries and a Change Management Taskforce (CMTF) to lead DIMIA in a process of administrative reforms. This process must shift DIMIA from an organisation described by Mr Palmer as 'process rich and outcomes poor', 'overly defensive', 'assumption driven' and 'unwilling to engage in genuine self-criticism or analysis' to one which is client-focused and effective in its decision-making and operational roles.

On 8 August 2005, I briefed all DIMIA staff on the direction for change and the three major themes that emerge from the Palmer Report. In order to meet the expectations of the Government, the Parliament and the wider community, DIMIA must:

- become a more open and accountable organisation;
- deal more reasonably and fairly with clients; and
- have staff that are well trained and supported.

Change is needed at the most fundamental levels if these objectives are to be met. It is not a short term agenda. DIMIA is an organisation of approximately 5,600 people who work on a range of activities across Australia and in approximately 60 countries around the world. Changing the culture in an organisation this size will take time, resources and ongoing commitment. Strong leadership, vision and direction from the DIMIA executive, appropriate governance arrangements, clear lines of communication, including expectations from senior management and a supportive environment will be fundamental aspects of the change.

A strong theme in the Palmer Report was the need for substantially enhanced training for staff undertaking operational roles and exercising powers under the *Migration Act 1958* (the Migration Act), and the need for a substantial investment in appropriate systems and other support for their activities. Together with the governance and accountability measures described above, better training and support will result in much better case management and a firmer client focus for the Department.

3. Implementing change

The response to the Palmer Report is complex. It addresses both the specific recommendations and the need for broader cultural change. The plan places each recommendation and project under broad themes in line with the spirit of the Palmer recommendations. These are that DIMIA will be a more open and accountable organisation, it will ensure and demonstrate fairer and more reasonable dealings with clients, and will have well trained and supported staff who actively embrace the first two themes.

Some initiatives were underway before Mr Palmer reported, which have improved the handling of DIMIA compliance and detention cases. These were announced by the Minister in Parliament on 25 May 2005. A range of new initiatives will be delivered by the end of 2005 and further measures will be developed during that period for implementation in 2006. These are listed in Attachment A.

3.1 An open and accountable organisation

DIMIA's broad objectives against this theme are to improve the structure and governance of the Department, to focus on clients as individuals, to ensure quality decision making, and to communicate better with the wider community.

Part of the solution lays in improving departmental structures and governance frameworks. Change in DIMIA is underway and will be fully implemented by the end of December 2005. The new structure will establish clear lines of responsibility and accountability through:

- three Deputy Secretaries (this includes an additional Deputy Secretary position);

- improved governance arrangements - in particular, there will be a high level Values and Standards Committee with external representation (including from the Commonwealth Ombudsman's Office and the Australian Public Service Commission) to ensure the organisation is meeting community expectations and focusing on meeting the Australian Public Service values;
- a new branch led by a Chief Internal Auditor, with a significantly expanded budget, to manage an enhanced internal audit programme that will strengthen compliance checking (i.e. are DIMIA officers actually doing what the law or our instructions require?) and areas identified as high risk by Mr Palmer, and to implement a national quality assurance framework, particularly around decision-making;
- a new Strategic Policy Group to monitor and report on the implementation of the Palmer programme and to better coordinate the development and delivery of policy in DIMIA; and
- examining State and Territory Office arrangements, with a particular emphasis on appropriate funding levels for operations, training and support.

As recommended by Mr Palmer, there has been a particular focus on the detention and compliance areas of the Department:

- a consultant has been engaged to review the functions and operations of detention and compliance activities (to report by end December 2005);
- the consultant will also review the detention services contract (also reporting by the end of December);
- the Unauthorised Arrivals and Detention Division and the Border Control and Compliance Division (at the centre of Mr Palmer's criticism) have been split into three new divisions that will provide a better balance of responsibility and accountability; and
- two key senior executives have been recruited from other agencies to perform critical roles leading the new Detention Services Division and the Compliance Policy and Case Coordination Division.

Quality decision-making is fundamental to the success of DIMIA operations. Measures to address this issue include:

- Detention Review Managers (DRM) have been established in all State Offices where people are detained. They review all detention cases and ensure compliance with standard procedures. DRMs are alerted of all cases within 48 hours of a person's detention, but within 24 hours where the identity is in doubt. DRM arrangements will be assessed as part of the review of the functions and operations of detention and compliance activities;
- the new Chief Internal Auditor will develop a national quality assurance programme, an expanded and retargeted internal audit programme, and improved risk management processes; and
- the DIMIA Chief Lawyer will examine the legislative framework to identify any amendments that would minimise the prospect of illegal detention and anticipate possible legal defects.

Public confidence in DIMIA's implementation of policy is an important indicator of the Department's overall effectiveness. The executive of DIMIA will work closely with the new National Communications Manager to drive more open engagement with the public and key individuals and organisations. The Immigration Detention Advisory Group (IDAG) will be expanded in membership and scope and additional resources will be provided in DIMIA to support IDAG. The DIMIA internet website will be redeveloped to ensure better public access to information. There will be improved engagement with agencies that have a role in external scrutiny through a new Review Coordination Branch and the involvement of external agencies and the community in the Department's governance framework (e.g. the Audit Committee will have an external chairman and the Values and Standards Committee will have external members).

3.2 Fair and reasonable dealings with clients

DIMIA has a very broad client base and receives multiple contacts from individuals in a range of ways: face to face, by telephone, by email, and through electronic and traditional means of lodging applications. Because of DIMIA's international network, this contact goes on 24 hours a day, seven days a week all around the world. In 2004-05, DIMIA handled:

- over 4.5 million visa applications;
- over 4.2 million temporary entry grants;
- over 130,000 permanent migration grants;
- nearly 100,000 citizenship grants;
- 1.9 million telephone inquiries; and
- over 22 million people travelling across the border.

Case management

The majority of cases handled by DIMIA are relatively simple and finalised quickly. A very small proportion become complex for a range of reasons. Mr Palmer criticised DIMIA for its lack of holistic case management and a sufficiently flexible and responsive approach that allows for effective management of the more complex cases.

A high level taskforce has been established in DIMIA to provide advice on the handling of complex and sensitive cases. It will have an ongoing role under the new DIMIA structure.

A national case management framework will be developed in the new Compliance Policy and Case Coordination Division that will involve better organisational arrangements, better systems support and a more clearly defined role for the non-government sector. The framework will be developed by the end of 2005 for implementation during 2006.

An important aspect of the framework is development of a pilot community care model for immigration detainees assessed as eligible for alternative detention arrangements and for others of particular compliance interest (e.g. those who have multiple bridging visas). The model will be developed in partnership with the community sector. Services such as counselling, assessment, care and community placement will be considered for certain

individuals while DIMIA decisions are made regarding removal or, where appropriate, temporary or permanent settlement. The model will address concerns about the health impact of placing low risk unlawful non-citizens in detention centres while their cases are being resolved. The model will be developed by the end of December 2005 and the pilot will be conducted over the 12 months from January to December 2006, with further implementation to be considered by the Government once the pilot has been assessed.

Health and well being of detainees

A Detention Health Services Taskforce has been established in DIMIA, led by a policy expert on mental health issues, which is working closely with the Department of Health and Ageing and relevant State health authorities. The Taskforce will develop a long term detention health services delivery strategy by the end of December 2005 aimed at providing better mental health care arrangements and a transparent governance framework for health services delivery. The governance framework will include the enhanced role of the Commonwealth Ombudsman as Immigration Ombudsman. The strategy will address all of the specific health related recommendations made by Mr Palmer. In the meantime the following measures are already in place or are being addressed:

- a multidisciplinary mental health clinical team is in place at Baxter Immigration Detention Facility (BIDF), with an equivalent capacity in other detention facilities to be established;
- a Memorandum of Understanding with the South Australian Department of Health is close to finalisation to formalise the current clinical protocols currently in place at BIDF;
- access to private psychiatric facilities has been established for immigration detainees;
- Professor Harvey Whiteford (one of the Government's key mental health advisers) has been engaged to advise DIMIA on detainee health strategies;
- clinical audits of health services have been commissioned and will be undertaken by members of the Royal Australian and New Zealand College of Psychiatrists and the Royal Australian College of General Practitioners; and
- additional expertise has been recruited by the detention service contractor (GSL).

The new Detention Services Division in DIMIA is developing a detention services strategy that will address infrastructure issues. The strategy will be developed by the end of 2005, for delivery in 2006. The Minister has already announced a major development programme for Baxter that addresses the infrastructure issues raised in the Palmer Report. Mr Palmer's recommendation regarding arrangements for the handling of female detainees in the management unit at Baxter has already been addressed. The provision of immigration detention facilities in Queensland is under consideration. Negotiations are underway with the CEO of the Shaftesbury Campus near Brisbane, who has offered the facility to assist with accommodation of people in immigration detention. However, the Queensland Government has

indicated it has concerns about whether the CEO is entitled to sublease campus facilities for immigration detention purposes. DIMIA is very keen to take up the offer, but cannot proceed until this issue is resolved between the Queensland Government and the lessee.

Identity issues

The National Identity Verification and Advice (NIVA) Section was established in DIMIA in May 2005 to ensure identity issues in relation to persons of compliance interest are resolved as quickly as possible. NIVA is progressively expanding its role to other relevant migration business processes across DIMIA. Updated instructions on identity checking (including an identity checklist) are being trialled by DIMIA officers before being finalised in the near future. State and Territory Police will be able to pursue immigration inquiries through a dedicated 24 hour a day hotline, which will allow rapid resolution of issues in the majority of cases and capacity to escalate complex issues should that be necessary. The hotline facility will also operate for consular officials seeking information regarding immigration detainees.

Amendments to the Migration Act are currently before Parliament that will allow publication of photographs and related information to assist in identifying a person of immigration interest where other reasonable steps to identify that person have not succeeded.

Client service

DIMIA has significant client service responsibilities. A new Client Services Division will lead implementation of a better client service focus and will enhance client service delivery across DIMIA's operations. DIMIA has been consulting widely on a new Client Services Charter and Client Services Strategy for Visa and Citizenship Services. Both documents will be finalised by the end of December 2005 along with arrangements to centralise the recording, tracking, management and reporting on client feedback. DIMIA has already implemented improved protocols, scripts and training for call handling in contact centres to ensure that information is correctly recorded and followed up. A programme of client surveys will commence early in 2006.

3.3 Well trained and supported staff

Training

Specialist technical immigration training will be enhanced. A model for a College of Immigration Border Security and Compliance (the College) will be developed by mid-December 2005 and established by mid 2006. All new compliance and detention staff will be required to complete a 15 week induction training programme at the College with five streams available: compliance, investigation, detention management, border management and immigration intelligence. Existing staff will be required to complete regular refresher training each year. Ahead of the physical establishment of the College, the curriculum will be established. Enhanced training for compliance and detention staff will be provided in the interim, focusing on the application of 'reasonable suspicion', emerging legal issues, identity investigations,

search warrant training and capacity to search and interrogate all DIMIA systems.

Migration Series Instructions (MSIs) are an important part of the support provided to staff in the operation of their responsibilities and a component of the training programmes. Key compliance and detention MSIs will be reviewed and reissued before the end of 2005, with remaining MSIs to follow.

Changing the culture in DIMIA goes to values, ethics and standards and excellence in leadership. A new national training strategy will be implemented in DIMIA. A national executive leadership programme commenced in September 2005 and will be provided to all executive level staff in DIMIA over the next 18 months. Management training for APS staff and training in a range of departmental systems, records management, visa cancellation, and name searching will all be rolled out by the end of 2005.

Information and systems issues

As recommended by both Mr Palmer and Mr Comrie, DIMIA has tendered for an independent review of its information requirements and systems, to be completed by the end of January 2006. The consultant will recommend medium and long term action for Government consideration. A second review will provide a 'health check' in regard to the appropriateness of the mix and deployment of DIMIA's technical platform to support current and future business needs. The focus of both reviews will be to ensure that DIMIA systems adequately support decision-making and case management in the longer term.

In the meantime systems improvements to support decision-making and case management are underway. A single entry client search facility is being developed to improve access to all information about an individual client (the pilot, using existing search capabilities will be in place by the end of December 2005, a second phase incorporating new search tools will be available in March 2006). There will be substantially enhanced training in ICSE (Integrated Client Services Environment, DIMIA's primary transaction processing system) available for all staff who undertake case and client related activity. Pilot programmes to better support DIMIA staff on field operations will be undertaken.

Records management

A records management improvement plan is being developed by DIMIA in consultation with the National Archives of Australia. The plan will include a strong training component (to be delivered to all staff undertaking case and client related activity by the end of 2005), a systems upgrade for the DIMIA records management system (by the end of June 2006), and redeveloped policies and practices. The plan will particularly focus on the links between electronic and paper records and archiving arrangements.

Links between DIMIA and the Refugee Review Tribunal and the Migration Review Tribunal information systems will be established as soon as the current tribunal systems upgrades have been completed. In the meantime

DIMIA client records are updated on a daily basis to reflect client status when a client has an appeal on foot with either tribunal.

4. Governance

The response to the Palmer Report is being managed as a single programme in DIMIA. The Palmer Programme Office (PPO) has been established, reporting directly to the Secretary (while it currently sits within the Change Management Taskforce, it will become a permanent part of the new Strategic Policy Group, once the new DIMIA structure has been implemented). Each initiative which is being implemented to address either a specific Palmer recommendation or the broader themes for change will be monitored by the PPO and progress against key milestones and expenditure will be reported to the Secretary and Minister. Each project will have an assigned project manager who will manage the day-to-day activities of the project. They will identify, monitor and resolve project issues and identify and mitigate project risks. Each project will be oversighted by a steering committee chaired by a senior executive and will draw members from other key business areas across the Department. Each steering committee is likely to oversight a number of projects. DIMIA will report quarterly to the Government on implementation of the Palmer Programme, through the Cabinet Implementation Unit. A further progress report will be provided to Parliament in September 2006.

This is clearly an ambitious reform agenda, but the package has been carefully developed to ensure key milestones are achievable. I am engaging with all staff on the change process through regular briefings and twice weekly messages about important issues and developments. The DIMIA executive is firmly committed to the change process. The package will ensure staff have the necessary information, support and skills to achieve change.

5. Resources

Over \$230 million over five years has been committed to implement the response to the Palmer Report. A substantial proportion of this expenditure will be for new staff to implement the enhanced client service focus, improved quality assurance and accountability mechanisms, and provide better and more focused training. The PPO will monitor all expenditure against Palmer projects.

6. Communications with key stakeholders

A range of stakeholders have an interest in the DIMIA change management process and the implementation of the response to the Palmer Report. To maximise the opportunity for acceptance of the process, there is a need for sustained communication between DIMIA and stakeholders. A new National Communications Manager will drive more open engagement with the public and key individuals and organisations.

In my first weeks as Secretary to DIMIA, I took immediate steps to engage a wide range of stakeholders, particularly those who have been critical of DIMIA's performance. I have met and briefed many individuals and representatives of key organisations, including the Joint Standing Committee

on Migration. There are dedicated liaison arrangements in DIMIA's State and Territory Offices to ensure constituents' issues are handled quickly. I will ensure that DIMIA executives regularly engage with a wide range of interest groups to ensure there is high level exchange of information and views. I have already mentioned the enhanced client focus for DIMIA – people are our business. Staff are constantly reminded of the need to approach each client contact as contact with an individual person.

Some of the recommendations in the Palmer Report can only be implemented with the cooperation of State and Territory Governments. Colleagues in the Attorney-General's Department and the Department of Health and Ageing in particular are working with DIMIA to ensure recommendations in relation to national missing persons policy and health service delivery are implemented.

7. Success Factors

The success of the change process will be measured by the level of confidence DIMIA is able to inspire in the Australian community and the clients it serves. This will be achieved through the development of national strategies for client service, case management, detention health service delivery, detention infrastructure, and staff training and their implementation through the remainder of 2005 and 2006. Success will be reflected in the fact that every decision DIMIA takes is demonstrably fair and reasonable, that implementation of policy is open and there are clear lines of accountability through the DIMIA executive, to the Minister and Government and to the Parliament and the broader community.

Andrew Metcalfe
Secretary
Department of Immigration and Multicultural and Indigenous Affairs
27 September 2005

OBJECTIVE

TO ACHIEVE CULTURAL
CHANGE IN DIMIA

PALMER

RECOMMENDATIONS

DELIVERED BY

1 OCTOBER 2005

DELIVER IN FIRST 100

DAYS – by the end of
December 2005

DEVELOP IN FIRST 100

DAYS – by the end of
December 2005 for
delivery during 2006

PALMER PACKAGE

FAIR & REASONABLE
DEALINGS WITH
CLIENTS

3.2 – 3.4, 4.1 – 4.13, 5.1 – 5.4,
5.6, 5.7, 6.1 – 6.13, 7.1, 7.4

- Client service focus**
- Client Service Strategy/Charter consultations commenced
 - Case coordination/management
 - Detention Review Managers/arrangements for Detention Review Committee
 - Management of detainee files
 - Complex Case Review Taskforce established
- Identify issues**
- National Identity Verification & Advice Unit (NIVA) established
- Health and wellbeing of detainees**
- Improved health services for detainees at Baxter
 - Detention Health Service Delivery Taskforce established
 - Audit of health service delivery at Baxter
 - Razor wire removed from Villawood

- Client service focus**
- New Client Services Division
 - Client service satisfaction surveys (initiate tender process)
 - Centralise client feedback mechanisms
 - Integrated email/telephony enquiries
 - Enhance overseas call handling arrangements
- Case coordination/management**
- Single entry client search facility
 - Training in effective name search methods
 - DIMIA Community Care Model
 - Handling of detention records
 - Compliance/Detention case management system
- Identify issues**
- Expand role of NIVA
 - Enhance handling of ID issues across Dept (instructions and training), including use of biometrics
- Health and wellbeing of detainees**
- Long term detention strategy
 - Liaison with States/Territories on health issues (with DHA) – finalise MOU with SA Health – common training for clinical staff
 - Finalise detainee management procedures at BDF (Red One and MSU)
 - Improved arrangements for food services

- Client service focus**
- Client Service Strategy & Charter
 - Develop client service surveys
- Case coordination/management**
- National Case Management Framework
 - Develop Community Care Model – pilot to commence Jan 06
- Identify issues**
- National missing persons database (thru APMC, AGD to lead)
 - 24/7 'hotline' for police and consular inquiries
- Health and wellbeing of detainees**
- Long Term Detainee Health Services Strategy including mental health services and governance
 - Baxter Improvement Programme (the Baxter Plan)
 - Advice on implementing Muirhead Standards
 - Remove razor wire from other IDCs
 - Queensland Detention Facility - Shafesbury
- Bridging visas**
- Bridging Visa Review
 - Regional Compliance Enhancement Taskforce

- Restructuring the Department**
- New divisional structure for compliance and detention activities in National Office – new Division heads appointed
- Detention & compliance issues**
- Consultant appointed to review activities and detention services contract
- Better external engagement**
- Briefed Standing Committee on Migration
 - Secretary's engagement with key individuals and organisations
 - MP liaison arrangements in place
 - Privacy issues
 - Migration and amendments

- Restructuring the Department**
- New National Office Structure and appointments to key positions
 - New National Communications Manager
 - New Internal Auditor
 - New Chief Lawyer
- Detention & compliance issues**
- Consultant to advise on detention & compliance activities and the detention services contract
 - Establish Detention Contract Management Group
 - Review of decision-making & quality control for detention, compliance, & removals
 - New IDAG structure and expanded membership
 - Work with ANAO on lessons learned from recent audits
- Better external engagement**
- Review & implement communications strategy
 - Develop strategic relationships with external scrutineers
 - Appoint external members of DIMIA governance committees
 - Web redesign and content management
- Privacy issues**
- Strategic Privacy Impact Assessment

- Restructuring the Department**
- New State/Territory Office Org. Structure – implement from mid-December 2005
- Detention & compliance issues**
- Compliance strategy
 - Quality assurance
- Other issues**
- National Quality Assurance Programme – decision making
 - Enhanced internal audit programme
 - Unlawful detention legal mitigation strategy

ATTACHMENT A

WELL TRAINED AND
SUPPORTED STAFF

3.1, 5.1, 5.2, 7.1, 7.2,
7.4, 8.1, 8.2, 8.3

- Minister's suggestion scheme
- All staff briefings
- SES forum
- Leadership training pilot course
- Palmer Programme Office established

Training for staff

- National Training Manager & Branch
 - Staff Training: compliance & detention (search warrants, reasonable suspicion, identity investigations, grey cases), visa cancellation, leadership, values & conduct, ICSE, TRIM, records management, systems security
- Support for Staff**
- Review/reissue key compliance and detention Migration Series instructions
 - Enhanced compliance helpdesk capability
- Information and systems issues**
- IT platform & governance review
 - Usability evaluation
 - Pilots: Mobile access to ICSE, integrate passport readers into ICSE
 - MRT/RRRT linkages
- Other issues**
- Staff surveys
 - Rural and remote compliance activity

Training for staff

- Establish College of Immigration Border Security & Compliance - comprehensive training for compliance and detention staff
 - National Training Strategy
 - Review/reissue remaining MSIs
- Information and systems issues**
- I.T. Business Needs Analysis & Action Plan
 - Digitising historical manual movement records
 - Central IRIS project
 - Compliance case management discovery exercise
 - Records management improvement plan



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Sponsorship Undertakings After 1 July 2004

Sponsorship of temporary business entrants to work in Australia

The department must be satisfied that the business is able to meet these sponsorship undertakings in relation to all the sponsored employer business entrants and their accompanying family members.

Business sponsors who lodged their application to sponsor Business (Long Stay) visa applicants **on or after 1 July 2004** will have signed the following set of undertakings. Note that these undertakings differ from those required of sponsors who lodged their sponsorship application prior to 1 July 2004.

They undertook to do the following in relation to sponsored employees and their dependents:

- ensure that the cost of return travel by a sponsored person is met;
- not employ a person who would be in breach of the immigration laws of Australia as a result of being employed;
- comply with its responsibilities under the immigration laws of Australia;
- notify Immigration of:
 - any change in circumstances that may affect the business's capacity to honour its sponsorship undertakings; or
 - any change to the information that contributed to the business's ability to be approved as a sponsor or the approval of a nomination;
- cooperate with the department's monitoring of the business or of any sponsored persons;
- this undertaking continues until the earlier of the following:
 - if the sponsored person ceases to hold the visa for which he or she was sponsored, the earlier of the time when the person leaves Australia and the time when the person is granted a substantive visa; and
 - the time when the sponsor ceases to be an approved sponsor of the sponsored person;
- notify Immigration within 5 working days after a sponsored person ceases to be in the business's employment

- comply with laws relating to workplace relations that are applicable to the business and any workplace agreement that the business may enter into with a sponsored person;
- ensure that a sponsored person holds any licence, registration or membership that is mandatory for the performance of work by the person;
- ensure that, if there is a gazetted minimum salary in force in relation to the nominated position occupied by the sponsored person, the person will be paid at least that salary;
- ensure that, if it is a term of the approval of the nomination of a position that a sponsored person must be employed in a particular location, the business will notify Immigration of any change in the location which would affect the nomination approval;
- pay all medical or hospital expenses for a sponsored person (other than costs that are met by health insurance arrangements) - this undertaking continues until any such expenses are paid;
- make any superannuation contributions required for a sponsored person while the person is in the business's employment;
- deduct tax instalments, and make payments of tax, while the sponsored person is in the business's employment;
- pay the Commonwealth an amount equal to all costs incurred by the Commonwealth in relation to a sponsored person -
 - these costs may include those relating to locating and detaining the sponsored person, removing the sponsored person from Australia and processing any application for a protection visa made by a sponsored person;
 - this undertaking continues until all such costs are paid.

Responsibility for the undertakings will commence on the grant of the visa to the sponsored person.

Responsibility for the undertakings will cease when the sponsored person ceases to hold the visa for which he or she was sponsored, unless otherwise notified above.

See:

[Form 1196, Sponsoring temporary overseas employees to Australia](#)

[Sponsorship Undertakings Before 1 July 2004](#)

[Monitoring of business sponsors](#)

[Failure to comply with undertakings](#)

[Online applications](#)

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