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SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

Tuesday, 19 November 2013

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

In Attendance

Senator Cash, Minister Assisting the Prime Minister for Women, Assistant Minister for Immigration and Border Protection

Department of Immigration and Border Protection

Executive

Mr Martin Bowles PSM, Secretary
Dr Wendy Southern PSM, Deputy Secretary, Policy and Program Management Group
Mr Peter Vardos PSM, Deputy Secretary, Client Services Group
Mr Mark Cormack, Deputy Secretary, Immigration Status Resolution Group
Ms Elizabeth Cosson AM, CSC, Deputy Secretary, Business Services Group
Mr Michael Manthorpe, PSM, Deputy Secretary, Portfolio Coordination and Innovation Group

Internal Products

Ms Vicki Parker, Chief Lawyer, Legal and Assurance Division
Mr Jim Williams, First Assistant Secretary, Visa and Offshore Services Division
Mr Stephen Sheehan, Chief Financial Officer, Financial Strategy and Services Division
Mr Matt Yannopoulos, Chief Information Officer, Technology Services Division
Mr Craig Farrell, Chief Human Resource Officer, People Strategy and Services Division
Mr Phil Thurbon, First Assistant Secretary, Client Strategy and Performance Division

Australian Customs and Border Protection Service

Mr Michael Pezzullo, Chief Executive Officer
Ms Marion Grant, Deputy Chief Executive Officer, Border Management/Chief Operating Officer
Mr Roman Quaedvlieg APM, Deputy Chief Executive Officer, Border Enforcement
Mr Steven Groves, Chief Finance Officer/National Director Strategy, Planning and Resources
Ms Maree Bridger, National Director, Reform
Rear Admiral David Johnston, Commander Border Protection Command
Ms Rachel Noble, National Director, Intelligence
Ms Karen Harfield, National Director, Compliance and Enforcement
Mr Nigel Perry, National Director, Maritime
Mr Jeff Buckpitt, National Director, Passengers
Mr Geoff Johannes, Acting National Director, Cargo and Trade
Ms Raelene Vivian, National Director, Specialised Taskforce on Customers and Channels
Mr Randall Brueaau, Chief Technology Officer
Ms Cindy Briscoe, National Director, Support
Ms Jan Dorrington, National Director, Integrity, Security and Assurance
Ms Sharon Nyakuengama, National Manager, Integrity & Professional Standards
Mr Roger Northcote, Acting General Counsel/National Manager Legal Services
Ms Teresa Conolan, ACBPS Chief of Staff/National Manager, Executive Coordination

**Joint Agency Task Force**

Lieutenant General Angus Campbell DSC, AM, Commander Joint Agency Task Force, Operation Sovereign Borders

Mr Craig Chittick, Ambassador for People Smuggling Issues

Mr Steve Lancaster, Assistant Commissioner, Australian Federal Police

Mr John Young, General Manager, Emergency Management Response, Australian Maritime Safety Authority

**Operation Sovereign Borders**

Lieutenant General Angus Campbell DSC, AM, Commander Joint Agency Task Force, Operation Sovereign Borders

Mr Craig Chittick, Ambassador for People Smuggling Issues

Rear Admiral David Johnston, Commander Border Protection Command

Mr Steve Lancaster, Assistant Commissioner, Australian Federal Police

Mr Neil Skill, Acting First Assistant Secretary, Offshore Detention and Returns Task Group

Mr John Young, General Manager, Emergency Management Response, Australian Maritime Safety Authority

**Outcome 1: Managed migration through visas granted for permanent settlement, work, study, tourism, working holidays or other specialised activities in Australia, regulation, research and migration policy advice and program design.**

**Program 1.1—Visa and Migration**

Mr Garry Fleming, First Assistant Secretary, Migration and Citizenship Policy Division

Mr Phil Thurbon, First Assistant Secretary, Client Strategy and Performance Division

**Outcome 2: Protection, resettlement and temporary safe haven for refugees and people in humanitarian need through partnering with international agencies; assessing humanitarian visa applications; and refugee and humanitarian policy advice and program design.**

**Program 2.1—Refugee and Humanitarian Assistance**

Ms Alison Larkins, First Assistant Secretary, Refugee, Humanitarian and International Policy Division

Mr Stephen Allen, First Assistant Secretary, Border, Refugee and Onshore Services Division
Outcome 3: Lawful entry of people to Australia through border management services involving bona fide traveller facilitation; identity management; document verification; intelligence analysis; partnerships with international and domestic agencies; and border policy advice and program design.

Program 3.1—Border Management
- Mr Gavin McCairns, First Assistant Secretary, Risk, Fraud and Integrity Division
- Ms Alison Larkins, First Assistant Secretary, Refugee, Humanitarian and International Policy Division
- Mr Stephen Allen, First Assistant Secretary, Border, Refugee and Onshore Services Division

Outcome 4: Lawful stay of visa holders and access to citizenship rights for eligible people through promotion of visa compliance responsibilities, status resolution, citizenship acquisition integrity, case management, removal and detention, and policy advice and program design.

Program 4.1—Visa compliance and Status resolution
- Mr Matt Cahill, First Assistant Secretary, Status Resolution Services Division
- Mr Christopher Callanan, First Assistant Secretary, Compliance and Case Resolution Division
- Mr Robert Illingworth, Assistant Secretary, Strategic Framework Branch

Program 4.2—Onshore Detention Network
- Mr John Cahill, First Assistant Secretary, Detention Infrastructure and Services Division
- Ms Kate Pope PSM, First Assistant Secretary, Community Programs and Children Division

Program 4.3—Offshore Asylum Seeker Management
- Mr John Cahill, First Assistant Secretary, Detention Infrastructure and Services Division
- Ms Kate Pope PSM, First Assistant Secretary, Community Programs and Children Division
- Mr Matt Cahill, First Assistant Secretary, Status Resolution Services Division
- Mr Neil Skill, Acting First Assistant Secretary, Offshore Detention and Returns Task Group

Program 4.4—Foreign Fishers
- Mr Gavin McCairns, First Assistant Secretary, Risk, Fraud and Integrity Division
- Mr Matt Cahill, First Assistant Secretary, Status Resolution Services Division
- Mr Christopher Callanan, First Assistant Secretary, Compliance and Case Resolution Division
- Mr Robert Illingworth, Assistant Secretary, Strategic Framework Branch

Program 4.5—Regional Cooperation and Associated Activities
- Ms Alison Larkins, First Assistant Secretary, Refugee, Humanitarian and International Policy Division
- Mr John Cahill, First Assistant Secretary, Detention Infrastructure and Services Division
Mr Neil Skill, Acting First Assistant Secretary, Offshore Detention and Returns Task Group

**Program 4.6—Refugee Status Determinations for Offshore Entry Persons**

Ms Vicki Parker, Chief Lawyer, Legal and Assurance Division

Ms Alison Larkins, First Assistant Secretary, Refugee, Humanitarian and International Policy Division

Mr Stephen Allen, First Assistant Secretary, Border, Refugee and Onshore Services Division

Outcome 5: Equitable economic and social participation of migrants and refugees, supported through settlement services, including English language training; refugee settlement; case coordination; translation services; and settlement policy advice and program design.

**Program 5.1—Settlement Services for Migrants and Refugees**

Outcome 6: A cohesive, multicultural Australian society through promotion of cultural diversity and a unifying citizenship, decisions on citizenship status, and multicultural and citizenship policy advice and program design.

**Program 6.1—Multicultural and Citizenship Services**

Mr Gary Fleming, First Assistant Secretary, Migration and Citizenship Policy Division

**Office of the Migration Agents Registration Authority**

Mr Stephen Wood, Chief Executive Officer, Office of the Migration Agents Registration Authority

**Migration Review Tribunal and Refugee Review Tribunal**

Ms Kay Ransome, Principal Member, Migration Review Tribunal and Refugee Review Tribunal

Ms Amanda MacDonald, Deputy Principal Member, Migration Review Tribunal and Refugee Review Tribunal

Mr Colin Plowman, Registrar, Migration Review Tribunal and Refugee Review Tribunal

Committee met at 09:02

**CHAIR (Senator Ian Macdonald):** I declare open this public hearing of the Senate Legal and Constitutional Affairs Legislation Committee. I acknowledge and welcome Minister Cash and Mr Bowles. The committee has set Thursday, 16 January 2014, as the date by which answers to questions on notice are to be returned. We ask that anyone with questions put them in by Monday next, 25 November 2013. I am sure that most of the officers here and all of the senators are familiar with the rules of the Senate governing estimates, but if you need assistance, please ask the secretariat. If there is a claim for public interest, the ruling of the Senate on 13 May 2009 on how you do that is incorporated herewith:

*The extract read as follows—*
Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer’s statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).
(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(Extract, Senate Standing Orders, pp 124-125)

Minister, would you like to make an opening statement?

Senator Cash: No thank you, Chair.

CHAIR: Mr Bowles?

Mr Bowles: I might make one later when the department comes on in earnest.

CHAIR: We will proceed with the Migration Review Tribunal and Refugee Review Tribunal.

CHAIR: Can I indicate to you that, apart from Senator Boyce, I think we are all relatively new to this. I do not think we have a lot of questions for you today. Could I start by asking if you can give us a picture of what the Migration Review Tribunal and the Refugee Review Tribunal do—how you are resourced, where you sit, how often you work. I am sure you work hard every day and every minute, but are there particular sittings or hearings? Could you give us a pen picture very quickly?

Ms Ransome: Certainly. Before I do so, we congratulate you on your appointment as chair of the committee. The tribunals look forward to working with you and the rest of the committee in the future. The two tribunals, the Migration Review Tribunal and the Refugee Review Tribunal are statutory tribunals established under the Migration Act. They are in fact separate tribunals legislatively but they have a single administrative infrastructure and members of the two tribunals are cross-appointed to each. We presently—

CHAIR: So it is the same personnel?

Ms Ransome: It is the same personnel, but there is a slightly different statutory regime, although procedures in both are relatively similar. We have registries in Sydney, Melbourne, Brisbane, Adelaide and Perth, and we have members located in each of those places. Our workload is around 20,000 lodgements per year. The majority of the lodgements are in the Migration Review Tribunal—about 70 per cent—as opposed to around 30 per cent in the Refugee Review Tribunal. We have, as at today, 143 members of the tribunal, including myself and the deputy, a number of senior members and members who are either full-time or part-time. Around 56 per cent of our members are part-time.

We deal, in the Migration Review Tribunal, with a wide range of visa classes. We are a merits review body so that, if a visa is refused or in certain circumstances if a visa is cancelled, an applicant has a right to seek review through the tribunals. It is reviewed de novo—that is, the process more or less starts again and the tribunal can deal with new evidence and makes a new decision. Our procedures are inquisitorial. They are not adversarial in the same way as, for example, the Administrative Appeals Tribunal is. People can be represented in the tribunal by a migration agent, and a number of people certainly are. Regarding our operating budget for the current financial year, the appropriation at budget is
$65.7 million. That is an appropriation for us to complete around 18,000 cases, although this year we are on track to complete around 24,000 cases.

**CHAIR:** When the department or the minister makes a decision on a visa or a migration application and the applicant is unhappy with the decision, they appeal to one of the tribunals?

**Ms Ransome:** Yes, that is the path in most visa classes.

**CHAIR:** Regarding your 143 members, are they of a class? Are they all practising lawyers, migration agents or public servants? What are they as a class?

**Ms Ransome:** They are from a variety of backgrounds. They are all statutory appointees. They are appointed by the Governor-General. They come from a wide range of backgrounds. There are, yes, a number of people who have legal qualifications, who have practised as lawyers. There are others who have worked in government. There are others who have worked in the non-government sector who have skills and experience relative to the migration caseload that we deal with.

**CHAIR:** They are all appointed, effectively, by the minister, you are saying. On advice from the department?

**Ms Ransome:** There is usually an open selection process involved in the appointment of members. Advertisements are placed in the press, recommendations are made to the minister and then on to cabinet.

**CHAIR:** I assume these people are paid by Remuneration Tribunal determinations?

**Ms Ransome:** Yes, remuneration is set by the Remuneration Tribunal.

**CHAIR:** Okay. Can you tell us what it is for a member?

**Ms Ransome:** For a—

**Mr Plowman:** For a full-time member, I think it is about $140,000 for the base salary. For a part-time member, it is $851 per day plus superannuation. I have not got the total remuneration for a full-time member in my memory, but it might be $180,000, something like that.

**CHAIR:** Okay. Sorry, some of these questions are very basic. Do the full-time members sit from 9 to 5, Monday to Friday?

**Ms Ransome:** Yes, they are five days a week. They are equivalent in salary terms, probably, to around an SES Band 1, if that makes sense to you, Senator. Because it is an inquisitorial process, neither the department nor the minister appear in the tribunal. It is only the applicant. So members bear a large responsibility for assembling information and for questioning the applicant about their circumstances relevant to the issues in the case. So there is a large amount of preparation work as well as actually hearing cases and writing decisions.

**CHAIR:** Okay. Again, very briefly—you have done very well so far, if I might say so—can you just tell us what the difference is between the Migration Review Tribunal and the Refugee Review Tribunal?

**Ms Ransome:** The Refugee Review Tribunal only deals with applications for protection under the Refugee Convention.

**CHAIR:** Okay. So people arriving by boat would go first to the Refugee Review Tribunal—that is, they first go to the department, and if they are rejected—
Ms Ransome: If a person is able to apply for a protection visa, whether they are onshore or offshore—and in being offshore, the minister has what is called 'lifted the bar' to allow them to apply for a protection visa—then at the moment, yes, those people have a right of review in the Refugee Review Tribunal.

CHAIR: And the appeal from the decisions of these two tribunals is—?

Ms Ransome: They go to the Federal Circuit Court and the Federal Court.

CHAIR: All right. Senator Boyce, you had some questions.

Senator BOYCE: Yes. Ms Ransome, are you able to tell me how many individuals and/or families involving someone with a disability were accepted into Australia by the two tribunals in the past 12 months?

Ms Ransome: That is not data that we collect, Senator, I'm afraid.

Senator BOYCE: But you would have had cases brought to you, would you not, where the disability of the person was the reason that they were there for review—the reason that their application had been rejected?

Ms Ransome: I don't—

Ms MacDonald: Senator, we would have had cases where the individual's matter has been refused on the basis that somebody does not meet the health criteria, or we might have cases involving carer visas where somebody is seeking to sponsor a relative to assist with the care—

Senator BOYCE: On that basis, perhaps, are you able to provide me then with those that have come to you, or that have brought appeals, on a health criteria basis?

Ms Ransome: We can try and obtain that information for you, Senator, but I don't think we'll be able to specify that it was a disability rather than another health factor.

Senator BOYCE: Okay. But I can chase that through once I have that list.

Ms MacDonald: Senator, may I just confirm: we can give you the numbers of cases that have come before us where they have been refused on the basis of meeting one of the Public Interest Criteria which are about the health criteria, and those are Public Interest Criteria 4005 or 4007. And those ones would show up quite clearly in our statistics. So we could tell you the number of cases that have come before us, and the number of cases that have been successful. Is that—

Senator BOYCE: That would be helpful. That would probably be a good starting point for me and I can proceed from there.

I note numbers of cases you have dealt with based on ethnicity. I think there is one there relating to Shiite's and people involved with the Baathist party—and others come up quite often. How many people of Hazara background have appeared before the tribunal in the last 12 months, and been granted or not granted visas?

Ms Ransome: I am sorry, we do not collect information with that level of specificity. In the refugee caseload we refer only to their country of origin. So there will certainly be a number of people, for example from Afghanistan, who will be Hazara, but there will be others in that caseload who are not.
Senator BOYCE: So the only way to do it would be to do a search on 'Hazara' in your case notes.

Ms Ransome: We would have to check every matter that we have dealt with to check that.

Senator BOYCE: I will leave that for now, and perhaps think about ways of asking questions that don't give you all that work to do. I want to move on to boat people. How many boat people have been granted complementary protection visas?

Ms Ransome: Since complementary protection was introduced in March 2012 the tribunals have remitted 83 matters to the department, with a direction that the person meets the complementary protection criteria. But, of those, 41 were people who had arrived by boat.

Senator BOYCE: Forty-one people have been granted those—since?

Ms Ransome: March 2012.

Senator BOYCE: Up to?

Ms Ransome: Up to 31 October.

Senator BOYCE: Is it possible for you to tell me the grounds—or a sort of snapshot?

Ms Ransome: It is very difficult. Because of the nature of the complementary protection criterion, it is difficult to say that people are within certain streams or groups. The remittals have really been related to an individual's particular circumstances. They tend to be personal in nature rather than systemic. A couple of examples could be in relation to land disputes or honour killings.

Senator BOYCE: Those would be reasons—because people were at risk?

Ms Ransome: At risk of death or serious harm if they were returned—but they do not meet the convention definition of a refugee.

Senator BOYCE: I understand that a New Zealand bikie was granted complementary protection. Are you able to tell us about that particular case?

Ms Ransome: The tribunal does not reveal the details of particular cases that come before the Refugee Review Tribunal. The hearings are private and the circumstances of matters are not released to the public.

Senator BOYCE: Is the previous criminal record, or sort of 'citizenship record', taken into account?

Ms Ransome: Not under the complementary protection criterion itself.

Senator BOYCE: So you would not know how many people there were who may have criminal records from outside Australia who are here on complementary protection visas.

Ms Ransome: I am sorry, Senator, I am not—

Senator BOYCE: If we have people who have criminal histories in their country of origin, and that is not taken into account, then we have no idea how many people who are here on complementary protection visa have a criminal background.

Ms Ransome: We would only be aware of someone's criminal background if that information was available to us through the departmental file.
Ms MacDonald: Also, Senator, we would only be looking at whether or not the applicant met the complementary protection criteria. Whether or not the visa was granted would be a matter for the department.

Mr Bowles: We can probably go into some of these a bit later, when we get to the department and I can have the relevant people here. But, just briefly: complementary protection is not a visa class per se; it is a reason why someone might be granted a visa at the end of the day. So it is not a 'complementary protection visa'. But someone who has gone through the process and being rejected, and who then claims some form of complementary protection, may be, as Ms Ransome said, remitted back to the department on certain grounds and then potentially be granted a protection visa—or some other form of visa, depending on the class.

CHAIR: So, what is 'complementary protection'?

Mr Bowles: I can give a short thumbnail at the moment, and we can get into the detail later. Largely, it is where a person, as Ms Ransome said, may have suffered because of some circumstances that does not relate to being a refugee but who could be in fear of death or harm if they are sent back to their country—like the honour killing type of issue.

Senator BOYCE: It could be because your gang is going to get you, too, apparently.

Mr Bowles: That is generally up to the courts to decide on some of those sorts of issues. But it is an opportunity that people have to look at reasons other than being a pure refugee for seeking protection in the country.

Senator SESELJA: Mr Bowles, could you clarify: you are saying it is not a specific class of visa, so under what authority is a court or the tribunal allowing, for instance, this New Zealand born criminal to stay in the country?

Mr Bowles: Complementary protection was a piece of legislation that was passed in March 2012.

Senator SESELJA: So there is a legislative basis.

Mr Bowles: There is a legislative base for the decision. And the outcomes of someone who is successful in claiming complementary protection is they potentially get the grant of a visa. But the point I was making was that it is not a complementary protection visa; we do not have a class of visa called that.

Senator SESELJA: What sort of visa do they get?

Mr Bowles: They might generally get a protection visa.

Senator SESELJA: Are there other cases, such as this one reported, who are effectively fleeing criminal gangs or other criminal activity and who have been granted this kind of visa status?

Mr Bowles: There would be. If we can hold that question until we to the department, and I can get the relevant people here, we might be able to shed some light on that.

Senator BOYCE: Again, I am not sure you will be able to answer this, but I want to ask the refugee tribunal: what was the overturn rate of decisions from the tribunal in relation to boat people in 2012-13?

Ms Ransome: In 2012-13 the overturn rate was 65 per cent.
Senator BOYCE: That is across the board?
Ms Ransome: That is the maritime arrival caseload.
Senator BOYCE: And what was it for non-maritime?
Ms Ransome: It was 24 per cent.
Senator BOYCE: Are you able to explain that discrepancy—or perhaps discuss the discrepancy?
Ms Ransome: Perhaps by way of illustration: the current rate is in fact 38 per cent for maritime arrivals and 19 per cent for those people who are—
Senator BOYCE: By 'current' you mean this financial year?
Ms Ransome: This current financial year.
Senator KIM CARR: Sorry, could you repeat those figures.
Ms Ransome: For decisions that have been made this financial year it is 38 per cent for people who have arrived by boat and 19 per cent for people who are on-shore.
Senator BOYCE: You might like to give us the real figure as well. Do you have a number? Don't worry if it is too difficult.
Ms Ransome: We do have it. I will get someone to look for that in a moment. The overturn rate is variable from country to country. You would probably be aware that some countries produce more refugees than others, and it depends on the make up of the caseload at the particular time.

In the onshore caseload, as you will see from the figures, it is much lower than for boat arrivals. That caseload is predominantly made up of people who have actually been in Australia on other visas for some time and who then make a claim for protection some way down the track. They are from a wide variety of countries of origin, but generally countries where the grant rate is somewhat lower due to the circumstances in that country. For example, a significant element of the onshore caseload is India—and the overturn rate for India is seven per cent.

But the caseload for maritime arrivals, as you know, does shift over time. A year or more ago Afghanistan featured heavily in that caseload. It has now shifted to Sri Lanka. That has had an effect on the number of matters that would be overturned.

Senator BOYCE: Thanks, Ms Ransome.
Senator KIM CARR: You said that the caseload shifted to Sri Lanka. What is the overturn rate for Sri Lanka?
Ms Ransome: It is currently 24 per cent.
Senator KIM CARR: What was it last year.
Ms Ransome: To 30 June it was 39 per cent.
Senator KIM CARR: How do you account for the discrepancy between those two periods?
Ms Ransome: I think there are probably a range of matters. It could well depend on where in Sri Lanka people came from, what exactly their background was. We also had further
information that the tribunal has obtained through the Department of Foreign Affairs around treatment of returnees that assisted decision-making in that process.

Senator KIM CARR: So in your view the Department of Foreign Affairs has advised that people are being treated better. Is that the proposition you are putting to us?

Ms Ransome: Not strictly. The Refugee Review Tribunal has available to it a range of information from a number of different sources. We sought some supplementary information from Foreign Affairs, which bore out some of the other information that we had in relation to the treatment of returnees.

Senator KIM CARR: I take it that these are predominantly Tamils.

Ms Ransome: Yes, they are predominantly Tamils; but there is also a Sinhalese component in the Sri Lankan caseload.

Senator KIM CARR: What percentage would be Tamils?

Ms Ransome: I could not give you a figure, I am sorry.

Senator KIM CARR: Could you take it on notice?

Ms Ransome: No, I am sorry, Senator, but it is the same as the answer that we gave to Senator Boyce: we collect country-of-origin data but we do not collect data on particular ethnicities within those countries.

Senator KIM CARR: With the number of asylum-seeker applicants who are seeking review, what would be the main country of origin for those applicants?

Ms Ransome: In the RRT?

Senator KIM CARR: For the last financial year how many asylum-seekers sought review of their cases?

Ms Ransome: In the 2012-13 financial year the total number of lodgements for the RRT was 3,758. The highest number of people were from Afghanistan, followed by Pakistan. Sorry, Senator: those are the wrong figures. That is for this year to date. In order, the countries were Afghanistan, Pakistan and Sri Lanka.

Senator KIM CARR: The figures published in last year's report appear to be different from those.

Ms Ransome: You are quite right, Senator. It is Sri Lanka, China, Afghanistan, India and then Pakistan. I was looking at the wrong table.

Senator KIM CARR: Is it true to say that largest group of people seeking review were from Sri Lanka.

Ms Ransome: Yes.

Senator KIM CARR: Of the 1,518 seeking review, how many were from Sri Lanka?

Ms Ransome: We will get you that information in a moment.

Senator KIM CARR: Thank you. That is people who arrived by boat, presumably.

Ms Ransome: That includes everybody who applied for a protection visa. That will include some people who were in Australia.

Senator KIM CARR: As I understand it, there were 1,518 who arrived by boat. Is my understanding correct?
Ms Ransome: I have mixed up the total figures for all applications to the RRT and the proportion who arrived by boat.

Senator KIM CARR: Is it true that 1,518 people who arrived by boat applied for review of their refugee status.

Ms Ransome: Yes.

Senator KIM CARR: Is it true that the bulk of those people were from Sri Lanka?

Ms Ransome: Of those, 643 were from Sri Lanka.

Senator KIM CARR: Thank you. How many were from Afghanistan?

Ms Ransome: 503.

Senator KIM CARR: And Iran?

Ms Ransome: 165.

Senator KIM CARR: And Pakistan?

Ms Ransome: 119.

Senator KIM CARR: I presume airports are the major place of arrival for those not arriving by boat. Is that true? Do I have that right? Boat or plane are the two methods. Do I have that right?

Mr Bowles: Yes.

CHAIR: Unless you swim.

Senator KIM CARR: I am just wondering. We have had a few questions where I have been a bit confused by the answers. How many of those were from China?

Ms Ransome: I am sorry, but we do not have the number of unauthorised arrivals by air.

Senator KIM CARR: You do not?

Ms Ransome: No.

Senator KIM CARR: It is not in your annual report?

Ms MacDonald: Are you asking about the number of applications that were lodged by people who had arrived by air?

Senator KIM CARR: Yes. Asylum seekers in the non-boat arrival category.

Mr Plowman: Who made application to the tribunal.

Senator KIM CARR: Yes.

Ms Ransome: Okay.

Mr Plowman: 610.

Senator KIM CARR: Where were those people from?

Mr Plowman: They are the ones from China, which is what you asked.

Senator KIM CARR: Thank you. Overall, in terms of your caseload at the Migration Review Tribunal, how many reviews did you complete last year?

Mr Plowman: Last year it was 19,400. That was through both the Migration Review Tribunal and the Refugee Review Tribunal.

Senator KIM CARR: And there were 10,000 from the previous year.
Ms MacDonald: 10,800.
Ms Ransome: Around ten-and-a-half thousand.

Senator KIM CARR: Why in your opinion was there such a jump? What is the tribunal's view as to why there was such an increase?

Ms Ransome: The tribunals had some additional members appointed in the middle of 2012. The tribunals had a backlog of work that had not been dealt with. The tribunals also instituted some internal measures to increase decision output. They included the establishment of specialist teams of members and staff who concentrate on particular visa classes and thus build expertise in that area. The tribunals also introduced some new processes for dealing with applications, including for the first time using what in other jurisdictions might be referred to as running lists to deal with cases involving simpler matters so as to be able to increase the volume of matters that are able to be dealt with within a week.

Senator KIM CARR: Would it be true to say that the majority of your caseload comes from visa categories such as skilled visas, student visas and partner visas?

Ms Ransome: Yes. That is correct.

Senator KIM CARR: Refugee cases are a minority of your work.

Ms Ransome: At the moment they make up about 30 per cent of our work.

Senator KIM CARR: Did you receive a directive in regard to the employment of non-ongoing staff?

Ms Ransome: All agencies have received that and information from the Public Service Commissioner around that.

Mr Plowman: It was on 31 October; a Thursday.

Senator KIM CARR: What was the nature of that directive?

Mr Plowman: It related to employment arrangements for the future and was about making sure that we and all other agencies manage their employment arrangements of particularly ongoing and non-ongoing employees.

Senator KIM CARR: Is it true that you were directed to ensure that existing non-ongoing employment arrangements cease at the end of the current term and to refrain from entering into new arrangements other than where the agency head approves a particular requirement in order to meet a critical business demand?

Mr Plowman: I think they are almost the words exactly.

Senator KIM CARR: That is an accurate reflection of the direction?

Mr Plowman: Yes.

Senator KIM CARR: Ms Ransome, you are the agency head?

Ms Ransome: Yes, I am.

Senator KIM CARR: Have you sought approval to get an exemption from this directive?

Mr Plowman: We have not sought exemption from the directive.

Senator KIM CARR: How many non-ongoing employment contracts do you have?

Mr Plowman: We have 12 at the moment.

Senator KIM CARR: When do those employment arrangements come to an end?
Mr Plowman: Our last one ends in October 2014. But there are a variety of dates between November and next October.

Senator KIM CARR: Are you planning to seek exemption for any of those 12 people?

Mr Plowman: It is not so much an exemption. We need the approval of the agency head, Kay Ransome, if we want to extend some of those.

Senator KIM CARR: Are you intending to seek approval for any of those 12 contracts?

Mr Plowman: We may do. We have not thought through it exactly. We have extended one so far post 31 October. That was an APS2.

Senator KIM CARR: What was the process by which you can extend those contracts?

Mr Plowman: Put in an executive minute to the agency head and put a case.

Senator KIM CARR: To the department head.

Mr Plowman: No, to Ms Ransome.

Senator KIM CARR: So, Ms Ransome, you can on your own authority extend those contracts?

Ms Ransome: For non-ongoing staff, if they are critical to the business of the tribunal.

Senator KIM CARR: But on your own declaration?

Ms Ransome: Yes.

Senator KIM CARR: Are you required to consult the Australian Public Service Commissioner?

Mr Plowman: Not for non-ongoing staff. But we will be required to report.

Senator KIM CARR: The reporting requirement is simply an annual report, is it?

Mr Plowman: I have not been advised at this stage what the reporting schedule is. I assume that it is going to be a monthly report or something like that.

Senator KIM CARR: A monthly report?

Mr Plowman: I am assuming. I do not know.

Senator KIM CARR: This is all new. You have not been advised as to what the reporting requirement is?

Mr Plowman: If we have been advised, I have not got that advice yet.

Senator KIM CARR: Could you take that on notice, please. Could I also ask on notice what the role of the Australian Public Service Commissioner will be in the approval process.

Mr Plowman: I think that is a question for the Australian Public Service Commissioner.

Senator KIM CARR: I mean in the terms of the directive. Does the directive indicate the role of the Australian Public Service Commissioner?

Mr Plowman: Senator, I think that is more appropriately a question for the Public Service Commissioner.

Senator KIM CARR: No, it is appropriate for you, because it is a directive to you. I am asking you: does that directive include advice on the role of the Australian Public Service Commissioner?

Mr Plowman: I am happy to give you the words out of it—
Senator KIM CARR: That will do.

Mr Plowman: but I do think it is more relevant for the Public Service Commissioner.

Senator KIM CARR: I understand what you think. I am asking a direct question of you, and I ask you to take it on notice: does the directive include advice on the role of the Australian Public Service Commissioner?

Mr Plowman: I am happy to provide you whatever is in the directive and the words out of it.

Senator SESELJA: Ms Ransome, are you able to tell us how many complementary protection visa reviews the tribunal has done and how many have been set aside and on what basis?

Ms Ransome: The tribunal is required to consider the complementary protection criteria in all applications for a protection visa where the person does not meet the refugee criteria.

Senator SESELJA: How many cases?

Ms Ransome: That is pretty well every matter that comes before the Refugee Review Tribunal.

Senator SESELJA: So for every case you consider a complementary protection visa, more or less?

Ms Ransome: If a person does not meet the refugee criteria then the decision maker must go on to consider whether they meet the complementary protection criteria. The tribunal, since complementary protection was introduced in March 2012, has remitted 83 matters to the department.

Senator SESELJA: Just talk me through that, because I am new to this. What does 'remit it to the department' mean? Does mean that someone has come to you and had a visa rejected?

Ms Ransome: As Mr Bowles said before, the tribunal does not grant anybody a visa. The tribunal makes a decision as to whether or not a person meets certain criteria for the grant of the visa. What the tribunal will do in this situation is remit a matter to the department with a direction that the person meets the complementary protection criteria. There are then other factors that the department must look at before the grant of the visa itself.

Senator SESELJA: So you are saying that in 83 cases you have remitted to the department, effectively, the criteria for the complimentary protection visa have been met. Is that broadly correct?

Ms Ransome: That is right.

Senator SESELJA: What is the range of grounds? Are you able to provide, perhaps on notice, in relation to those 83 the grounds for providing those remissions to the department?

Ms Ransome: Yes, we can take that on notice. As I said to Senator Boyce, the circumstances, because of their very nature, do not relate to systemic issues but to concerns that are particular to the circumstances of the individual. One of the examples that I gave was the honour-killing example. We can take that on notice and will try to group matters together for you.

Senator SESELJA: Aside from the honour-killing example—
CHAIR: Before you continue, I have to leave for about 10 minutes. I will appoint the next-senior member of the committee, Senator Boyce, to chair in my 10-minute absence.

Senator SESELJA: You talk about the honour killings; what are the other examples? Would there be other examples such as the one that has been published involving the New Zealand biker where, effectively, it was a criminal activity that led to the person being granted a complementary protection visa? Is there a large proportion of the 83 who are in some way involved in criminal activity in their country of origin?

Ms Ransome: I cannot answer that question as to whether somebody has been involved in criminal activity in their country. We can give you an outline of the circumstances that have led to the direction that the person meets the complementary protection criteria, but I doubt that there are many that involve criminal activity.

Senator SESELJA: It would be helpful if you could.

ACTING CHAIR (Senator Boyce): You wouldn't know, would you? Sorry, I understood from what you said before that you would not know whether someone had a criminal history or not.

Ms Ransome: Only if that is in the material that we have; yes.

Senator SESELJA: Have the courts broadened the scope in terms of complementary protection visas? Have there been appeals to the Federal Court which have, effectively, broadened that understanding that the Migration Review Tribunal had in relation to when complementary protection visas operate?

Ms Ransome: There have been a few appeals to the courts in relation to complementary protection. One of those dealt with the applicable standard. The wording in the legislation is 'real risk'. The full Federal Court in March 2013 held that was the same as 'real chance' in the refugee convention.

Senator SESELJA: So they have effectively broadened that scope, have they, from what the tribunal understood?

Mr Bowles: Maybe I can be of use here. I can have the relevant people here later on to talk about some of these sorts of issues, but in the broad the answer is that, yes, the courts have widened the capacity for someone to—

ACTING CHAIR: What would outcome would that be in—the general corporate one, Mr Bowles?

Mr Bowles: I am sorry, but I am not good on those outcomes sometimes.

ACTING CHAIR: I am glad to see someone else is confused about outcomes.

Mr Bowles: I am confused as well most of the time! I think it would be either 2 or 3, from memory.

Senator Cash: Chair, could I seek your indulgence. I know that Ms Ransome has prepared an opening statement that she has not yet been able to give.

Ms Ransome: I would like to note for the benefit of the committee that there has in fact been—and I think Senator Carr alluded to this—a large increase in the number of cases that had been decided by the tribunals, particularly in the four months of this financial year. The tribunals had decided just over 8,000 cases to 31 October. That figure currently stands at
around 9,100. This rate of decision making represents a 68 per cent increase in the number of decisions made compared to the previous year, and it continues a trend established in the previous financial year where the tribunals increased output by 80 per cent from 10,500 decisions to 19,300. As I mentioned before, this year the tribunals are on track to decide 24,000 cases.

Importantly, the tribunals' active case load has continued to decline, which means that the tribunals are making inroads into the backlog of matters. There is now a 16 per cent reduction in the backlog of cases. The increases in decision making have been primarily due to a combination of factors, such as bedding down the specialisation teams which were introduced in 2012 and the further development of new practices. Pleasingly, the substantial increase in the number of decisions has not led to an increase in the number of successful appeals to the courts or complaints that are made to the tribunals by applicants or their representatives.

Senators may be aware that the tribunals had an overall increase of 18 per cent in applications in 2012-13. That trend has not continued and so far this financial year overall lodgements have decreased by about three per cent compared to the same period last year. We have seen lower levels of lodgements in the skilled and student areas compared to the previous financial year but slight increases in the partner refusals.

We certainly talked about the unauthorised maritime arrival component of the tribunals' case load. Obviously there is more work to do to reduce the number of active cases and to be able to return to our target processing times. The tribunals have in place mechanisms to do this, and I anticipate that we will continue to see improvement throughout the rest of this financial year.

Mr Plowman: Could I just finalise a couple of things? We talked about the pay for the full-time member and I did not know the total remuneration. It is $204,800, with a base salary of $149,510. Senator Carr, yes, we have to report monthly to the Public Service Commissioner on the non-ongoings.

ACTING CHAIR: Thank you.

Mr Wood: Under the legislation it is illegal for a person to give immigration assistance in Australia if they are not registered. The governance of those people who are registered is set out in part 3 of the Migration Act. The Migration Agents Registration Authority under part 3 is, in fact, the minister. The minister has delegated all of the powers and functions of the authority to officers within the Department of Immigration and Border Protection. We set up the Office of the MARA as an independent body to the rest of the department, in its own premises and with its own business systems. The appropriation for MARA is through the

Office of the Migration Agents Registration Authority

[09:50]

ACTING CHAIR: Since we have just had a closing statement, I had better think to ask: do you have an opening statement, Mr Wood?

Mr Wood: I do. Would the committee like me to give a brief pen-sketch of the authority?

ACTING CHAIR: I think that would be excellent.

Mr Wood: Under the legislation it is illegal for a person to give immigration assistance in Australia if they are not registered. The governance of those people who are registered is set out in part 3 of the Migration Act. The Migration Agents Registration Authority under part 3 is, in fact, the minister. The minister has delegated all of the powers and functions of the authority to officers within the Department of Immigration and Border Protection. We set up the Office of the MARA as an independent body to the rest of the department, in its own premises and with its own business systems. The appropriation for MARA is through the
budget under outcome 1.1.3. The charges that agents pay for registration go to consolidated revenue and are quite separate from the money that is appropriated to MARA.

Our functions are to consider the registration of persons who want to be migration agents and we consider or have regard to people's qualifications. Essentially we have a fit and proper person test and a person of integrity test. They are the essential ingredients to registration. We have a function to monitor the provision of immigration assistance, the adequacy of the code of conduct that agents are governed by and we have a function to deal with complaints. With complaints, we have powers to sanction an agent. We can bar them from registration, cancel their registration, suspend their registration or give them a caution. With suspensions and cautions, we can put conditions on the lifting of those sanctions, such as, for example, a requirement for the agent to do mentoring, certain professional development activities et cetera. We also govern the entry level qualification and we govern and the continuing and professional development that agents do. We approve providers and we approve activities before an agent can complete those as part of their professional development. That is a brief pen-sketch. I will turn to my opening statement.

Thank you, Chair and members of the committee. I would like to provide a brief update on the performance of the Migration Agents Registration Authority since I last appeared in May 2013. I will also touch on a couple of aspects of our annual report for 2012-13, which we tabled on 29 October 2013. As at 31 October 2013, the number of registered migration agents in the profession was 5,052—366 of these were non-commercial agents; 1,679 held practising certificates. The growth patterns in the profession remain steady at approximately 4.9 per cent per annum over the last four years, although the composition is changing slowly, with a greater percentage holding Australian legal practising certificates. In the past four years, this has risen from just over 26 per cent to nearly 34 per cent of the total number of registered migration agents. The areas where registered migration agents are most active are in the lodgement of 457—Temporary Work (Skilled), employer sponsored, business skills, and refugee protection visas.

In 2012-13, 10 applications for registration were refused. Appeals to the Administrative Appeals Tribunal have been lodged in respect of three of these decisions, with two carried forward from the previous year. One appeal was withdrawn, one decision was set aside and one decision was affirmed by the Administrative Appeals Tribunal. Two appeals are ongoing. The authority met all of its performance standards in relation to processing of registration applications in 2012-13.

On the professional development side in 2012-13, seminars, distance learning and workshops were the most popular forms of continuing professional development undertaken by registered migration agents. Workshop attendance grew significantly, reflecting a greater demand for interactive content and intensive detailed discussions in small groups. Another pleasing result is that just over 40 per cent of registered migration agents completed more than the minimum amount of continuing professional development required.

The continuing professional development framework was further refined in 2012-13, to make it easier for registered migration agents to select the activity most suited to their needs and to facilitate greater access to mentoring. The Practice Ready Program, designed to equip registered migration agents in their first year of practice with relevant skills and knowledge, was completed by 150 registered migration agents. To supplement the Ethics Toolkit for
registered migration agents, three new Ethics Bytes modules were added to the authority's website. An additional resource, the Client Monies Toolkit, was also made available in December 2012. Since January 2013, this toolkit has been downloaded more than 100 times per month. Positive feedback has been received from registered migration agents on the relevance and usefulness of these resources. Performance standards in professional development were also met.

Turning to complaints handling, the volume of complaints is down by 15.4 per cent, from 481 in 2011-12 to 407 in 2012-13. There is no apparent reason for this decrease. Complaints are lodged mostly by individual clients, and the majority relate to professional standards, particularly competence and ethics. It remains the case that approximately 70.4 per cent of agents registered today have not received a complaint in their career, and only a small number of complaints have involved conduct serious enough to warrant a public sanction. Five hundred and twenty-seven complaints were finalised in 2012-13, relating to 325 current or former agents. Of these, 12 agents were sanctioned on the basis of 70 complaints. Two former agents were barred for five years, two agents were suspended, five agents had their registration cancelled and three agents were cautioned.

Five appeals were finalised in the Administrative Appeals Tribunal in 2012-13. One appeal was withdrawn; one was dismissed, as the applicant failed to appear; and two resulted in the Administrative Appeals Tribunal affirming the sanction. One decision to caution an agent was set aside. Five appeals were carried over to 2013-14, with one of the five appeal cases carried over from 2011-12. That appeal, from 2011-12, was dismissed by the Administrative Appeals Tribunal on 8 July 2013 for nonappearance by the applicant. One further appeal was heard in September 2013, with the Administrative Appeals Tribunal decision reserved. Since 1 July 2013, one further suspension decision has been appealed to the Administrative Appeals Tribunal, and one sanctioned agent has filed a review application in the full Federal Court from a decision of the Administrative Appeals Tribunal. That decision affirmed the authority's decision to cancel the agent's registration. There are currently six cases in litigation, five in the Administrative Appeals Tribunal and one in the Full Federal Court.

Performance standards continued to improve in 2012-13, with just over 75 per cent of complaints finalised within the service standards, compared to 70 per cent in the previous year. The number of complaints on hand reduced significantly, by over 40 per cent, from 278 to 158. Of those, 63.3 per cent were under six months, compared to 49.3 per cent in the previous year.

The authority worked to strengthen its stakeholder engagement in 2012-13, extending coverage to regional areas where registered migration agents work and to a broader range of stakeholders who interact with registered migration agents. Examples of this include meetings with the Migration Council of Australia, and with state government, union, and industry groups. On the integrity side, the authority met with other regulatory agencies to discuss areas of common interest and potential overlap.

Part of the purpose of this broader engagement is to obtain a better understanding of different stakeholder perspectives on the issues they are concerned about relating to the regulation of immigration assistance. Ultimately, it is to identify how the authority might improve its collaboration with other agencies in the public interest. I am happy to answer questions from the committee.
Senator SINGH: Thank you, Mr Wood. I noticed on your website it says that the website is going to be unavailable between certain dates due to the implementation of new website enhancements. Is that going to make it—as I presume—better and easier in use, or is it just a kind of reframing and rejigging of its current content?

Mr Wood: We are currently operating with business applications running off access databases, which are not very robust. So we have taken the opportunity to invest in a system that is integrated with the website as well. So we have totally revamped the website and we are implementing a Microsoft CRM system, customer relationship management system. That will give us an enterprise level IT system to support our business moving forward.

We also need to comply with accessibility guidelines set by government. So part of the revamp is to meet requirements for access and disability et cetera. Under the new website agents will be able to do their applications, both initial and repeat, online. They will be able to update their details online. And this is all in a secure environment. Providers of professional development will be able to report the activities of agents that they have completed online. Consumers will be able to make complaints online. All of this will be in real time. So, when the database is updated, the website will update in real time, and vice versa—when an agent comes onto the website and updates their details, the database will update in real time.

Senator SINGH: What is the budget for this?

Mr Wood: Approximately $1.2 million in capital investment. Then there are the operating costs, which we are absorbing in relation to our own staff involvement in the project.

Senator SINGH: So you have not outsourced this. Existing staff are working on this, are they?

Mr Wood: We have a number of our own staff, because they understand the business, working on the project, but we are paying an external provider for the development. The actual site, the database and the website, will be hosted externally by another provider. All of that has the security clearance required in terms of meeting government security requirements.

Senator SINGH: You would hope so. You mentioned, when you were going through some of the migration agents figures, 356 non-commercial migration agents.

Mr Wood: I think it was 366.

Senator SINGH: What is the nature of non-commercial migration agents?

Mr Wood: Basically they are agents who are not charging a fee for their services. Many of these agents work for organisations like the Red Cross, the Refugee Advice and Casework Service and legal centres in different states. It is similar to a pro bono service. They are providing immigration assistance but they are not charging a fee.

Senator SINGH: Even though they are not charging a fee, do they still have a practising certificate?

Mr Wood: Approximately 53 per cent of the 366 hold law practising certificates. I mentioned that overall it is close to 32 per cent, 34 per cent now, out of the total population, but it is a higher percentage in this non-commercial sector that hold practising certificates.

Senator SINGH: Is there any reason for that?
Mr Wood: No, it would be conjecture. I understand that there are quite a few law graduates out there and there are potentially more graduates than there are positions. Maybe they are attracted to it because of that. It is a good area for people to get some practice in—practising migration law—in that sort of environment before they determine what they are going to do with the career. There could be a number of reasons.

ACTING CHAIR: And they are very community minded, no doubt!

Mr Wood: That is right.

Senator SINGH: Just good people. Does MARA do anything to promote agents getting a practising certificate?

Mr Wood: People do practising certificates for all sorts of reasons. It is not something that we promote. If a person has a practising certificate and they are interested in migration law—working in the immigration area—they apply for registration, but we do not promote it.

Senator SINGH: It is just that there is quite a percentage that do not have a practising certificate, as you went through before in your statistics.

Mr Wood: That is correct. Historically, there was a time when people were not required to have any qualifications at all. There is now a qualification—a graduate certificate in migration law and practice—but as an alternative to that if people have a practising certificate in law then that is considered to be sufficient for entry level qualifications, as it were.

ACTING CHAIR: What is the fee that migration agents pay each year? I am presuming it is each year.

Mr Wood: For non-commercial, the initial application is $160. For repeat applications it is $105. For commercial, the initial application charge is $1,760 and for repeat it is $1,595.

ACTING CHAIR: That is for an individual or for a business.

Mr Wood: That is for an individual; we did not register businesses or corporate entities. We only register individuals.

ACTING CHAIR: Could I ask you to characterise the migration agent community? In the past, I think, as you said, there were no qualifications necessary; it was probably simply someone setting up shop. Are they still primarily small businesses?

Mr Wood: Yes. Eighty per cent are sole traders. Some of those do work for other businesses on a sort of casual, on-call type basis, but 80 per cent of our sole traders. There are some large firms, but the majority of people are on their own, as it were.

ACTING CHAIR: You mentioned having spoken to the Law Council, the Migration Institute and the Migration Alliance regarding a new strategic plan. In the two minutes we have left, tell us what you have in mind.

Mr Wood: What the board has in mind is that we would be looking at more of a five-year outlook in our planning process. The intention is to identify the big problem areas that we need to focus on, consult with stakeholders in relation to those and then seek government approval for approaching our planning process on those big issues, as it were. The idea is to make sure that we identify what it is that we are trying to do and how we might measure the outcomes and that in our performance accounts—both in our annual report and our internal reporting—we might be reporting against the outcomes that we are aiming to achieve. Our traditional approach—you will see this in the annual report—has been much more focused on
a process oriented approach to looking at our performance. We have been counting how many applications come in, how many complaints come in, how many we have finalised and the time taken. That is all about efficiency but it is not necessarily about the outcomes. We are now turning our mind to how we might measure our outcomes and provide a better performance account on our effectiveness.

**Proceedings suspended from 10:10 to 10:22**

**CHAIR:** Mr Pezzullo, would you like to make an opening statement?

**Mr Pezzullo:** Yes, thank you very much. I have a number of matters to place before this committee and I seek the committee's forbearance as I detail these issues. In February of this year I briefed this committee on the issue of corruption within the service, including the matter of the arrest of a number of our officers. I also briefed the committee on the strengthened integrity measures that I was putting in place to deal with the problem of corruption and criminal penetration of the service. In May I updated the committee on the issue of corruption again and advised that more officers had been arrested. I also advised the committee that an extensive root-and-branch reform of the service was going to be undertaken as a result of the issue of corruption and related problems with our organisational model.

Today I would like to update the committee on these matters. We have continued to strengthen our integrity and professional standards capability and to harden the service against criminal infiltration. As previously advised to this committee, we are rolling out drug and alcohol testing of our officers, integrity testing and mandatory reporting of serious misconduct, corrupt or criminal behaviour by our officers, amongst other measures.

Since the last hearing—that is, in May—the Australian Commission for Law Enforcement Integrity has issued its investigation report into Operation Heritage. It did so on 22 June this year. This is a joint investigation, involving ACLEI, AFP and us, of alleged corrupt conduct by Customs and Border Protection officers at Sydney International Airport. A total of five CBP officers have been arrested under Operation Heritage, which includes the four that had been arrested and charged at the time of the last hearing.

I would like to give the committee an update on those proceedings. One officer has already been sentenced to seven years imprisonment with a non-parole period of four years after being found guilty of conspiring to import border controlled substances, receiving a bribe and abuse of public office. Another officer has pleaded guilty to charges of conspiracy to import a commercial quantity of a border controlled precursor and receiving a bribe, with sentencing scheduled for February 2014. He is also facing further charges of abuse of public office and giving a corrupt benefit to a public official.

Two other officers remain remanded in custody on similar serious charges as they await further court appearances which are scheduled over the months ahead. Another officer was arrested and charged on 2 September with two counts of importing a marketable quantity of a border controlled drug and one count of trafficking. She resigned prior to her arrest. This was after the service had commenced an inquiry for suspected breaches of our code of conduct.

In addition to those officers who are facing criminal charges—the five who I have just described—another four officers have resigned while subject to code of conduct inquiries. Another officer has been sanctioned after having been found to have breached the code of
conduct. These code-of-conduct inquiries were initiated after evidence of misconduct obtained during the course of Operation Heritage was disseminated to me by the Integrity Commissioner under section 146 of the Law Enforcement Integrity Commissioner Act 2006. Additionally, a number of other officers who are known to be associates of those officers who are facing criminal charges as a result of Operation Heritage have resigned after coming to the attention of investigators. This will not prevent them from facing criminal charges should charges be merited on the evidence.

Beyond these specific actions, I wish to draw the attention of senators to the Integrity Commissioner's report regarding Operation Heritage which, as I mentioned earlier, was released in June. In addition to detailing the specific features of the investigation, to the extent that this can be done at the unclassified level, it also details how the corruption occurred and the systemic cultural and organisational features that contributed to this. This report was one of the main triggers for the root-and-branch reform program of the service, to which I will shortly turn.

Separately, another two officers were arrested under a different AFP-led operation in February this year. Both officers were released on bail after being charged with offences relating to the importation of border controlled substances, abuse of public office and receiving a corrupt benefit. Proceedings are pending.

Again separately, and as recently reported in ACLEI's annual report of 2012-13, another officer will soon face criminal charges in relation to corrupt conduct. These charges relate to unauthorised access to restricted data and abuse of public office. This officer was suspended from CBP duty on the basis of information which had been disseminated to the service by the Integrity Commissioner, again under section 146 of the relevant act. She subsequently resigned after having been found to have breached the code of conduct with a likely sanction of termination.

In my earlier statements to this committee in February and May, I stressed the importance of the introduction of drug and alcohol testing as a key element of our new suite of integrity measures. I wish to advise the committee that three officers have returned a verified positive drug result since the commencement of these tests in March 2013. One of those officers, who was the subject of a random test, has been dismissed from the service following a code of conduct inquiry. Two other officers, who were the subject of targeted tests, resigned shortly after the testing took place. I can advise the committee members that 1,040 drug and alcohol tests have been conducted since March 2013.

The taking of illicit drugs by officers of the service is unacceptable. With random drug testing and alcohol testing now in place, and with testing being conducted of officers at all levels of the service—myself and everyone below me included—the message is very clear: you will be tested and, if you are found to be using illicit drugs, you are likely to lose your job.

Notwithstanding these measures and the other measures that I have advised this committee of previously, I have decided that even more needs to be done. While the vast majority of our officers are doing the right thing—and the number of cases that I have briefed the committee on this morning is relatively small in a workforce of 5,000—we cannot be complacent. I am concerned by the fact that we are encountering 'hard to detect' corruption and serious misconduct, where some officers think that they can 'lie low' until the 'heat' passes. For
instance, we know that some officers are attempting to game drug tests, not realising that they are under lawful surveillance.

We are alert to the risk that some officers may attempt to conceal their corrupt conduct and engage in deception and countersurveillance. I am currently in discussion with the Integrity Commissioner and others on how best to proactively go after 'hard to detect' corruption, now that we have significant powers and procedures in place for dealing with it when we find it. I will have more to say about this in the very near future.

When I last briefed the committee in May this year, I foreshadowed work to enhance the service’s organisational suitability assessment system, with a view to making it the toughest regime in the public sector, especially for detecting and dealing with officers with criminal associations. Once fully implemented next year, our enhanced organisational suitability regime will indeed be the toughest—and I advise officers with undeclared criminal associations to come forward now, as that will potentially provide a degree of mitigation before investigators come knocking.

On 1 November 2013, the service instituted a strengthened outside employment policy which identifies a range of high-risk secondary employment situations which could potentially compromise our officers or create perceived or actual conflicts of interest. Applications for permission to engage in outside employment in the industries outlined under the policy will be assessed on a case-by-case basis but will generally not be approved. We will continue to consult with our workforce on the new policy over the period of the next 12 months, with an analysis of lessons learned used to shape our definitive policy, which will be in operation by the end of 2014. I have issued a direction that, generally, secondary employment will not be approved in the private security industry or in any capacity directly associated with the movement of goods, people, vessels or aircraft across our border.

Since I last appeared before this committee in May, I have released a comprehensive Blueprint for reform 2013-2018. This was released by the former Minister for Home Affairs on 3 July this year. It deals with the need for root-and-branch reform of the service and what we need to do to gear up for the exponential growth in the volume of trade and travellers that we are facing, the increasingly complex trade and travel patterns which are emerging with the rise of Asia and other areas of global economic growth, and the ever-growing sophistication and well-resourced nature of transnational organised crime, which is unceasingly seeking to subvert border protection controls. The blueprint is our response to the ACLEI report on Operation Heritage, to which I have already referred, and to two other key reports: the Australian Public Service Commission capability review into the service, which was released in July; and the Customs Reform Board's first report, which was released by the then Minister for Home Affairs on 3 July 2013. I briefed the committee on the creation of the reform board when I last appeared before you in May of this year.

All of these reports have drawn attention to corruption issues as being drivers for root-and-branch reform of the service, alongside other issues which require aggressive and transformative attention concerning: our people and operating model; our systems, including ICT, and processes; and our culture and leadership. I am pleased to be able to report to the committee that, within our current level of resources, we are getting on with as much root-and-branch reform as we can pursue.
I have already detailed what we are doing in the area of integrity and professional standards. In addition, we are redesigning our approach to investigations, compliance and enforcement—our so-called ICE function—in collaboration with the AFP and other law enforcement agencies. We are on track to deliver the National Border Targeting Centre in 2015-16. We are piloting new command-and-control systems and procedures in Queensland, to be followed soon by Western Australia, in order to focus all of our firepower where it matters most—the frontline. Last Friday, internally, I announced the establishment of a number of task forces to examine and deliver different aspects of our future operating model, which includes the border force, which will be the uniformed element of CBP from 1 July next year; the CBP college; and the future traveller system—amongst other reforms.

We have to get these things right, and soon. Amongst other things, we are up against serious and very violent organised criminal syndicates that are well resourced, innovative, flexible and focused. They adapt to changing threats to their business model and they maximise and create new opportunities. Australia represents a very profitable market for organised crime groups. Prices for illicit drugs in Australia are among the highest in the world. The average cost of a kilogram of cocaine in Australia can be up to $300,000 per kilogram, as compared with Colombia, where the price per kilogram is estimated at $2,500 and in Mexico, where it is around $12,500. It is big business, as evidenced in August of this year, when 750 kilograms of cocaine were seized from a sophisticated concealment in the bottom of a yacht docked in Port Vila, Vanuatu, which was a joint operation involving CBP, the AFP and the US Drug Enforcement Agency, as well as our colleagues in Vanuatu.

Before I conclude, I wish to place on the record my assessment about the service's capacity to deal with these challenges. Since financial year 2008-09, the service has provided over $560 million of offsets and savings, including $165 million in the 2013-14 budget. From 2014-15, and across the forward estimates to 2017-18, additional programmed cuts of $733 million, or just over 15 per cent of funding per annum, will be applied to our budget.

In line with the funding reductions, the service's staffing levels have been in a period of decline since 2007-08. Over this period, the number of officers in the service has decreased from over 5,740 in 2007-08 to around 5,000 today. The funding levels programmed over the forward estimates will see our staffing numbers drop further, with staffing levels of less than 4,400 being affordable by 2017-18. Our current operating model is not sustainable, and our reform business case is being developed as a means to navigate our challenging future—which I will not be able to discuss in any detail as I do not wish to pre-empt government decision making through the normal budget process.

I should, however, advise the committee that this year the service will run at an operating loss for a second year in a row. Last year, our $10 million loss was attributable to a large voluntary redundancy program on the order of $7 million and ongoing operational pressures. This year will see a continuation of those same pressures, combined with larger funding reductions. Given the high operational tempo being experienced across many areas of the service, we are trying to maximise our expenditure on frontline resourcing—for example, to deal with illegal maritime immigration and remote area border patrols in northern Australia—whilst making space to develop our reform program that I mentioned earlier. For reasons that I have already discussed, there has also been a need to fund urgent and additional anti-corruption measures this financial year.
The size of this year's operating loss is still being worked through by the CFO as he conducts a major mid-year review of our finances. I am committed to managing our budget as best I can within the allocation provided by government, and the service's achievement of significant funding reductions over recent years is testament to this commitment. Over recent years, we have achieved savings in all of the areas expected of agencies—whether that be travel, contractors and consultants, ICT, SES levels, legal expenditure, or property expenses. Not all savings can be achieved, however, in the 'back of office', and last year we reduced staffing in our frontline regional port offices, with 37 frontline positions being abolished.

Meeting the requirements of our service and meeting fiscal policy directions will require very tough choices to be made. However, given the efficiencies that we have already identified and achieved, many of these choices have already in effect been made. With programmed reductions that are in the forward budget, we are not talking about cutting fat, or even muscle and tissue. We will soon be going through bone and out the other side. That is why root-and-branch reform is also about building a sustainable business model for the future for the service—one which, for example, takes full advantage of modern technology, such as automation, analytics and biometrics, to move us away from a labour-intensive model of working.

I am gratified to be able to say that governments have acknowledged the level of savings that have been applied to the CBP budget in recent years. Savings, for instance, were not required in the 2013-14 budget to fund certain maritime capabilities, or for the new National Border Targeting Centre, which former Prime Minister Gillard announced earlier this year. I also, in the same spirit, welcome the coalition's pre-election commitment to exempt the service from further staff cuts, as I do the injection of $100 million from 2014-15 onwards to increase the rate of screening and examinations at our borders.

CHAIR: Thanks very much, Mr Pezzullo. That is a very sad and frightening account you have just given, but congratulations on the work you have done to address some of those issues in very difficult circumstances. I think most parliamentarians will be amazed and shocked at some of the things that you have mentioned in here, and I appreciate your bringing them forward up front. And, as I said: well done on the work done to try to address some of those particular problems. Obviously we as a parliament, and the government, have a lot to do to assist in the essential work you do.

Colleagues, I think I might allow five minutes to each of us who want to just to ask questions on the statement, bearing in mind that we have a full session on Customs later to go through things like staff and funding. But if there are things that any of the committee members want to raise just about the statement in particular, confining each one to five minutes, we might do that. I might start by querying the outside employment policy that you referred to, Mr Pezzullo. Full-time work in the customs service is a full-time job, isn't it?

Mr Pezzullo: It is. But, as with all employment arrangements, be they in the private sector or in the public sector, what is known as secondary employment—where people maintain part-time work and, with cost-of-living issues, make their own choices about gaining additional income to pay off mortgages and the like—has been long recognised, certainly in all the agencies and departments I have ever worked in. It is really a question of the governance that you put around that secondary employment. I have come to a view—and we have done some detailed analysis and have looked at the intelligence and the risks associated
with certain categories of employment—that certain types of secondary employment, outside employment, are not acceptable. They just create too great a risk, and I just do not have any tolerance for that level of risk.

So, we have enumerated in our internal guidance a number of those industry sectors. I do not wish to cast an aspersion on those industry sectors as a whole, but I have decided that the involvement of my officers in that line of employment is an unacceptable level of risk. And, generally speaking, whilst each decision will be taken individually on the merits, as a general matter of policy, certain types of outside employment will not be approved.

CHAIR: As a general across-the-board statement, are customs officers paid similarly to police officers?

Mr Pezzullo: I think there is a broad equivalence. Perhaps it might be the case, depending on how you weight shift penalties and loadings, that some people are perhaps paid a little bit better and some people are paid not so much. I might see if the chief operating officer has any—

CHAIR: I do not want to go into stats, but—

Ms Grant: Our base level of salaries is broadly comparable, depending on our particular classification levels. Then, as the chief executive officer says, it depends on whether you are on a composite allowance.

CHAIR: I will stop you there. That is really all I wanted. We may come back to this in more detailed questions, but I just wanted a general comment. Again, generally, what is a working week for an average customs officer—if there is such a thing?

Mr Pezzullo: The standing conditions are as set out in our enterprise agreement, which are comparable to all Public Service agencies. It is a standard 37.5-hour week, the difference being that people on shiftwork work different sorts of arrangements, and that is recognised through appropriate penalties and loadings. So, you will get some people working in an office, and they have standard Public Service hours. You will get other people who work at ports, wharves, airports and field patrols and people who are involved in offshore maritime operations, and they work completely different regimens. The men and women of our marine unit, for instance, which is partnered with the ADF in terms of supporting Operation Sovereign Borders, will work extended patrol periods on the order of 28 days, from recollections, and then they will have 28 days off. So, it really does vary.

CHAIR: Except—and I am not critical of this—I sat on a plane up in the north next to someone who had finished his 28 days on the customs patrol boats and was off to become a reserve Navy captain.

Mr Pezzullo: If someone has the energy and the vitality and the drive to do that, I think that is terrific. And having some of our members as reservist ADF members is a fantastic thing, in my view.

CHAIR: Yes. I am not critical of that. There are a limited number of people with those skills who can drive those patrol boats, be they Customs or Navy. It is interesting. Would anyone else like to comment more generally before we get into the detailed questions on the statement?
Senator KIM CARR: Mr Pezzullo, did Customs receive a memo on 31 October, or a directive, regarding the employment of non-ongoing employment?

Mr Pezzullo: I would have to check the details as to the dates so I do not mislead, but we have received a series of what I would describe as general Public Service Commission notes of guidance about recruitment of non-ongoing staff et cetera. If you want to start going into the detail of that I will ask Ms Grant and perhaps someone else to come to the table.

Senator KIM CARR: Well, I just want to know, if that is the case, is that memorandum effective given that you have told the committee that there is an exemption for the service for further staff cuts?

Mr Pezzullo: For the moment, yes, and I have had discussions with the Public Service Commissioner about that. The position I am taking is that I am going off the coalition's policy assumptions, and the minister may wish to comment on this. The coalition's policy assumptions that were fed into the costings that were provided to the Parliamentary Budget Office indicated that five agencies would be exempt from what were described as further cuts. We were one of them, along with the AFP, ASIS, ASIO and the military components of Defence. Until I see that in an internal government direction—that is to say, in some sort of budget- or cabinet-level decision—my view is that the better prudent course is to temporarily voluntarily bind myself to those arrangements until I work through both additional estimates and then the 2014-15 budget position. But my starting point in that discussion is that we are exempted from further cuts that go beyond the program cuts that I described to you in my statement.

Senator KIM CARR: The directive, then, applies to you.

Mr Pezzullo: It purports to. As I said, I have said to the Public Service Commissioner that I accept it as purporting to apply to me. I have also read the coalition's pre-election policy document. The minister may wish to comment on this. I have seen the analysis done of that costing by the Parliamentary Budget Office. As far as I am concerned, my attitude—without pre-empting the discussions going into the 2014-15 budget cycle—will be that we are one of the agencies that are exempt.

Senator KIM CARR: Perhaps I could ask Minister Cash: have you provided Customs with any advice that they are in fact exempted from that memorandum that has been sent to all government agencies, or all public sector agencies?

Senator Cash: Thank you for the question, Senator Carr. I personally have not. However, my understanding is—as is the evidence of Mr Pezzullo—that the customs agency is exempt from further staffing cuts. I will make the point—because I know you have asked this question this morning and I assume you will continue to ask it throughout the day—that in relation to, as you are stating, staffing cuts: department and agency heads have not been told to sack any staff. They have been told to ensure that existing non-ongoing employment contracts and arrangements cease at the end of their current term and to refrain from entering into new agreements. However, as was discussed earlier this morning, they have the flexibility to enter into new temporary arrangements or extend existing contracts where these are critical to meeting business demand particularly where this impacts on the community. In relation to Customs my understanding is that they are exempt from this.
Senator KIM CARR: Minister, what is the basis of your understanding? Has there been a decision of government?

Senator Cash: My understanding is on the information that has been provided in relation to the coalition's policy statement, but I will take that question on notice for you.

Senator KIM CARR: Could you indicate to the committee if a decision has been taken and on what date that decision was taken?

Senator Cash: I will take that question on notice.

Senator KIM CARR: Could you indicate to the committee if a decision has been taken and on what date that decision was taken?

Senator Cash: I will take that question on notice.

Senator KIM CARR: How was it communicated to the agencies? I take it, Mr Pezzullo, you have not received any formal communication?

Mr Pezzullo: I have received communication as part of both the mid-year economic process, which is a standard part of the government system as you know, Senator, and in anticipation of the 2014-15 budget cycle that we are one of the agencies that is exempted on that basis. How that works out in terms of the preservation of our funding position, I have not seen any detailed guidance from the Department of Finance or any other competent agency.

Senator KIM CARR: How many non-ongoing employment contracts do you have within the service?

Mr Pezzullo: I will ask the chief operating officer to address that. She made to need to find that information in her folder. While she is doing that, having heard the minister's answer, I will reiterate my position. Given issues other than the guidance coming out of the commission, given the operating loss position that I described earlier, I have chosen on a temporary basis to bind myself to those arrangements as a way of managing my internal budget.

Senator KIM CARR: I do appreciate the distinction there. I would be interested to know the formal basis for any presumption of exemption. Normal practice within government is to actually make a decision to that effect and not rely upon an election policy statement.

Mr Pezzullo: No, indeed, Senator. To answer the question that you asked initially, there 28 non-ongoing staff. Can I hold that answer for a moment?

Senator KIM CARR: Sure.

Mr Pezzullo: To address that point, I understand exactly what you are saying, Senator. Both you and I have sufficient experience in these matters to understand that you need to have it documented, particularly in the case of a cabinet decision with, in this case, a TA decision number. I have said though, without going too much into the documentation to do with the internal budget process, both for MYEFO and preparatory guidance for 2014-15, I have seen documentation that says that you should plan on the basis of this policy commitment being applied to you. I guess you could call that indicative guidance as opposed to the type of guidance that you are describing.

CHAIR: Does anyone else want to make a general comment or question about Mr Pezzullo's statement?

Senator KIM CARR: Mr Pezzullo, I noticed in your statement that there is a reference to illegal maritime immigration. Is that a new term?

Mr Pezzullo: I might just indicate to portfolio secretary that I will be perhaps calling his assistance and aid in a moment. It is a term that changed after the election. There was
guidance that it should be irregular as distinct from illegal. It is across government agencies. Perhaps Mr Bowles may wish to take the opportunity on that.

**Senator KIM CARR:** We just want to be clear though. It is not a term you have used previously.

**Mr Pezzullo:** We did not generate it within the service, no.

**Senator KIM CARR:** When was the first time this term was used?

**Mr Pezzullo:** Subsequent to the swearing-in of the government. I do not know if Mr Bowles has better and further particulars.

**Senator KIM CARR:** What was the term you used in the past?

**Mr Pezzullo:** Irregular. Irregular maritime arrivals.

**Senator KIM CARR:** Unauthorised?

**Mr Pezzullo:** Yes, but the prevalent acronym was IMA, irregular maritime arrival. Perhaps Mr Bowles may wish to add something.

**Senator KIM CARR:** Mr Bowles, if you could assist me here with this.

**Mr Bowles:** Yes, Senator. Over many years it has had varying names from 'illegal' to 'irregular', to 'unauthorised' now 'illegal'. In the previous government, 'irregular' was the name until there were some changes to the Migration Act, when it became 'unauthorised maritime arrivals'. With the election of the new government, we have reverted to using 'illegal maritime arrivals'.

**Senator KIM CARR:** How was that — will figure but of David

**Mr Bowles:** In a letter from the minister to me.

**Senator KIM CARR:** Which minister?

**Mr Bowles:** Minister Morrison.

**Senator KIM CARR:** What was the date of that letter?

**Mr Bowles:** I would have to take that on notice. I cannot remember exactly but it was some time after the election, obviously.

**Senator KIM CARR:** That makes sense — after the minister was sworn in, I would expect.

**Mr Bowles:** After the minister was sworn in, that is correct.

**Senator KIM CARR:** What was the legal basis for the use of the term 'illegal'?

**Mr Bowles:** I might ask my general counsel to answer that.

**Ms Parker:** The term 'illegal maritime arrival' relates to the mode of entry of people coming to Australia on boats, as opposed to whether they have committed an offence against the Migration Act, which they have not by coming to Australia in a way that is not authorised by the Migration Act.

**Senator KIM CARR:** If it is no defence against the Migration Act, what is the illegal act?

**Ms Parker:** It is coming to Australia without the appropriate documentation. I believe the minister in the letter written to Mr Bowles mentioned the protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the United Nations Convention against Transnational Organised Crime and, in that protocol, illegal entries defined as crossing
borders without complying with the necessary requirements for legal entry into the receiving state. A necessary requirement for legal entry into Australia for most non-citizens is holding a visa.

**Senator KIM CARR:** I appreciate that. I am not a lawyer but I have heard this public conversation about the breaches of the law. Can you tell me which Australian law is being breached by people seeking to travel to Australia by boat?

**Ms Parker:** People coming to Australia without a visa do not have the proper documentation to enter Australia lawfully in terms of the Migration Act. As I mentioned, they do not, however, commit a criminal offence in doing that.

**Senator KIM CARR:** So what is the breach of the law?

**Ms Parker:** Coming to Australia without a visa.

**Senator KIM CARR:** It is not a criminal act to do that?

**Ms Parker:** No, it is not, but it does breach the Migration Act, which requires non-citizens generally speaking to hold a visa.

**CHAIR:** It is either legal or illegal?

**Ms Parker:** Yes.

**Senator KIM CARR:** As I said, I am not a lawyer so these terms may well have special meaning. Can I get you to define the term 'illegal'?

**Ms Parker:** It is defined in this context as crossing borders without complying with the necessary requirements for legal entry into the receiving state.

**Senator KIM CARR:** How does that distinguish from 'irregular'?

**Ms Parker:** 'Irregular' is pretty much the same thing—where you have entered Australia without complying with the legislative provisions.

**Senator SINGH:** But under Australian law, 'illegal' could be applied to breaking the law, a criminal offence. It could be a very serious term used towards an individual, the term 'illegal'.

**Ms Parker:** It could be. It could also be for noncompliance with legislative requirements, which is the case in this circumstance. While it is not a criminal offence, it is a breach of the Migration Act, which requires you to hold a visa.

**Senator SINGH:** Can you recognise the breadth of this term and the fact that 'illegal' can be applied to so many different laws in Australia, to so many different categories of people and that you are using it in a very specific way but in using it, it is not qualified that you are only applying to the Migration Act.

**Mr Bowles:** It is in the context. It is in the three words of illegal maritime arrivals. So it has been quite specific in this case to maritime arrivals.

**Senator SINGH:** If it is used in that term, but I have heard it used many times as just 'illegals', nothing else.

**Ms Parker:** I think the term 'illegal', from what you are suggesting, Senator, is a broad term in that it can cover both offence provisions or just generally breaches of legislation. What we are talking about here is that subcategory where there has been noncompliance with the relevant legislation.
Tuesday, 19 November 2013

Senator KIM CARR: Is it illegal to seek refugee status in this country?

Ms Parker: It is not, Senator.

Senator KIM CARR: It is not illegal to seek asylum?

Ms Parker: No.

Senator KIM CARR: So, if you arrive by boat and seek asylum, how can you be illegal?

Ms Parker: It is in relation to your mode of entry in terms of the Migration Act.

Senator SINGH: Why wouldn't you use the term 'unlawful'?

Ms Parker: The Migration Act does in fact use the term 'unlawful'. You are an unlawful non-citizen when you enter without a visa.

Senator SINGH: I have not heard the term 'unlawful non-citizen' used.

Ms Parker: It is common parlance in the Migration Act. Basically the minister has indicated that the terminology we should use is 'illegal maritime arrival'.

Senator SINGH: So it is a directive from the minister to use the word illegal.

CHAIR: That was established about 15 minutes ago.

Senator SINGH: I am just getting it on the record again, Chair.

Senator Cash: Chair, may also add some information for the benefit in particular of Senator Singh in relation to the direction. Certainly it is a term that has been used by successive governments. Former Prime Minister, Mr Rudd, use the term himself and in fact, in 2009, he stated: 'I make no apology whatsoever for adopting a hard-line approach when it comes to illegal immigration activity.' Former Prime Minister, Ms Gillard, in an address to the Lowy Institute, in July 2010, also stated: 'Five thousand foreign nationals have come into our shores illegally.' The former Minister for Defence, Mr Smith, in 2010, himself used the word 'illegal' stating: 'There are different legal bases status for those people who arrive by boat, the illegal or unlawful maritime arrivals.' The former Treasurer, Mr Swan, in 2003, himself stated: 'The people that are causing the disturbances at Baxter and Villawood are people who have been determined to be illegal immigrants. Chair, certainly in relation to the general use of the term 'illegal' it has been used by former Labor prime ministers, by a former Labor Minister for Defence and by the former Labor Treasurer.

As is the evidence that has been given to the committee, since 1994, with changes to the Migration Act 1958 various terms have been used by the government of the day. Certainly, in 2007, the Labor government made a decision that they would use the term 'irregular', hence the term 'irregular maritime arrival'. This government has made the decision to use the term 'illegal'.

In relation to Senator Carr's comments about whether or not it is legal to make a claim for asylum I confirm for the committee's benefit that it is not illegal to make a claim for asylum and indeed the coalition government has never suggested that it was. It is, however, as has been the evidence given to the committee, illegal to enter Australia without a valid visa. Therefore the use of the term 'illegal maritime arrival' refers specifically to that person's mode of entry and, if you come to Australia without valid documentation, you do breach Australian law, hence the use of the term 'illegal maritime arrival'.

CHAIR: Thank you, Minister, that is why I have always used the term 'illegal'.
Senator KIM CARR: I am just wondering how many people have been convicted of this offence?

Ms Parker: Senator, as per the evidence I previously gave, there is no offence.

Senator KIM CARR: So, there has been no charge of anyone arriving here illegally?

Ms Parker: There is no offence under the Migration Act for entering without a visa.

Senator SINGH: Mr Bowles, you said earlier that this was not a word the service generated.

Mr Bowles: Mr Pezzullo said that, yes.

Senator SINGH: Sorry—Mr Pezzullo. What did the service originally and naturally generate? What was the term used by the service?

Mr Bowles: Under the changes to the Migration Act earlier this year, from memory, it changed from 'irregular maritime arrival' to 'unauthorised maritime arrival' to describe what was happening at that point in time. As I said, since the election of the new government, the arrangements have changed and it is now 'illegal maritime arrival'.

Senator SINGH: So it was UMA and now it is IMA—

Mr Bowles: IMA for irregulars.

CHAIR: What was it in 2004?

Senator SINGH: So 'unauthorised' was the term before.

Ms Parker: I think there is some confusion here because there is actually a distinction between the terminology used in the Migration Act itself and the terminology that is used in a colloquial sense or used by government. From 1999 to 2007, the term used by the previous Liberal government was 'unauthorised boat arrival'. After 2007, the term that was used was 'irregular maritime arrival'. In both of those periods, the actual term in the Migration Act was 'offshore entry person'. That changed earlier this year to 'unauthorised maritime arrival'. So the official term in the legislation is 'unauthorised maritime arrival'. The government has indicated that the term that it wishes to use is 'illegal maritime arrival'.

Senator KIM CARR: Minister, are you going to legislate to create an offence given that you are using this term?

Senator BOYCE: Will we bring back the death penalty for them!

Senator SINGH: Just to make it clear: is the term 'illegal' in the act?

Ms Parker: I could not say it is nowhere in the act, but the term for a person who arrives in Australia by boat and becomes an unlawful non-citizen because of their entry is 'unauthorised maritime arrival'.

Senator SINGH: And 'unauthorised maritime arrival' is in the act?

Ms Parker: Yes.

Senator SINGH: So, Minister, are you going to amend the act to put 'illegal' in the act?

Senator Cash: As I have already stated, the word 'illegal' has been used by successive governments, including by former Prime Minister Rudd, by former Prime Minister Gillard, by the former Minister for Defence, Mr Smith, and by the former Treasurer. The government is not asserting that it is illegal to make a claim for asylum. It is not. we have never suggested
that it is. However, I will make this point for the committee's benefit. At the end of the day, the litmus test in relation to this portfolio and the policies we are discussing is whether or not the boats actually ultimately stop. Given that there has been a 75 per cent reduction in the short period of time that the coalition government has been in power, one might suggest that, compared to the former Rudd and Gillard government record in this regard, which saw in excess of 50,000 people come to this country illegally, we are doing something right. Senator Singh, you may not like the terms that we have chosen to use. However, given that there has been a 75 per cent reduction in the number of boats coming to Australia, I would suggest the coalition is doing something right.

Senator SESELJA: My question is, I think, mainly for Mr Pezzullo. I am not sure if this has been touched on because I was out of the room for a while, but I wanted to go to some of the budget and staffing issues of Customs if possible. What was the total net resourcing for Customs as of the 2013-14 financial year?

Mr Pezzullo: I anticipate a series of questions, so I might just ask the CFO to join me—if that is okay.

Mr Groves: On the funding for 2013-14, our appropriation is $1.089 billion. That includes our operating funding, our departmental capital budget and our funding for the Cape Class vessels.

Senator SESELJA: What is the split between those elements of that $1.089 billion?

Mr Groves: Our operating appropriation for this year is $961.4 million, our departmental capital budget is $81.3 million and our Cape Class component is $46.9 million.

Senator SESELJA: Is this amount sufficient for all of Customs's programs?

Mr Pezzullo: I really do not intend to add much more to what I said in my opening statement. You were not present that that.

Senator SESELJA: I apologise.

Mr Pezzullo: I was not seeking an apology. In essence, what I said there was that in conformance—as we absolutely should be—with government fiscal direction since 2008-09, our budget has been in a state of gradual plateauing and then decline. That is, a decline in actual nominal terms over the forward estimates period. We have already rendered, over the period since 2008-09, approximately $560 million in savings and offsets. That is inclusive of $165 million for this financial year—looking forward. I will leave aside the discussion previously with Senator Carr about the non-application of the cuts pertaining to the 12,000 APS members. In terms of programs, reductions over the forward estimates period that commences 2014-15 are currently scheduled to deliver back $730 million. I said in my statement that that is—I used a fairly evocative metaphor—not just simply cutting fat, muscle and tissue, that is really starting to go through the bone. That is just a statement of the facts.

We are starting to see reductions in frontline positions, such as in regional ports. As part of the blueprint for reform that we released earlier this year—Mr Clare, the former Home Affairs Minister, and I launched that in July—there was a number of drivers that pertain to the need for branch reform. There was a series of drivers pertaining to corruption, which I gave an extensive statement about earlier this morning. But there is a need to put the service on a sustainable basis. Through a combination of automation and other forms of technologies—such as analytics, better intelligent systems and biometrics—we really need to get the
operating model looking forward. I guess implied in what I am about to say is that the answer to your question is no. We really need to right-size our workforce, which at the moment is through a program to reduce it to 4,400 or thereabouts by the end of the forward estimates period.

We need to combine that reduced workforce with better technology and other capabilities to at least meet the minimum standards both around protection but also around customer service, because—in addition to being the border protection agency—our job is to foster and facilitate daily trade and travel.

Senator SESELJA: I am conscious that I have got 10 minutes and I have a number of questions, so we might move through them. I will come back to the staffing issue that you have alluded to there, but for this financial year is Customs likely to need a top up to its budget in order to complete all of its operations?

Mr Pezzullo: We do not seek top ups, as such. We are going through a process—through the MYEFO additional estimates process—of articulating what our pressures are, literally for government to make decisions about what is supported and what is not. As I stated in my statement, looking back to last year's budget, the then government recognised a series of pressures that were starting to get beyond the pale and provided us with supplementation to both extend certain maritime capabilities and to fund the new capability in the form of the Border Targeting Centre. I would not want to anticipate, prejudice or pre-empt what other decisions this new government might make.

Senator SESELJA: So that $560 million in return savings over the past few years, are you able to talk us through the 2008-09 budget until now; what is the differential?

Mr Pezzullo: I will get Mr Groves to go through that. He has a detailed breakdown of those reductions.

Mr Groves: Senator, could I just clarify: we are you looking at what makes up those amounts or a differential breakdown?

Senator SESELJA: If we can get a headline figure for 2008-09, you might break it down in the same way you did for the current financial year.

Mr Pezzullo: We might give you the annual reductions—that sum to $560-odd million—and then, depending on your level of interest in detail, we might then break that annual figure down.

Senator SESELJA: Great.

Mr Groves: I will just clarify that, during that period of time, the funding arrangements for agencies did move to a net cash funding arrangement. I think it was in 2009-10. But we have tried to put our funding onto similar terms. For 2008-09, our total funding was $1.074 billion. The only number I have includes section 31 revenue, which is in addition to appropriation. That is on that operating basis. Our capital funding in that year was around $114.4 million.

Senator SESELJA: That is on top of the $1.074 billion or as part of the $1.074 billion?

Mr Groves: In our section 31 revenue, around $60 million within that amount comes from other sources.
Senator SESELJA: So there is $1.074 billion, plus capital, and now it is $1.089 billion, including capital. Is that a rough comparison of the two?

Mr Groves: Yes.

Senator SESELJA: I suppose in real terms, when you would expect expenses to go up three to four per cent at least a year and, if not, more, that is a reasonable reduction. Would you agree?

Mr Groves: There has certainly been a reduction in both net and real terms over recently years.

Senator SESELJA: This question might be for Mr Puzzullo. What is the funding amount required in order for Customs to continue to function over the forward estimates?

Mr Pezzullo: I do not think you could state that there is an objective level that somehow is discernible through science or philosophy. It is really a balance of how much you are willing to spend on the function relative to your appetite for risk and relative to balancing two key drivers. One is the flow of trade and travel. You have got to keep the border reasonably open. Australia is at an open global trading society with benefit from open trade and travel, but you also have to intervene to take out prohibited, illicit or illegal movement of goods and people. It is really about a nation's appetite for risk. That is a complex set of equations. As I said in my statement, we are working through a reform program which is really designed to put the service on a sustainable basis. If I really start to articulate the sorts of numbers that I think will answer your question, I am really starting to pre-empt a cabinet process and I would prefer to not do that.

Senator SESELJA: I will move on, then. Are there any planned capital expenses that have not been carried out or included in the budget forward estimates and require funding to be found in order to proceed?

Mr Pezzullo: In terms of capital? We have a departmental capital budget, which has been in part topped up by the former Gillard government's decision to provide unsupplemented funding for a national border targeting centre. If you take our capital program and you add in $30 million that was enunciated earlier this year for our border targeting centre, we then can form our capital investment program to fit within that envelope.

Senator SESELJA: What was the budget for Customs' contribution to Border Protection Command over the past four years? How much of your budget is devoted to those kinds of activities?

Mr Pezzullo: I will see if Mr Groves has a breakdown. Do we have an attributable breakdown by function for BPC?

Mr Groves: I do not have it with me. We might have to take that one on notice, regarding the last four years. It would cover both our Border Protection Command area within Customs but also our maritime division that provides all of the assets and staffing.

Senator SESELJA: Is it fair to say that over the past two or three years that has been an increasing amount of Customs' budget?

Mr Groves: As a proportion, overall it has probably been a larger proportion, but once again I would have to take that on notice.
Senator SESELJA: Was there any specific funding given by the government in order for you to meet those responsibilities?

Mr Pezzullo: In some cases, as I said in my statement, under the former government, in the 2013-14 budget, there was a recognition that resourcing had become an issue—the extension of the number of vessels, the Triton and the Ocean Protector, for instance, as well as some aircraft provided on a supplemented and non-offset basis. But, generally speaking, over the period that I think you are drawing attention to, which is 2008-09, extension of vessels, funding for additional patrol days et cetera have had to be found largely—not all; not exclusively—from internal means.

Senator SESELJA: Okay. I'm conscious of the time, Chair. I would like to move to staffing. We have had a discussion with the Department of Finance in relation to that and there will be some crossover, but I am interested in the figure of 14½ thousand jobs that was published today in relation to the overall cuts as a result of decisions by the previous government. I asked the Department of Finance earlier today what the process was, and I was told that they gave broad outlines to agencies about the savings task that was before them. I think you have outlined the numbers relating to that savings task; I think that it was $730 million. Now that may not be all in, as a result of those particular decisions, but what is the savings task in terms of jobs in the forward estimates for Customs?

Mr Pezzullo: As I said in my opening statement, if you factor in all of the ongoing decisions that go back to 2007-08, which is the period in question, and include the economic statement released by the former government in August of this year, and if you then extend that out over the forward estimates period, in dollar terms the savings task is in the order of $733 million. That is inclusive of the next financial year, which is 2014-15 plus three forward estimates years. You are right, Senator, if I may say: the Department of Finance then provide general guidance about how to achieve that. Obviously, in some cases and in our case you have got fixed contracts, for instance, for the surveillance flights such as the Dash 8 fleet. So you work out what your fixed contracts are—and that is not to say you cannot takes some savings there, but it is obviously more difficult—and you look at your base level of capability, and you look at where the discretion is—and the current modelling that we have done internal to the service that I announced this morning in my statement would see that the FTE reduction required to achieve that level of savings is in the order of 600, which would take us down to an affordable FTE of 4,400 by the end of the forward estimates period.

Senator SESELJA: So that is about 11 or 12 per cent of your workforce, roughly.

Mr Pezzullo: I suppose so.

Senator SESELJA: So, short of a budget top-up, where are those reductions likely to be found in terms of staff?
Mr Pezzullo: Senator, that is really for future budget development. We have not really turned our minds to the detail of that, below the level of the aggregate.

Senator SESELJA: Okay. And having lost around 11 or 12 per cent of your staff in the next four years—or that is the current plan—how will you continue to maintain the services and the essential work that Customs does for the Australian community?

Mr Pezzullo: Well, as we have done over the last few years. It is, at one level, a year-by-year proposition, but you need to have a medium-term plan—a four- or five-year plan—otherwise your annual plans just get lost in the thicket of decisions. Wherever possible, you are always trying to preserve a front-line capability. I’m particularly concerned about things like—as we found through task force Polaris up in Sydney—our waterfront presence; our presence on tarmacs; and our presence on some of the higher risk areas of the physical border which, in my view—if anything, I would like to try to reinforce that area. You then look at your fixed overheads, things like surveillance contracts—you have to have an annual, ongoing, structured set of payments for those contracts; they carry risk with them. So our commercial providers, not unreasonably, expect us to lock in longer-term contracts and to honour those contracts. So once you go through a logical process, it then gives you a relatively narrow scope of discretion. And then once you are in that zone of discretion, you really then are balancing: ‘Do I trade off against, say, extension of queues at airports?’ People are being processed through still largely manual processing arrangements—albeit the rise of SmartGate has provided some assistance there through the automation of the entry process for at least Australians, New Zealanders and some other nationalities. And these trade-offs are really always about risk. So do you balance, you know, longer queues versus thinning out your resources in, say, your investigation, compliance and enforcement area—which are the teams that go up against the hardened criminals?

Senator SESELJA: I just wanted to get the time frame, because we have had a couple of big figures in terms of your savings—733 and 560, I think—so $1.293 billion. Is that over 10 years or eight years? What are we dealing with?

Mr Pezzullo: Just to be clear, and again, Senator, I would take you back to the statement that I have now tabled with the committee so that we are all on the same page in terms of facts. The period going forward commences on 1 July 2014.

Senator SESELJA: Yes.

Mr Pezzullo: So that is inclusive of the 2014-15 financial year and the three forward estimates years that follow that. That is in the order of $733 million that is programmed. The historical figure that I mentioned, which was $560 million—I’m going off the top of my head now—goes back to the 2008-09 financial year and is inclusive of all financial years including the current one of 2013-14.

Senator SESELJA: So it is effectively about 10 years, with an average reduction or saving of around $129 million a year over that period.

Mr Pezzullo: That is on average; it has actually accelerated. From about 2010-11 it started to hit double digits in terms of reduction. And as I said in my statement, going forward you are looking at, approximately, an average cut to our operating base of 15 per cent per annum.

Senator SESELJA: Okay. I have just one final area of questioning: the accommodation of Customs. At the moment, that is due for—
Mr Pezzullo: Sorry, is that in the ACT at the moment?

Senator SESELJA: Yes, in the main head office in the ACT. That is due for renewal in the next couple of years, is that correct?

Mr Pezzullo: We need to be in new premises—Steven will correct me if I get this wrong—in 2016-17. I just can't remember the month.

Mr Groves: Yes. On 1 July 2016 the lease is up.

Senator SESELJA: Okay. So what process is in place to either extend the lease or look at new accommodation?

Mr Pezzullo: We have had an expression of interest process, to which we have had responses. We are currently evaluating those responses so of course I don't wish to talk about the details too much. That process is to see what is out there. We have provided a broad level of specification that is more in keeping, I guess, with the notions contained in our blueprint for reform, which has a mixture of what I would describe as standard office accommodation as well as the sort of accommodation you would expect to see in a command centre—with an intelligence centre, a different kind of operating environment, hot desks, big headquarters-type screens and so on. So we need a composite; a mix of both the more traditional, public-service-type accommodation as well as the sort of accommodation that you would see in a police or military command centre.

Senator SESELJA: So, aside from those security specifications and the type of office accommodation, has any other direction been given—either by yourself or by the former minister—in relation to the location within the ACT of that accommodation? Is there any particular preference?

Mr Pezzullo: No. We previously—and this is a process that I avoided after taking over my current position—and for reasons I don't care to go into too much detail on, had indicated a preference for what I would describe as the Civic area. My personal judgement as the CEO is that that is too constraining. Potentially, it does not allow us to look at some value-for-money options outside of Civic. I'm not ruling Civic in or out, but there are a number of other good locations and, really, I would not want to speculate on that because it really starts to intrude into the EOI evaluation process.

Senator SESELJA: I have just a final question then: has that EOI process has started? Have the bids closed?

Mr Pezzullo: We have the bids and they are being evaluated.

Senator SESELJA: Okay. How many bids? Can you reveal that?

Mr Pezzullo: Unless Mr Groves counsels otherwise, I don't think I am in a position to talk about that level of detail. Steven, what's your advice?

Mr Groves: We have received 11 bids.

Mr Pezzullo: There you go.

Senator SESELJA: Thank you, Mr Pezzullo.

Mr Pezzullo: I always trust my advisors, Senator.

Senator HANSON-YOUNG: I will leave the bulk of the questions I would have asked for the session on Operation Sovereign Borders. I would like to go to the comments made
about budget, staffing levels and the impact that your services and operations are actually having on the total department. Could you just outline for me what the increase is of staff time now being spent on organisational capacity across your department, the immigration department and others, because of Operation Sovereign Borders?

Mr Pezzullo: I will not speak for any other agency, senator.

Senator HANSON-YOUNG: No, I am asking for yours across those issues.

Mr Pezzullo: I probably need to answer it in two parts. One is in relation to our maritime operations. I think we took on notice this morning to get an exact attribution of the support we directly supply to Border Protection Command. You can think of that as a joint venture between ourselves and the Department of Defence, so I contribute assets, people and time, the CDF allocates his resources and that creates BPC. But we also have a maritime division that does the sustainment of all the vessels and all the rest of it. We will come back in response to the previous question taken on notice about the exact attribution and how that has changed over time, because that was the burden of the previous question. But separate from that, and I think perhaps more directly relevant potentially to what you are asking me, is our contribution to the Joint Agency Task Force. I am happy to speak in broad terms about that without starting to get too much into the operation of the JATF as it is supporting Operation Sovereign Borders. With the swearing-in of the new government I took a decision, given that OSB, or Operation Sovereign Borders, was going to be a unified command effort, that there was no point in me having a shadow system of command, control and intelligence coordination and so on and so forth. So we have allocated all of our previous resources in full-time terms to General Campbell's headquarters. Mr Groves will correct me if I am wrong, it somewhere in the order of 40-odd FTE. They are intelligence, coordination, media, people who provide briefings support et cetera, and that was very much a case of pick up the team and put them into the new headquarters structure. In addition to that, we have also provided the key enabling aspects of his headquarters. We have wired up the building and we have given him office space. We already had a highly classified, secure working premises where PBC currently works, so it made extension of those premises for General Campbell's purposes a logical thing to do. But I will need to come back to you on the detail about how much that has cost me, how many FTE that are involved and so on and so forth.

Senator HANSON-YOUNG: In your opening statement you referred to the higher operational tempo and, in particular, you pointed to what I would refer to as the unauthorised maritime arrivals. In an environment where you are saying that you are looking towards a 12 to 17 per cent workforce reduction and a basis cut of 15 per cent going forward, what impact is that going to have on those operations in terms of what you do as part of Operation Sovereign Borders?

Mr Pezzullo: Over the period that has been of interest to this committee this morning, going back to 2008-09, and noting that the trend of arrivals essentially started in that financial year, so it is kind of a coincident period, both my predecessor, Mr Carmody, and I have been at pains to reduce and indeed nullify wherever possible funding cuts to that program. So, for instance—

Senator HANSON-YOUNG: Sorry, could you repeat that.
Mr Pezzullo: Over that period from 2008-09, which coincides with the period when this issue started to emerge again with the arrival of the vessels that started through the course of 2008-09, as we have gone through meeting government fiscal targets such as general reductions both to meet the efficiency dividend and to offset things like vessels, we have sought to preserve as much as possible all of the capability that we fund for things like Bay class patrol days and patrol days for our other vessels. In other words, if you will, the disproportionate burden of those cuts has fallen on other parts of the programs as we have tried to preserve, as much as possible, our ability to patrol. But even that has become stretched. In the last financial year, for instance, we underachieved, in that we be generated fewer Bay class patrol days because we had to consolidate crews, partly in order to achieve full crew effects for both ACV Ocean Protector and the ACV Triton. Those vessels are critical for safety of life at sea issues, responding to mass silo situations et cetera. We have had to make some pretty tough decisions. But even to the extent that we have tried to preserve and protect our resources in the maritime domain, even that has been quite challenging.

Senator HANSON-YOUNG: Have you been asked to expand your reach and the number of vessels or the time that vessels are spending patrolling since 7 September?

Mr Pezzullo: I think that is starting to go into the operational workings of OSB. I would defer to both the secretary, at the table; General Campbell, when he is here—General Campbell will be supported by the head of BPC, as one of his task group commanders. We are not shirking the question, but to keep it in correct lanes I would prefer to have those answers provided to you under the OSB heading.

Senator HANSON-YOUNG: I am happy not to go into further detail in relation to Operation Sovereign Borders. My question was whether your department had been asked to do more since 7 September. You are talking about not doubling up, and I take that on board, but I do not see why asking whether you have been asked to put more resources, effectively, on the water has to be—

Mr Pezzullo: I am happy to talk about resources, as opposed to operations. The vessels, aircraft and men and women we contribute to Border Protection Command have not changed. We have Bay class vessels that we have had for quite some years, the new Cape class vessel happened to be deployed for the first time since the election—that is a new asset but it trades off a Bay class vessel that has been pulled offline.

Senator HANSON-YOUNG: So effectively it is not a net gain.

Mr Pezzullo: In terms of resources, other than those headquarters resources that I referred to earlier—providing the computer systems, secure accommodation et cetera, which I talked about earlier—I have not given General Campbell any additional operational resources. How he is employing them and the tempo at which he is employing them, I would prefer to leave that for the latter section.

CHAIR: We now have 22 minutes, which I propose to distribute equally between the opposition and the government.

Senator KIM CARR: I remind you, Mr Chairman, that estimates have traditionally been regarded as time for the opposition to pursue questions. There is no spillover day registered on your program—I am surprised about that. If there is not sufficient time, we will reserve the right to recall officers at the advice of the chamber.
CHAIR: Thank you. Do you have any questions, Senator Carr?

Senator KIM CARR: Mr Pezzullo, in relation to the customs and border protection vessel that rescued 40 asylum seekers on Friday off Christmas Island, can you tell me: is it true that that vessel pulled the bow out of a refugee boat when it sought to tow that boat?

Mr Pezzullo: As I have just intimated to Senator Hanson-Young, I think that is getting into the actual conduct of operations. General Campbell will be here later this afternoon. He will be assisted by the commander of Border Protection Command, who is one of my officers. Unless your questions go to governance, resourcing—sort of the functioning of my agency—the position that the government has taken—

Senator KIM CARR: I am interested to know whether a customs vessel in an incident whereby, when seeking to tow a vessel, it ripped the bow out of that vessel.

Mr Pezzullo: I am not disputing your interest in the question; I am interested in that as well. We have a separate session on Operation Sovereign Borders.

Senator KIM CARR: How many boats have been returned to Indonesia since 7 September?

Mr Bowles: Again, that is an Operation Sovereign Borders issue. We have a section after afternoon tea specifically about that.

Senator KIM CARR: What is Customs's definition of 'on-water matters'? Are you able to tell me that?

Mr Pezzullo: In general terms that would be shorthand for anything that we conduct by way of maritime operations. If you are alluding, though, to maritime operations conducted under the auspices of Operation Sovereign Borders I will have to refer to my previous answer.

Senator KIM CARR: Do you have a definition of what is regarded as an operational matter?

Mr Pezzullo: In general?

Senator KIM CARR: Yes.

Mr Pezzullo: An operational matter pertains to the conduct of operations within some sort of approved line of activity. We conduct operations every day, be it narcotics or offshore maritime operations. I have a common-sense idea of what that means—you delegate the authority to the teams and they conduct operations for you.

Senator KIM CARR: Are you able to tell us on how many occasions Customs have been used to render assistance to vessels in Australian waters?

Mr Pezzullo: If your question is a general one that pertains to the period going back to 2008-09, when these vessels really started to arrive after a number of years of absence, the answer would be: in the hundreds. But we can take that on notice. I would distinguish—I think you said within Australian waters. Most of the activities we conduct are within the Indonesian search and rescue region, the SRR, and pursuant to tasking that we receive from AMSA, the Maritime Safety Authority, who are in liaison with their Indonesian counterparts, Basarnas, we will then detach assets—be they Royal Australian Navy assets that are seconded to BPC or one of my marine unit assets, we will detach them from their border protection task and chop them over to a search and rescue mission. In terms of rendering assistance, in the four years that I am visualising, it would be in the realm of hundreds.
Senator KIM CARR: Would you be able to provide me with a month-by-month breakdown?

Mr Pezzullo: Yes; I will just confirm that with Admiral Johnston. Can we do stats by month?

Rear Adm. Johnston: Yes.

Mr Pezzullo: Yes, I have just conferred with Admiral Johnston. We can do that by month.

Senator KIM CARR: Can you provide that information for this year?

Mr Pezzullo: Yes, we should be able to.

Senator KIM CARR: The calendar year, 2013?

Mr Pezzullo: Yes, I do not see any reason why not. These are things in relation to which we keep detailed records.

Senator KIM CARR: So you will be able to provide me with the number of unauthorised maritime arrivals in that period, the number of vessels.

Mr Pezzullo: In terms of search and rescue, that is pretty straightforward. The target mission of OSB is unauthorised, illegal or—I do not want to get into that debate—vessel arrivals. That is really an OSB matter.

Mr Bowles: That is right, and I will talk later about the number of arrivals.

Senator KIM CARR: The number of arrivals is really a matter for—

Mr Bowles: It is more a matter for me and into the OSB session later this afternoon.

CHAIR: Doesn't the minister advise this every Friday?

Mr Bowles: That is correct.

Senator KIM CARR: You will be able to provide me with that information later in the day.

Mr Bowles: I will be able to provide you with the data that I have on arrivals that have happened, up to a certain point.

Senator KIM CARR: Mr Pezzullo, have you provided advice on the publication of information regarding boat arrivals?

Mr Pezzullo: No, I have not.

Senator KIM CARR: Did you provide it to the previous government?

Mr Pezzullo: In a sense, I did—we did—because the previous government had a posture of the minister of the day pronouncing, or making announcements about, individual arrivals once their identity had been determined. And then in periods where the minister of the day—certainly from Minister Clare's time and, if memory serves me correct, Minister O'Connor's time—they sought advice on who would do such announcements in the absence of a minister, if they were on leave et cetera. The position at that stage was taken by both ministers. I think I am right in saying O'Connor, but certainly Clare. The preference was that the service would issue those press releases in the absence of the substantive Minister for Home Affairs.

Senator KIM CARR: This is the Customs service we are speaking of, is it not?

Mr Pezzullo: Yes, that is right. We would have provided advice about the modalities of, I guess—
Senator KIM CARR: When was the last time you provided advice on arrivals?

Mr Pezzullo: Up until the calling of the election, and indeed probably during the caretaker period, I think, the minister of the day, the Minister for Home Affairs, provided those announcements, except in those periods of leave that I just referred to. During the caretaker period we agreed upon consultation with PM&C, as the custodians of the caretaker conventions and principles, with Mr Clare's concurrence—we agreed during the caretaker period that CBP would provide those press releases.

Senator KIM CARR: And has the new minister sought your advice on announcements of arrivals?

Mr Pezzullo: He discussed it with me in our first discussion after the swearing in.

Senator KIM CARR: I take it you provided him with advice?

Mr Pezzullo: He discussed it with me.

Senator KIM CARR: At any stage have you provided any advice on what might be what, I think, Lieutenant General Campbell has referred to as risks associated with the announcements of arrivals?

Mr Pezzullo: My preference would be that you ask General Campbell when he is here. I saw his statement on Friday. I have got nothing to add to that, other than noting the point that he made and that Minister Morrison has made, which is that the government is conducting a different type of operation—

Senator KIM CARR: Sure, sure.

Mr Pezzullo: which involves not necessarily rendering the vessels back to Christmas Island.

Senator KIM CARR: I just wonder whether, at any stage, since you were providing advice to the previous government, did you provide them with advice on risks that were referred to by Lieutenant General Campbell?

Mr Pezzullo: I will leave General Campbell to talk about what has happened since the election. Prior to the election there was no need to provide such advice because it was not the policy of the previous government to undertake certain types of maritime operations.

Senator KIM CARR: But you have not had any occasion to provide advice on the question of risks of making announcements?

Mr Pezzullo: No, except insofar as—I guess it is presumed that if we are agreeing to take on the announcement of arrivals, absent the minister, it was based on a presumption that everyone was comfortable with that announcement or, if you like, service being provided, as it were, if I can use that terminology. But the new government is undertaking and is planning to undertake a different regime of military-led maritime security operations.

Senator KIM CARR: So are you able to tell me how many people have been processed by the Customs Service who arrived through to Christmas Island since the election?

Mr Pezzullo: I think that is a question better asked during the Operation Sovereign Borders session. But, just as a point of clarity, we do not process—if, by that, you mean immigration processing—

Senator KIM CARR: No.
Mr Pezzullo: We do a basic border clearance.

Senator KIM CARR: Border clearance?

Mr Pezzullo: Yes, sure. And that number would be—whatever is discussed later on today—

Senator KIM CARR: You cannot tell me how many people that you have—

Mr Pezzullo: I think I know.

Senator KIM CARR: You cannot tell me how many people that you have processed through border clearance.

Mr Pezzullo: I think there is an agreement, that I am not sure is being challenged by the line of your questioning, that there is going to be a session when a number of officers, General Campbell principally, but others as well will attend and they can perhaps more readily respond to those sorts of questions.

Senator KIM CARR: I will just take it that if those answers are not given I am putting to you a question on notice of the number who have been processed by your service.

Mr Pezzullo: I might take that on notice, subject to any clarification provided during the OSB session and if, in the end, the senator is still minded to ask the question we will take it on notice.

Senator KIM CARR: I appreciate it.

Senator SINGH: Mr Pezzullo, in your opening statement—and thank you for that, it was very comprehensive—you talked about integrity measures. I am interested a lot in integrity measures. I was previously on the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity and of course we did an inquiry into integrity testing.

Mr Pezzullo: Yes, indeed.

Senator SINGH: I note also that, firstly, you said that conducted since March there were 1,040 drug and alcohol tests. Of those, three officers have returned a verified positive drug result. That is a very low number.

Mr Pezzullo: Yes. I am very pleased about that result.

Senator SINGH: I presume there is not a benchmark, though, to test that against previous years because this is new testing. Is that right?

Mr Pezzullo: This is a new regime. The only benchmarking we could possibly do is in relation to comparable services such as state police forces and the AFP or, indeed, by way of overseas comparison. But we do not have a time series ourselves that obviously goes back earlier than March, because that is when we started.

Senator SINGH: And do you know how you compare to AFP and some other comparable police forces?

Mr Pezzullo: I do not know, although it is one of the things that I am interested in exploring. Either we have got a particularly diligent, honest and conscientious workforce which not only would I like to think is the case but I think is the case or in some cases people are indeed attempting to evade detection. I did refer in my statement to the fact that two officers were the subject of a targeted test. That was because they thought they were getting away with using a particular technique to mask their activities—which I do not want to repeat.
because it just gives the game away. They came to attention through lawful surveillance, and so we had to hit them with a targeted test. So, overall, I think the vast majority of our officers are coming up clean because they are clean. They are not using illicit drugs. And that is why you are finding a low level of verified positive results. But in my position, Senator, with everything that we have gone through over the last few years, we have had eight arrests, that I detailed. I have to maintain a degree of scepticism that in some cases, relatively few I would think, some officers, potentially, are trying to engage in deception. And hence, I referred to the need to go even more proactively into some of the measures that I am contemplating and will soon provide the minister with advice on.

Senator SINGH: Okay. Just in relation to some of those measures, I noticed in the blueprint the establishment of a Special Integrity Adviser. Has that position been established?

Mr Pezzullo: Yes. I announced the filling of that position last Friday. We had an officer who was an established officer from one of our SES offices, from another part of our service, who has done a fantastic job over the last 12 months or so, building that capability. We specifically went out as part of a bulk recruitment round in July but with a particular side, or separate, advertisement around the Special Integrity Adviser. We got a very good field, and an officer who has professional competencies and a deep specialisation in that area came through that process, and I was delighted to be able to announce her appointment on Friday.

Senator SINGH: That is great. And so will that person work jointly with ACLEI? Is that the way it is going to work?

Mr Pezzullo: Absolutely. So the officer, who starts with us in about the first week of December, will perform two roles. She will be the head of a branch—the Integrity and Professional Standards Branch—which has got very much hard-wired, structured relations with ACLEI. They maintain the process of notification to ACLEI, as is required under the relevant legislation. They triage those referrals. ACLEI in some cases will take the referral and say, 'yep, this is serious enough to warrant our royal commission-type powers'; in other cases ACLEI will say, 'can you look at this from the point of view of, say a disciplinary proceeding but keep us informed'. So the Integrity and Professional Standards Branch, amongst other things, maintains that relationship with ACLEI but the officer will then have a separate role as a Special Integrity Advisor, which is a direct report to me, to basically undertake inquiries effectively on her own motion, as she and I agree, but that also will be the subject of consultation and transparency with ACLEI.

Senator BOYCE: You mentioned, Mr Pezzullo, that you could not say a lot about the reforms that you are planning. Do you have an anticipated cost for the reforms that you will be undertaking?

Mr Pezzullo: Senator, I did say that we had released a blueprint for reform, which I just happen to have here just in case you would like me to—

Senator BOYCE: Just in case we would all love one—yes please! Thank you.

Mr Pezzullo: We can make that available, Chair, through you. Senator Singh just referred to it when she drew out a particular measure, the Special Integrity Advisor. There are a series of about 27 specific measures in there. Some of those were able to be done on a low-cost, no-cost basis; for instance, the Special Integrity Advisor of which I just spoke: we are absorbing the cost within our budget. In another case, as I said in my opening statement, there is a
business case that was initially commissioned by the previous government and the current government has asked me to further develop it. That will come forward in the 2014-15 budget round so I really should not go into much more detail than that—other than to say it is a business case that will be built around the essential features of this reform blueprint.

Senator BOYCE: But is it correct that you are expecting increased costs in customs over the forward estimates?

Mr Pezzullo: As I said earlier in evidence to previous questions, it is not really for me to expect additional funding; that is not my job. My job is to give advice, and then it is for governments to decide what level of risk versus priority they wish to settle on.

Senator BOYCE: But, in your view, to continue the services that you currently provide or to continue an adequate service—

Mr Pezzullo: It is a logical deduction to say that, as volumes increase—say, for instance, of air travel: larger planes; more frequent arrivals; more people coming on those larger planes, given the pervasive nature of air travel these days—if you want to maintain a particular level of service, about the amount of time, say, it takes to be processed by what is called a primary line border protection officer, then, by definition, if you are going to keep that standard you either have to increase the resources or go to a radically different model, and the blueprint does talk about achieving the same or better levels of service, for instance by going to automated entry.

Senator BOYCE: That is right. You could do both, presumably.

Mr Pezzullo: And the balance of where you keep your human resources versus what you automate is part of this juggling act.

Senator BOYCE: As to the sorts of increases you have just talked about—the logical increases that will happen—were they factored into the MYEFO?

Mr Pezzullo: The MYEFO contains the current forward estimates program, as adjusted only for any 2013-14 adjustments, as it were. The business case that I am talking about, which relates to increased volumes and the increased complexity of supply chains and the like—all the issues that we have just been talking about for the last four or five minutes—pertains to the 2014-15 budget.

Senator BOYCE: Yes, but you have mentioned also that you would have an operating loss for the year.

Mr Pezzullo: Yes, and we have a duty to advise the finance minister of that, which we are in the process of doing.

Senator BOYCE: And you are talking about reforms that would, logically, presumably, require some increases.

Mr Pezzullo: That might be the case. It is not for me to come before the committee and advocate for increased resources. You could keep the resourcing levels as they are; you would just need to expect that other consequences would follow. We will operate within the budget that is given to us by the government of the day.

Senator Cash: Can I jump in there, Chair. I think the important point there, Senator Boyce, is in relation to the current funding model. The current funding profile, if it is kept, will lead to less than the minimum needed to do the job. You have to recognise that $700
million was taken from Customs and Border Protection by the previous government. Several hundred staff were removed from front-line roles. So, in terms of the blueprint going forward, obviously that is something that Mr Pezzullo is currently considering.

**Senator BOYCE:** Thank you, Minister; that was what Mr Pezzullo was being too polite to say!

**Mr Pezzullo:** Perhaps I was being prolix, and the minister has assisted me.

**Senator BOYCE:** As to employee expenses over the forward estimates: can you tell me if they are expected to increase?

**Mr Pezzullo:** I might ask Mr Groves to return. We have a forward estimates profile. As I said earlier in evidence, one of the current modelling assumptions we have made is that, without a change in that funding profile, given that you have a number of fixed costs that relate to things like aerial surveillance capability—the Dash 8s that I mentioned earlier—then some of the burden will fall on FTE or full-time equivalent staffing. So, by definition, if you cut the number of FTE that you have, your employee expenses will go down. But what we have modelled and what is in the forward estimates I will leave to Mr Groves.

**Mr Groves:** Across the forward estimates, as published in the latest 2013-14 budget and in the Attorney-General's Portfolio budget statement, our employee benefits are staying relatively stable across the forward estimates to 2016: so $527 million this year, rising slightly to $540 million by 2016-17. Of course, the buying power of that—how many people you can afford with it—reduces over time with pay rises and such, and increased expenses there.

**Senator BOYCE:** Are there figures in there, Mr Groves, on that?

**Mr Groves:** Yes. I am referring to the 2013-14 Attorney-General's Portfolio budget statement, which we were part of at the last published statement. So that is currently being updated for the additional estimates process.

**Senator BOYCE:** I was not clear when Senator Hanson-Young was asking questions before. Is the cost of leasing Customs vessels included in the forward estimates?

**Mr Pezzullo:** Yes.

**Senator BOYCE:** So the continuation of leasing—

**Mr Pezzullo:** We have two classes of vessels. There is outright ownership over some vessels. The Bay class vessels, which are our standard patrol vessel, as well as the new Cape class vessel are wholly owned by the government and so there is no leasing associated there. In terms of the *Ocean Protector*, the *Triton* and one or two other vessels, there are terminating measures that are relevant to those vessels. We are currently in a discussion about what needs to be done potentially to extend those leases subject to assumptions being made about the issue of illegal maritime immigration.

**CHAIR:** Senator Boyce, perhaps you could put your other questions on notice.

**Senator FURNER:** Mr Pezzullo, I just want to return to the matter concerning the drug and alcohol testing. Out of the three officers that were tested and returned a positive result are you able to explain to the committee what substance they were tested for?

**Mr Pezzullo:** I gave considerable evidence on this back in the May hearings, so I will not go over that ground. It is a urine based test that detects illicit narcotics and traces thereof. Alcohol is tested for separately through breathalysers. The urine test looks for all types of
illicit narcotics, including, when it is subsequently sent off for second-line verification, whether there were maskings involved or things like codeine might have been mistakenly for a cocaine trace. They were tested for all the standard illicit drugs that that test covers. In one case there was a return for cannabis and in the other two cases there was a return for cocaine.

Senator FURNER: So one the cannabis and two for cocaine. Also on your outside employment policy you indicated in your opening statement that it is assessed on a case-by-case basis. I imagine the department would have a number of part-time employees or casual employees. Is consideration given to them considering no doubt they would, subject to the number of hours provided by Customs, need to supplement their employment through other means. Is that a matter for a case-by-case assessment to consider a need or a requirement to assist them in sustaining reasonable salary or wages as a result of that—

Mr Pezzullo: I would put it the other way. The policy is binding on all officers, including those who work part-time hours. All officers need to conform with the policy.

Senator FURNER: I have asked you a question in regards to whether consideration is given to officers. I understand that it is applicable to everyone, but is there consideration given to those officers who are part time or casual?

Mr Pezzullo: Sorry, Senator. In the sense of special consideration being given, then no. If someone wants going to work part time for us and then go off and work in the private security industry consorting with members of outlaw motorcycle gangs they are not going to be working in my service.

Senator FURNER: Of course. But what if it is a type of employment that has no involvement or overlap in terms of what Customs would have—

Mr Pezzullo: In that case, if it meets the conditions of the secondary employment policy, that employment will be approved.

CHAIR: I think you mentioned in your opening statement which areas you would not allow people to work in.

Mr Pezzullo: I touched on some, yes.

CHAIR: We will take a break until one o'clock.

Proceedings suspended from 12:04 to 13:00

CHAIR: Ladies and gentlemen, we will resume the hearing of the Senate Legal and Constitutional Affairs Committee inquiry into the Department of Immigration and Border Protection. We are scheduled from one o'clock until two o'clock to do cross-portfolio, corporate and general. We might start with Senator Carr.

Mr Bowles: I have an opening statement.

CHAIR: I beg your pardon. Sorry, Mr Bowles. Over to you.

Mr Bowles: Thank you very much. Chair and senators, thank you for the opportunity to deliver an opening statement on behalf of the department. Firstly, congratulations to Senator Macdonald on your appointment as Chair of the Legal and Constitutional Affairs Committee and to Senator Marshall, in Senator Macdonald's absence, as Deputy Chair. I would like to welcome a number of new members to the committee. I would also like to welcome Senator Cash, who is representing the minister for the first time in Senate estimates.
Chair, I would like to briefly update you on significant developments in the portfolio since I last appeared before the committee on 27 and 28 May. As you are aware, as a result of the machinery of government changes announced by the government after the election, the department has been renamed the Department of Immigration and Border Protection, and the Australian Customs and Border Protection Service now falls under the portfolio. The settlement and multicultural affairs function has transferred to the Department of Social Services and the Adult Migrant English Program, AMEP, function has transferred to the Department of Industry. I would like to acknowledge the contribution the settlement, multicultural affairs and AMEP staff made to the portfolio and also acknowledge the ongoing partnership and collaboration which exists between us. I also welcome the opportunity for the department to work even more closely with our colleagues in Customs and Border Protection now that it falls under the same portfolio.

The government also introduced their new border policy, Operation Sovereign Borders, after the election and soon after established the Joint Agency Task Force, led by Lieutenant General Angus Campbell, on 18 September this year. There are 16 departments and agencies involved in this taskforce and the Immigration and Border Protection portfolio plays a leading role. General Campbell will elaborate more on the role of the Joint Agency Task Force and Operation Sovereign Borders later today.

I would now like to say a few words about the broad range of programs the department undertakes. The permanent migration program continued to make a significant contribution to the economic and social wellbeing of Australia. I am pleased to report that the department delivered the 2012-13 permanent migration program to the exact planning level of 190,000 places. The department continues to ensure that the migration program is well managed, delivered with efficiency and with high levels of integrity. The program delivered 128,973 places across all streams of the skilled program, thus contributing much needed skilled workers in many sectors of the economy. The skilled program was complemented by a family program of 60,185 places and a further 842 places in the special eligibility category. The top five source countries for the 2012-13 permanent migration program were India, China, the United Kingdom, the Philippines and South Africa. The 2012-13 humanitarian program was fully delivered with 20,019 visas granted. This included 12,515 people resettled from overseas, of whom 1,673 were women at risk and their dependants.

I would like to reiterate my appreciation for the work of the department's offshore and onshore decision-making teams, who put in an extraordinary effort to achieve this result. I would also like to note the excellent cooperation with other agencies, including ASIO, the United Nations High Commissioner for Refugee and the International Organisation for Migration.

The government intends to provide 13,750 places for the 2013-14 humanitarian program, with a minimum of 11,000 places reserved for settlement of people from outside Australia. This will include a significant increase in the Special Humanitarian Program. This increase will allow families who have been separated by conflict and violence, many living in refugee camps for years on end, to reunite in Australia.

One of the highest priorities for Australia's refugee intake will continue to be the resettlement of vulnerable women at risk and their dependents. Australia is committed to resettle 500 Syrian refugees who have fled to neighbouring countries in the Middle East, and
the department is working closely with the UNHCR to begin processing this cohort. There will also be up to 800 places set aside for at-risk Afghan locally engaged employees and their families who have served with the Australian mission in Afghanistan and are at risk of harm as a result.

On 18 October the migration regulations were amended to introduce temporary protection visas for illegal maritime arrivals and unauthorised air arrivals. This measure gives effect to the government's pre-election commitment to restore temporary protection visas. Temporary protection visa holders will be able to work and have access to Medicare and other benefits. Any grants of TPVs will not count towards the onshore component of the humanitarian program.

Australia's student visa program is designed to support our international education sector while at the same time maintaining the integrity of the migration program. On 29 October 2013 the government announced the proposed simplification of the assessment level framework and the extension of streamlined visa processing to low-immigration-risk non-university providers in the higher education sector in order to further facilitate the visa process for genuine international students and support sustainable growth in the industry. Subject to the regulatory approval process, the department proposes to simplify the assessment level framework by removing AL4 and AL5 by reducing the financial requirements for AL3 students from 18 months to 12 months in terms of evidence of funds, with a condition that these funds are provided by the applicant or a close relative of the applicant. This approach will bring the financial requirement for an Australian student visa more closely in line with key competitors, enabling Australian education providers to compete internationally based on the quality of their education.

On 4 November 2013 I wrote to 22 low-immigration-risk non-university providers in the higher-education sector in order to invite them to participate in the streamlined visa processing arrangements. These arrangements will operate similarly to the streamlined visa processing arrangements currently in place for universities and will provide a quicker and simpler visa process for eligible students. These initiatives represent a measured and evidence based approach to increasing sustainable growth in Australia's international education sector and are made possible by other reforms such as the genuine temporary entrant requirements, which ensure that only genuine applicants are granted a visa.

Interest in acquiring Australian citizenship has remained high, with 137,062 applications for conferral of citizenship approved in 2012-13. On Australian Citizenship Day, 17 September this year, the department hosted a special citizenship ceremony at the National Arboretum here in Canberra to welcome 100 new citizens, in recognition of the Centenary of Canberra. The ceremony was conducted by the Governor-General, Her Excellency The Honourable Quentin Bryce AC CVO.

On Australia Day, 26 January, 2014 we will celebrate another significant Australian milestone, with the 65th anniversary of Australian citizenship. The department is looking forward to marking this anniversary and the value of Australian citizenship during the course of the coming year.

I would also like to update the committee on activities underway to enhance the provision of our services and strengthen the integrity of our programs. The department has continued to expand its network of Australian Visa Application Centres managed by third parties under
competitive tendered contracts. These outlets provide increased access and more service options to our offshore clients. A new Australian Visa Application Centre commenced operating in Gwango in China on 19 August 2013.

The department has facilitated over a 11 million arrivals and departures during 2013-14 so far. This is an increase of over six per cent from the same period in 2012-13. If current trends continue, we anticipate that there will be over 35 million border crossings—that is, both ways—this year, which is well on track to deliver an estimated 20 million border crossings by 2020.

Of the six million travellers who arrived in Australia as of 31 August 2013, 64,000 were referred to immigration officers for further investigation. The overwhelming majority of these were cleared to enter Australia. Only 1,142 travellers were refused clearance. Of those who were refused immigration clearance during 2013-14, the vast majority were refused immigration clearance on the grounds that they were considered not to be genuine visitors.

Australia's airline liaison officer and tactical support unit programs continue to provide significant screening support for airlines and foreign governments. The airline liaison officer network has been involved in 68 interdictions of improperly documented travellers attempting to travel to Australia during 2013-14. We continue to use advanced analytics to enable immigration officers at airports in Australia to identify more precisely and quickly the risk associated with people seeking to enter Australia.

The border risk identification system scans all 40,000 inbound travellers every day and has already contributed to 875 persons being refused immigration clearance at our airports in the first four months of this financial year. The enhanced accuracy of this technology has allowed our airport teams to manage continued growth in travel volumes—approximately six per cent, as I mentioned earlier—and reduce the number of travellers referred for additional immigration checks. Early indications are that at least 15 per cent fewer travellers will need exception management, without loss of integrity in our processing.

The department continues to roll out biometric data exchange trials. The trials provide the opportunity to gather key data relating to people smuggling and trafficking activities, and enhance the ability to identify illegal maritime arrivals. We believe these trials will prove beneficial to all countries in identifying issues relating to border integrity.

Further to my update on 27 May: as of 31 October 2013, 18,008 ImmiCards have been issued since implementation commenced on 23 March 2013. The ImmiCard is a modern polymer card that is the size of a credit card or a driver's license. The cards have security features and are linked to departmental records. The card is issued to protection visa holders onshore and illegal maritime arrivals in the community on bridging visa arrangements to assist them to establish their status. The robust and convenient polymer replacement is welcomed by community agencies, as well as holders, and will be made available to greater cohorts over the next phases.

The department continues to respond to activities that are not sanctioned under the Migration Act 1958, the Australian Citizenship Act 1948, the Passports Act 1938 and the Financial Transaction Reports Act 1988. This was highlighted during the month of October this year, with two cases totalling over five years of custodial sentencing being handed down.
Further sentencing dates are set down for November and December, as part of the departments continuing successful prosecutions.

On 6 November, the department's new website was launched. The design incorporates the latest features and web technologies to ensure our clients can easily find the information they need, particularly visa-related materials. In addition to more accessible plain-English content, highlights of the site include better mobile optimisation for access via tablets and smart phones and a new find-a-visa tool.

Overall compliance with Australia's immigration system is very high. The department continues to achieve strong outcomes with its active status resolution program, which provides support and assistance to people to resolve their immigration status in a timely manner. Since the implementation of the status resolution approach in 2008-09, the department has increased the number of people it is able to locate who are breaching their visa conditions or overstaying their visa by 27 per cent. This is against a background of an increase of 630,000 temporary-visa holders entering the country.

At the same time, there has been a significant increase in the number of people voluntarily presenting themselves to department. Additionally, the number of people being managed on a bridging visa E for more than five years has fallen by 30 per cent between 2008 and 2013. The increased use of BVEs to manage people in the community has not led to a greater non-compliance. The percentage of people complying with their BVE conditions has remained around 90 per cent.

The number of people of interest to compliance whose status was resolved through visa grant or departure has increased by 42 per cent in 2008-09 to 2012-13. In the same period, the number of removals from detention has also increased by 78 per cent. Within the period 2012-13, 94 per cent of such removals were voluntary.

From September 2008 to 15 November 2013, we have seen some 51,399 people arrive illegally—including crew. Of this number, around 5,800 are in held detention; around 3,300 are in community detention; around 22,900 are in the community on a bridging visa; and around 1,800 are in offshore processing centres. The remainder have either been voluntarily or involuntarily removed or been granted a permanent visa. There are also a small number who are still to be processed, in prison or deceased.

In the financial year to date, as at 15 November, there have been 7,152 illegal maritime arrivals on 96 boats. Australia's immigration detention network is required to respond to high-priority enforcement, compliance and border protection activity, including: the management of illegal maritime arrivals, visa over stayers, character cancellations, unauthorised air arrivals and illegal foreign fishers. Accommodation capacity and needs across the immigration detention network are continuously monitored and adjustments are made as required for operational reasons, including the management of different cohorts—such as single adult males, families and unaccompanied minors.

As you can see, the portfolio covers many issues across the economic, social and national security policy areas of government. The day is structured to ensure that we can have the right people in attendance to answer your questions as best we can, so I ask for your forbearance as we may have to defer questions to the relevant part of the hearing. In closing, I would like to take this opportunity to put on record my sincere appreciation to all of our staff for their
dedication, ongoing hard work, commitment and outstanding efforts in this sensitive and challenging area of public policy. Thank you.

CHAIR: Thank you, Mr Bowles. I certainly endorse your last comments about thanking your staff for a wonderful job in a very, very difficult portfolio. This is a new committee. It is a new parliament, so a lengthy introduction was perhaps in order. In the future, I am going to recommend to the committee that we confine opening statements to five minutes, because these are opportunities for senators to ask questions where they are relevant. But I do appreciate that this is a unique circumstance: the first committee of a new government, with lots of things happening and a very new committee. So thank you very much for that very complete reaction. Were you going to give us a copy of that statement, Mr Bowles?

Mr Bowles: Yes.

CHAIR: Thank you. We now have 40 minutes, which I will divide up equally amongst those who I ascertain want to ask questions on across-portfolio—corporate and general—matters. Senator Carr, you have the call.

Senator KIM CARR: Minister, can you explain the circumstances around the dismissal of the former secretary of this department, Mr Metcalfe?

Senator Cash: I cannot. I am going to take that question on notice.

Senator KIM CARR: Would you provide the committee with an explanation for his removal from the Public Service? He was of course the secretary for agriculture, but he was dismissed, as I understand it, according to the press reports, because of his service to this department, and I would like to know whether or not those reports are true. What was the justification for his removal?

Senator Cash: I have advised that I will take that question on notice.

Senator KIM CARR: Can you confirm for me that Mr Metcalfe was a former chief of staff to the immigration minister, Mr Ruddock?

Senator Cash: I will take that question on notice.

Senator KIM CARR: Was that assessed in the reasons for his dismissal?

Senator Cash: I am assuming that is part of the questions I will be taking on notice.

Senator KIM CARR: Mr Bowles, what was the cost for the change of the department's name?

Mr Bowles: I suppose the good thing about name changes these days is that most things are electronic, so there is not a lot of cost in a range of things. At this stage, we have not changed everything. We only estimate the cost to be around $195,000 at this stage, mainly to do with signage issues. But, generally speaking, most of the issues are dealt with within our electronic system, so we do not have to make any changes to letterheads like we used to in the old days.

Senator KIM CARR: What is the impact of the government's new policies on the department's budget position?

Mr Bowles: I suppose there is a range of impacts. With the machinery-of-government changes we have seen a couple of areas of the department move to other agencies, like our settlement and multicultural areas; from memory, just over 200 people moved from our
department to the social services department, and obviously they take the funding that goes with that. Our Adult Migrant English Program—in which group there are only about 12 or 18 people—has moved to the Department of Industry, and the associated funding goes with that.

**Senator KIM CARR:** It might save the committee a bit of time if you could provide the committee with a breakdown of all the costs, including the costs of staff time, associated with the machinery-of-government changes.

**Mr Bowles:** I will take that on notice.

**Senator KIM CARR:** Is the organisational chart that is published on your website up to date?

**Mr Bowles:** I could not tell you exactly. I have not looked at the website in the last little while. If you have any specific questions I can try and help.

**Senator KIM CARR:** I will go to those. Is there someone else who can help me with the current organisational chart? Is it accurate?

**Mr Bowles:** I would say it would be largely accurate. There might be some minor tweaks that might have happened, but largely it would be accurate.

**Senator KIM CARR:** I am just wondering if—and this may well be something that someone can have a look at—there are any changes that are not reflected on that organisational chart?

**Mr Bowles:** We may not yet have fully effected the changes to the AMEP people and the settlement and multicultural people on the website at this particular stage.

**Senator KIM CARR:** Would you be able to provide me with the staffing establishment per division, please?

**Mr Bowles:** I can take that on notice.

**Senator KIM CARR:** Could you also provide me with what the actual staffing allocations are per division?

**Mr Bowles:** Yes.

**Senator KIM CARR:** Can you tell me how many persons are employed on fixed-term contracts, and/or how many are employed on a temporary basis or a non-ongoing basis?

**Mr Bowles:** Non-ongoings, we have at this point 856 people in the headcount arrangements.

**Senator KIM CARR:** And how many of those persons are affected by the directive received on 31 August?

**Mr Bowles:** It was put out initially by the Public Service Commissioner on 31 October for a brief consultation, formalised on the eighth, but effectively it has been in place since the end of October.

**Senator KIM CARR:** How many persons of that number 856—

**Mr Bowles:** All of those non-ongoings are impacted by the statement, although that does not mean that all of them will necessarily go from that.

**Senator KIM CARR:** Of the 856, how many people are on contracts that expire this year?
Mr Bowles: I would have to take that on notice. I do know of our non-ongoings—I do not know whether we have that by month.

Senator KIM CARR: Are you able to tell me how many people of the 856 are affected this year?

Mr Farrell: I do not have the cessation dates of the contracts, no. I do have month by month in terms of ongoing.

Senator KIM CARR: Would you be able to provide that for me, please?

Mr Farrell: Certainly.

Senator KIM CARR: Do you have it here now?

Mr Farrell: Yes.

Senator KIM CARR: If it is in a chart, you could table the chart and it would save us a lot of time.

Mr Farrell: Certainly.

Mr Bowles: That is not the question you are asking, though. You are asking how many of the 856 will leave before the end of the year.

Senator KIM CARR: I did not say leave; I said whose contracts expire. That is a separate question.

Mr Bowles: Sorry. How many of them will have their contracts expire between now and then: we do not have that here. We will take that on notice. Of the 856 there is a range of people who will have expiry dates probably into 2015 and we will assess those when they come up. If their jobs actually change and they are in areas no longer required, we will assess them at that point.

Senator KIM CARR: You cannot provide the committee with any advice at this time as to how many people you would be seeking exemption from in terms of that Public Service memorandum of 31 October?

Mr Bowles: No, not at this point. We will manage every single one of those as they conclude and we will make decisions on whether they are essential to the ongoing operation of the department. Some of them well and some of them possibly will not and we will have to make those decisions at the time.

Senator KIM CARR: What percentage of the total staff is—

Mr Bowles: About 9.2 per cent are non-ongoing.

Senator KIM CARR: So 9.2 per cent of staff would reasonably be concerned as to whether or not they are part of the ongoing operations of the department.

Mr Bowles: Without trying to pre-empt what might be in their minds, I would imagine people who are non-ongoing would be concerned about a range of arrangements.

Senator KIM CARR: It is not an unreasonable response. Have there been any departmental officers succumbed to either of the minister's offices or the parliamentary secretary's office?

Mr Bowles: Yes.

Senator KIM CARR: How many?
Mr Bowles: With the change of government there were two who went up on a temporary arrangement to Minister Morrison, to reception and someone to help with the transition. I think in Minister Cash's it is two as well.

Senator Cash: DLOs.

Mr Bowles: We seconded initially the reception too, did we?

Senator Cash: Correct, yes.

Mr Bowles: So reception and chief of staff. So we seconded those and then there is the normal DLO arrangement.

Senator KIM CARR: And for the parliamentary secretary?

Mr Bowles: There is no parliamentary secretary for this portfolio. There was in the previous government but not in this one.

Senator KIM CARR: It is not unusual with a change of government and a new minister coming in. Is the normal provision to apply, that they are on a three-month arrangement?

Mr Bowles: Usually it is three months.

Senator KIM CARR: Is that your understanding?

Mr Bowles: That is my understanding. After that, if people are seconded any longer they would need to move on to the MOP(S) arrangements.

Senator KIM CARR: So you are telling me that there have been four people on top of the DLOs. How many DLOs do you have?

Mr Bowles: Two in Minister Morrison's office and one from my department in Minister Cash's office.

Senator KIM CARR: The DLOs are ongoing and are rotated every year or so—is that right?

Mr Bowles: That is correct.

Senator KIM CARR: That is a normal provision, and four other officers are provided on a temporary, three-month transitional basis.

Mr Bowles: That is correct, unless they choose to stay. If they do choose to stay, they go on to MOPS. One of those officers has chosen to stay in the office and will go on to the MOPS arrangements.

Senator KIM CARR: Are these SES officers? I take it the receptionists are not.

Mr Bowles: No. One is; the others are not.

CHAIR: Could I just interpose there for a moment, Senator Carr, just to let everyone know so they can plan their afternoon. In this 40-minute period we have, I am allowing 16 minutes for the opposition to chair up how they want to do it—eight minutes for Senator Boyce, eight minutes for Senator Seselja and eight minutes for Senator Hanson-Young.

Senator KIM CARR: I just remind you, Mr Chairman: you may well allocate like that, but it is a matter that will be visited in the chamber. If there is not sufficient time for the opposition to ask the questions that we are seeking to ask, we will reserve our rights. These are estimates committees designed to provide opportunities, particularly for the opposition, to ask questions.
CHAIR: They are designed for all senators to ask questions. Senator Carr, this is the second time you have raised this. Can I tell you: unlike Labor senators, coalition senators have their own questions and are keen to put the government to its test, unlike what happened in the last six years. So let's carry on. We are now going into your questioning time.

Senator KIM CARR: I ask the minister: have the charter letters been received from the Prime Minister yet?

Senator Cash: Yes, Senator Carr.

Senator KIM CARR: Are you able to detail the division of responsibilities between the two ministers?

Senator Cash: I will take that question on notice.

Senator KIM CARR: With regard to the ministerial office budgets, what is the amount that has been provided as the ministerial budget?

Mr Bowles: We will get that information if we can and I will come back to you as soon as I can. Someone will be looking for it now.

Senator KIM CARR: Thank you. I presume the normal acquittal processes still apply?

Mr Bowles: Normal processes have applied that have applied for a long time. I just do not know off the top of my head what they are. That is all.

Senator SINGH: Minister, can you answer that question?

Senator Cash: Thank you, Senator Singh. The coalition brought together immigration and border protection under one department because policy and operations in our case go hand in hand. In relation to the department of multicultural affairs, that has been transferred to the Department of Social Services. We believe that it is a best-fit place there because it is a services department and most of the services are provided by the Department of Social Services. In relation to the Adult Migrant English Program, there is already a program, I understand, in relation to the Department of Industry and it was a best-fit practice there. If I can provide you with further information I will, and I will take the question on notice.

Senator SINGH: The further information would be good in the sense that Mr Bowles has said there will be ongoing partnerships and collaborations in these areas with these departments. I would like to know how that is going to work.

Mr Bowles: I might be able to help you with that. My department has relationships with many departments across the Commonwealth. We have already had relationships with the Department of Human Services, for instance, and with the predecessor of the Department of
Social Services, FaHCSIA, for a range of issues. We will continue to do that. The transfer of the settlement people will mean we still have responsibility for the humanitarian program and the relevant elements of that. We will work with Social Services on the settlement arrangements and they will take responsibility for the normal settlement arrangements that happen post their arrival in Australia.

Senator SINGH: But citizenship is not in—

Mr Bowles: No. Citizenship is still with us.

Senator SINGH: But you just took it out of the name—it did not fit with 'border protection'?

Mr Bowles: Again, it is the prerogative of the government of the day to come up with the name of the department. Out of the AAOs, our name was changed to Immigration and Border Protection. I still have responsibility in the portfolio for citizenship, though.

Senator KIM CARR: How many discretionary grants programs does the department operate?

Mr Bowles: I would have to take that on notice. Most of those went with the settlement and multicultural affairs area, from memory. But I can take that on notice.

Senator KIM CARR: Is it the case that the department has any left?

Mr Bowles: I do not believe we would have any left, but I will take that on notice. Most of our discretionary arrangements were in the settlement and multicultural affairs. I will come back to you on notice if there is any correction to that.

Senator KIM CARR: And, if so, can you indicate to me whether or not any of those grant processes have been paused?

Mr Bowles: Yes, I will. I have just been handed a note. We have three grant programs that will remain with the department. They total half a million dollars, so they are not significant. We have the Irregular Migration Research Program, the irregular migration policy and the Refugee Council of Australia, for a total of $511,000, and they have not been paused as far as I am aware in this context.

Senator KIM CARR: Have you been asked to find further savings measures as part of the new budgetary processes?

Mr Bowles: The department has been dealing with savings for many years. As you would be aware, the efficiency dividend arrangements have been in place for quite a while. They have changed value, if you like, in percentage terms over the years. There are a range of different things that we would also participate in—looking at things like office density issues and our Microsoft Volume Sourcing Arrangement, and how we do those. The government more broadly has been driving efficiencies in these areas for quite a while. If I was to go back and look at, say, 2012-13 and through the next four years, we would probably be looking at around $670 million of savings, and that is prior to any further arrangements that might happen through the next MYEFO and budget processes.

Senator KIM CARR: In regard to the Parliamentary Budget Office, during the caretaker period, was the department asked to provide the Parliamentary Budget Office the information regarding costings?
Mr Bowles: We were asked by the Parliamentary Budget Office for a range of data, which they do costings on. There were a number of them through that time.

Senator KIM CARR: Were you asked specifically in relation to the costs for maritime arrivals?

Mr Bowles: I would have to check on that. I cannot remember. There were quite a number of them through that time. I would imagine, though, it would be one of them.

Senator KIM CARR: Are you able to provide that advice to the committee?

Mr Bowles: Someone will be looking for that right now for me.

Senator KIM CARR: Are you able to provide the committee with advice as to whether or not there was a difference between the advice that you provided to the Parliamentary Budget Office and that that the Parliamentary Budget Office subsequently published?

Mr Bowles: No. What happens is we provide the parameters and assumptions as required and the Parliamentary Budget Office do their work. We do not second-guess that. That is an independent process.

Senator KIM CARR: Did the Parliamentary Budget Office estimates differ from your own as to the costs?

Mr Bowles: I cannot recall, Senator. I would have to have a look at them properly.

Senator KIM CARR: Could you take that on notice, please.

Mr Bowles: Yes.

Senator KIM CARR: If they did, could you provide the committee with advice on the basis of those differences.

Mr Bowles: Yes.

Senator SESELJA: There are two or three areas I wanted to go through with you. Mr Bowles, we heard from the Department of Finance earlier today about the 14, 500 Labor Party job cuts. The Department of Finance talked about giving each agency a savings task when it came to jobs. What was the savings task for your department?

Mr Bowles: We had cuts in relation to money figures—that obviously translates into jobs. From my recollection there was no specific number of jobs; it was about a budget. But, clearly, it was, as I said, over $600 million over a long period of time. I cannot really give you a definitive answer because, if you look at my entire portfolio over recent years, you will find it has gone up in numbers—but that does not mean we have not reduced numbers in parts of the department and increased them in others.

Senator SESELJA: But I am talking about going forward—the forward estimates.

Mr Bowles: Going forward we have, again, the cuts to deal with through the efficiency dividend arrangements.

Senator SESELJA: What is that amount for your department?

Mr Bowles: I would have to check. Going forward from 2014-15 it will probably be around the $340 million to $350 million in operational costs.

Senator SESELJA: That is over four years?

Mr Bowles: Yes.
Senator SESELJA: So that is the efficiency dividend. There are other savings as well. What is the combined—

Mr Bowles: That is the efficiency dividend. Some of the other efficiency arrangements that happen through the normal areas of travel, advertising, office accommodation—all those things get put in together. Largely, we have the capacity to manage to the budget. Sometimes we will look at how we look at the staffing implications of that as we go forward. I do not have a definitive number as to what those total numbers will be over the next four years. It is a process we are currently working our way through. Clearly, a lot of our funding is very complex; it is not as simple as, 'Here is a block of money'—and you go and do something. We have a large visa factory, if you like, which is on a per-unit basis. We have the irregular and the illegal maritime arrival issue. And we have the general departmental block-funding arrangements. They are all treated differently. So we could see parts of the department reduce significantly and parts of the department increase. There could be a net—

Senator SESELJA: Sure. I am interested in the overall situation. Do you have an estimated headcount reduction?

Mr Bowles: Not at this stage.

Senator SESELJA: I will move on to another area: claims of rorts for 457 visas. It was made public back in April, I think, that there were claims of something like 10,000 rorting the 457 system. What is the department's estimate on irregularities or potential rorts of the 457 visa program?

Mr Bowles: I would probably have to get an expert to give a definitive answer, but we have always talked around a three per cent rate of people who are doing things that are not in keeping with the 457 arrangements. That would possibly account for around 3,000 to 4,000 people doing the wrong thing.

Senator SESELJA: So the figure of 10,000 is not a departmental figure.

Mr Bowles: I was asked that question at the last estimates and I said no, that was not a departmental figure.

Senator SESELJA: I was not at the last estimates.

Mr Bowles: In fairness, Senator, I believe it was an extrapolation based on a range of factors at that particular point in time, and that is how it came about. The department's view on those things at the time, and at this time, was that the rate has been around three per cent, from memory.

Senator SESELJA: Sure, thank you. On another area, can you confirm the number of places provided under the previous government's policy settings for the refugee and humanitarian program in the 2013-14 financial year.
Mr Bowles: The last government's figures?

Senator SESSELJA: Yes.

Mr Bowles: Overall, in the refugee and humanitarian programs there were 20,000 places. I mentioned that in my opening statement—which I now do not have in front of me. Around 12,500 of those were offshore and the balance were onshore.

Senator SESSELJA: So 12,500 were offshore?

Mr Bowles: Out of the 20,000, 12,500 were offshore and 7,500 were onshore. They are rough figures.

Senator SESSELJA: So roughly 7,500 were provided to illegal maritime arrivals.

Mr Bowles: No. Of the 7,500 there are probably about 2,500 to onshore people—so, people who could have come by plane. I now have the figures in front of me. There were 12,515 offshore, so 12,012 refugees and 503 in the Special Humanitarian Program. Of the 7,500, 2,555 were granted to non-IMAs—so they could be air arrivals and the like—and 4,949 were granted to IMAs.

Senator HANSON-YOUNG: Can I just clarify: you are talking about the 2012-13 financial year?

Mr Bowles: That is correct.

Senator SESSELJA: No problem. I want to look at what the task is now in terms of people who have come to Australia unlawfully. How many of the 50,000 people who arrived in Australia illegally by boat in the last few years, and who arrived before 19 July, were resident in Australia—either in held detention or in the community—and had not had their processing and determinations finalised?

Mr Bowles: There are a lot of variables there. To be safe, I should probably take that on notice—unless someone can come up with that number. So, people who arrived before 19 July who are in Australia—

Senator SESSELJA: Yes, who arrived in Australia illegally by boat.

Mr Bowles: Since this financial year just over 7,000 people have arrived. So if you take it from that, the balance would have largely arrived before 19 July. So we are probably talking around 44,000 to 45,000 who would have arrived before 19 July. They could be on bridging visas, in community detention, in held detention; they could have been granted a visa, they could have left of their own volition or we could have removed them involuntarily.

Senator SESSELJA: Do we have numbers on those various breakdowns?

Mr Bowles: In my opening statement, which I will get another copy of in a minute, I can give you a bit of a break-up the 51,000-odd. If I run through it: 51,000 arrived—

CHAIR: If it is in your statement, Mr Bowles—

Mr Bowles: It is in my statement, if you have a copy of that.

CHAIR: That is okay. Time is short.

Senator SESSELJA: All right, thank you. What period of time did the government plan to process that caseload of arrivals?

Mr Bowles: Are you talking about the current government or the previous government.

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Senator SESELJA: The previous government.

Mr Bowles: It is a very difficult question to answer. But, with the number of arrivals at that particular time, based on the resourcing and the arrangements in place, it could have taken many years—it could have been five, six or even more. It depends on the rate of processing and how many yes's and no's there were in that process, but it would have taken a long time.

Senator SESELJA: So, upwards of five or six years is the estimate.

Mr Bowles: It could be that number.

Senator SESELJA: Is there a cost estimate on processing that caseload?

Mr Bowles: Not specifically; it is part of the department's arrangements. The issues around their placement—being in held detention, community detention and on bridging visas—all makes a big difference to all of those sorts of suppositions.

Senator SESELJA: So the short answer is that the department does not know how much it may cost to actually process these—

Mr Bowles: The PBS and the PEFO, the Pre-election Economic and Fiscal Outlook, would have given our view on how much it would have cost over the forward estimates, based on the numbers in the different arrangements at that time. If I have a look at PEFO at that particular time, I may be able to help you—I won't be a second.

At PEFO the administered expense for the forward estimates, from 2013-14 plus the next three years, was $10.1 billion and the departmental expense associated with that was $5.9 billion. So that is largely around $16 billion over the forward estimates. That is the entire departmental program; a smaller component of that will relate to that.

I can give you a bit of an idea around our program 4.3, which is largely what we are talking about here—but it will contain a few extraneous issues—it is a figure of $7.7-ish billion for administered expenses—

Senator BOYCE: $7.7 billion for?

Mr Bowles: For administered expenses in this particular space of what is called our outcome 4.3, which is mainly our asylum-seeker fund. Departmental expenses were $1.1 billion, for a total of $8.86 billion.

Senator SESELJA: And that is out to the forward estimates?

Mr Bowles: That is the forward estimates.

Senator SESELJA: Is that $8.8 billion sufficient, in your estimation, for the work that the department has in front of it on current estimates?

Mr Bowles: On current arrangements: the world has shifted quite a bit since PEFO. PEFO was done prior to the election, so that was probably around August. As you would appreciate, our asylum-seeker budget is based on a range of factors, particularly arrivals and how long people stay and all of that. You would have to say that the numbers that was based on, particularly in the early years, was probably higher then than it may be into the future. But that is really an answer for our next MYEFO process. So, until we get to MYEFO, we will not have a definitive answer to that.

Senator SESELJA: I have a question—
CHAIR: No, I will have to leave it there. Senator Boyce.

Senator Cash: Can I just clarify one figure for Senator Seselja. In terms of managing the legacy caseload that this government has inherited, the figure is approximately 33,000 who have currently not been processed. My understanding is the figure is made up of two parts. In the first instance, there are approximately 27,000 people who arrived in Australia on or after the commencement of regional processing on 13 August 2012 and have not been transferred to either Nauru or Manus Island. The second part of the figure is 6,000 IMAs, who are also considered part of the backlog and have already validly lodged a claim but have not yet had them processed.

Senator BOYCE: Thank you, Minister—that was where I was going next: the ones who have been in a sort of hiatus for well over 12 months waiting to see what is happening. Mr Bowles, when does the current budget for the Manus Island and the Nauru processing centres expire? When are they funded up to?

Mr Bowles: Again, it is a difficult question because it is based on a whole range of numbers. PEFO estimates are based on numbers at a point in time. We would have exceeded those numbers around now.

Senator BOYCE: Sorry—what do you mean by 'those numbers'?

Mr Bowles: I mean the number of transferees, for instance, to the offshore processing areas.

Senator BOYCE: Could you be more specific?

Mr Bowles: Again, I want to be very careful about putting numbers on the table in relation to Manus and Nauru, because I do not want to be telling too many stories about what the process is on Manus and Nauru. That bit aside, at PEFO there was a point in time around arrival numbers and there was a point in time about how we had actually structured the offshore environment, and we had contracts in place that were due to expire in January of 2014. The funding for those contracts probably would have lasted a little bit longer than January 2014, but it would not last for the calendar year 2013-14, and we would have had to, irrespective of anything, go back through the MYEFO process to talk about the increase.

Senator BOYCE: So, they were only funded up until 1 January? Or 31 January?

Mr Bowles: 31 January is when the contracts expire, so we would have had to go back to get approval for contracts past 31 January.

Senator BOYCE: So, what is it going to cost for the rest of 2013-14 for those two centres?

Mr Bowles: Again, for 2013-14 it is part of the MYEFO process. I cannot be definitive about those numbers at this stage. Needless to say, it is likely to be more than what is in the offshore budget component at this particular point.

Senator BOYCE: So it is not funded? Is that what you are saying?

Mr Bowles: Not totally. The contracts are funded until January, and the likely scenario is that we could probably keep going past that in a funding sense but not in a legal sense, because we would have to extend the contracts.

Senator BOYCE: Was the former government planning on closing those centres down at the end of January?
Mr Bowles: Again, we were at a point in time—I do not think anyone was planning on closing anything down. But in the normal budget process we were stepping through some of those issues at that time. We then obviously had the caretaker period, in which nothing gets discussed. Things shut down at that point. The government changed in September. We are now coming back to MYEFO in the next little while, where we will actually put all that together to get it right for the 2013-14 year.

Senator BOYCE: How long were those contracts—the ones that are going to expire in January? Six months? Two years? Ten years?

Mr Bowles: No, they were about 12-month contracts, because they were due to expire. I cannot remember the exact length of the contracts. They might have been 18-month contracts, but they are due to expire in January. We have options around extending them or going to the market. We are contemplating what to do with that at the moment. We have not made any decisions and we are about to go to government on some of those sorts of issues.

Senator BOYCE: But there will be extra funding required to continue to run those centres as they are currently being run. Is that the case?

Mr Bowles: I am speculating at the moment, because we have not got to MYEFO, but my gut feel is that yes, that is correct.

Senator BOYCE: Can you quantify in any way that amount?

Mr Bowles: No, I would not like to speculate, given that we have not gone through the formal MYEFO process with government, and that is the process we are working through at the moment, because there are a range of issues around the numbers—what capacity is on both islands. We will deal with all of those sorts of issues in the context of MYEFO and obviously that is a cabinet process to get to the outcome there, so I cannot speculate on those processes.

CHAIR: Just before we get off that: I notice in today's Australian Financial Review an article headlined 'O'Neill bristles over lack of Manus payoff', and it is a story about the PNG Prime Minister, Mr O'Neill, accusing Australia of abuse of trust in local benefits not benefiting financially from the asylum seeker detention centre on Manus. Is there an agreement in relation to Manus that we were going to get local people to support it?

Mr Bowles: There are a number of local individuals and firms that are engaged in the Manus Island centre. My colleague Mr Cormack can give us a bit more detail.

CHAIR: I am wondering what you say to the claim by Mr O'Neill in the PNG parliament that 'it is alarming to note that our Papua New Guinea business men and women are not given the opportunity to participate, and that was the whole intention of setting up this centre in the first place'.

Mr Bowles: I think there is probably a little bit of confusion about two issues. Mr Cormack can give you the numbers of locals engaged in a minute. On the broader issue of going to the market for contracts, anyone can apply under those arrangements. I am not sure which PNG companies have applied.

CHAIR: Was that part of the deal? Was that a deal made between the government and the PNG—
Mr Bowles: I think there was always an expectation. I cannot recall that there was any specific deal, such as you have to have X number of these people or these contracts in it.

CHAIR: Perhaps you could take on notice to report back to me on whether there was a deal and, if so, what it was—not what was promised or what was not promised.

Mr Bowles: My recollection is that there is no specific number, but we can give you a bit of a breakdown of what is there at the moment, because it is significant.

CHAIR: Well, I am really quoting you what Mr O'Neill has alleged to have told the PNG parliament. You are saying that he has got it wrong somehow—well, you are not saying that, but you are challenging—

Mr Bowles: I would never even contemplate doing that! What I am saying, though, is that through the Manus offshore processing centre we have engaged local Manusians and the broader PNG people in the provision of services on the offshore processing centre.

CHAIR: Well, clearly not to the expectation of the PNG Prime Minister.

Mr Bowles: Obviously not to his expectation.

CHAIR: Mr Cormack, could you do that on notice, please? We have run out of time.

Senator BOYCE: I have just one follow-up question. We seem to have a lack of sync between when the contracts on the two processing centres will expire and the funding for those centres. How much funding are you going to need to go from 1 January to 30 June?

Mr Bowles: Again, that is part of the MYEFO process. It would be a little bit presumptuous of me to put that out there before going through a formal process.

Senator BOYCE: But you must know what it costs you to run the place for five months?

Mr Bowles: We know what it is costing to run the place to date. We obviously have to go back to government, through MYEFO, to get cost agreements through the finance department around what all of that might actually tally to. What I have said to date is that the contracts expire at this stage at the end of January. We are looking at options around whether we extend or renegotiate, or do we go to the market?

Senator BOYCE: Well, it is a bit late to go to the market even now, isn't it?

Mr Bowles: It is very hard to go to the market now. My assumption, based on the knowledge I have, without wanting to be definitive about this, is that we will require additional funding to get to the end of 2013-14 for the offshore contracts.

Senator BOYCE: Could you perhaps just tell us—and we can assume, I think, that is going to cost at least what it costs you monthly now—what is the current monthly cost?

Mr Bowles: I would have to find that out for you. I can come back to you on that number.

Senator BOYCE: If you have a quarterly cost that will do, or any sort of cost like that.

Mr Bowles: I just do not have one at my fingertips. I will see if someone can get it to me, and if they do I will put it back to you very shortly—remembering that as the numbers go up the costs go up, so it is not quite as simple as just providing—

Senator BOYCE: No, but we are talking about an 'at least' figure, aren't we, one assumes?

Mr Bowles: We are. And the funding at the moment probably stands at around $900 million, including capital, for the offshore centres on Manus and Nauru.
Senator BOYCE: For the period of—?

Mr Bowles: At this stage it is for the 2013-14 year. What I have said is that that will not be sufficient at this stage, but part of the MYEFO process will actually get us to what the real figure will need to be by the end of the year. So, of the $900 million, there is roughly a bit over $500 million for operational costs and about $400 million for capital costs. So, if you were to assume to get through to January—

Senator BOYCE: And that was for the whole financial year?

Mr Bowles: That was allocated for the financial year. We will now need to go back through the MYEFO process and we would be looking for some hundreds of millions of dollars additional, I would suggest, if not more. Again, I do not want to be definitive about a process that has not been completed, but we are looking at needing more money as numbers increase in the offshore environment and as we extend those contracts for a longer period of time.

Senator BOYCE: So the expectation is that it will go well over the billion-dollar mark.

CHAIR: A massive blowout.

Mr Bowles: It will cost more than the $900 million that is allocated in total at the moment.

Senator HANSON-YOUNG: I just want to clarify something in relation to that last question from Senator Boyce. This addition is in addition to the latest figures from the pre-election budget statement, as opposed to the budget statement in May. Is that right?

Mr Bowles: The budget statement in May had one set of figures. PEFO had a second set. We are probably talking about MYEFO having a different set again, at a higher level.

Senator HANSON-YOUNG: So it would effectively be the third blow-out.

Mr Bowles: The third change in figures over that period, yes.

Senator HANSON-YOUNG: Perhaps I could go to questions in relation to airport arrivals. In your opening statement you put a selection of different numbers in terms of arrivals and the numbers of people who were refused clearance. Has there been an increase in the number of people applying for refugee protection once arriving at airports in Australia in the last financial year?

Mr Bowles: I will ask the relevant person to come up for that one.

Mr Allen: There has been an increase at the airports. I can give you the figure for 2012-13 as well as the figure to date for 2013-14. In 2012-13 there were a total 50 claims for protection at Australian airports.

Senator HANSON-YOUNG: Do you have the numbers on how many were accepted out of those 50?

Mr Allen: No, I do not.

Senator HANSON-YOUNG: Could you take that on notice, please?

Mr Allen: Yes. The year-to-date figure—and that is to 31 October—is 25 protection claims at Australian airports on arrival.

Senator HANSON-YOUNG: Mr Bowles's opening statement said that the border risk identification system scans 40,000 inbound travellers every day. It says that in the financial year to date it has contributed to 857 persons being refused immigration clearance at our
airports for the first four months of the financial year. What are the reasons for those 857 people being refused entry?

Mr Allen: There are a variety of reasons. Most people are refused on grounds of suspect bona fides or in some cases because they are presenting undocumented. But mostly it is for suspect bona fides, meaning that we are not convinced that they are coming here for the purpose for which their visa was issued.

Senator HANSON-YOUNG: Has there been a change to the list of countries for which the conditions applied to visa applications are related to noncompliance of people coming from those countries?

Mr Allen: I am not sure I can answer that from a borders perspective, Senator, because it involves the kind of arrangements we have for each visa class, for each nationality and the safeguards that are put around them.

Senator HANSON-YOUNG: Are some countries ranked higher than others on a modified non-return rate?

Mr Allen: I would need to take that on notice.

Senator HANSON-YOUNG: From that 857 people who have been refused entry so far this financial year, do you have a breakdown of their nationalities?

Mr Allen: I would have to take the nationality on notice.

Senator HANSON-YOUNG: But do you have that information?

Mr Allen: I think we could get you that information, yes.

Senator HANSON-YOUNG: Would you also have information for the year to date of the nationality of the 25 people who applied for asylum at airports.

Mr Allen: I can give you that, Senator. In some cases we are talking about individuals whose nationality we are not sure of. It may be a claimed nationality, but for the 25 to date, we have one individual from the United Kingdom; one individual from Sweden; one individual from Italy; one individual from the Hong Kong Special Autonomous Region of the PRC; one person from Denmark; one person from Canada; one person from South Korea; two from China, and by that I mean the PRC; one person from Nigeria; one person from Iraq; one person from Iran; nine persons from Pakistan; and four of unknown nationality.

Senator HANSON-YOUNG: Going back to the modified non-return rate list, why is it that you are not able to give me the top five countries on that list?

Mr Allen: It is really a question of the way we divide this work up within the agency.

Senator HANSON-YOUNG: So, who should I be asking that of?

Mr Allen: Our compliance and case management division would probably be the people who could do it. Mr Callanan should be able to assist you with that.

Senator HANSON-YOUNG: Mr Bowles, when should I ask that question?

Mr Bowles: I am checking right now, Senator. Again, it is a problem with our outcomes. outcome 3, we will do it there.

Senator HANSON-YOUNG: It is on notice and so I will come back to it.

Mr Bowles: Even if it is not there, I am happy to get them here to do it.
Senator HANSON-YOUNG: Thank you. I want to clarify one point you made, Mr Bowles, when you were giving numbers of arrivals and the types of visas that people are holding. You said in your opening statement that temporary protection visas for those who have arrived by boat will not make up part of the onshore program.

Mr Bowles: Yes, Senator.

Senator HANSON-YOUNG: What component will they come from?

Mr Bowles: Effectively, they would be within the normal special benefit arrangements, similar to what a current bridging visa holder is held against. A bridging visa holder is not held against the humanitarian program in any way. A TPV holder will not be held against them either. It will be funded through the normal budget process.

Senator HANSON-YOUNG: Neither bridging visa holders nor temporary protection visa holders make up any of those 13,750 places.

Mr Bowles: That is correct.

Senator HANSON-YOUNG: Onshore or offshore.

Mr Bowles: Onshore or offshore. That is because it is not until you are actually granted a permanent visa that you make a number on that 13,750.

CHAIR: Senator Hanson-Young, you are already a minute over your time already. I am afraid we have to move on. We have to try to work out how to get more hours in the day. We now move onto outcome 1 and some of the questions senators had could be asked here. We have effectively three hours—one hour now and two hours late at night, breaking in the meantime for the Border Protection agency—and there are six outcomes. Because I am new to this I cannot make any assessment of what is going to be more important than the others, but I will divide six into 180 and come up with 30 minutes per outcome and try to keep to that, with a little bit of leniency.

Senator HANSON-YOUNG: Chair, this is obviously being done a bit differently than we normally do because of Operation Sovereign Borders, of which the bulk of questions fall into outcome 4 and outcome 5. How are we going to manage this?

CHAIR: It seems in the 180 minutes now and later all the questions we are dealing with under outcomes 1, 2, 3, 4, 5 and 6 do not pertain to the outcome dealing with Operation Sovereign Borders. We do not want to talk about those in this hour or in the after hours.

Senator HANSON-YOUNG: So if we can get through this first section faster, do we have more time on Operation Sovereign Borders?

CHAIR: You have six hours as it stands and, yes, I guess so.

Senator HANSON-YOUNG: Just from experience, the bulk—and Minister Cash would probably agree with this—of the questions on outcomes 4 and 5 really fit into Operation Sovereign Borders. If we can have a time check in half an hour and see how we are going we might be able to get there.

CHAIR: I am prepared to call the time every 30 minutes and then try to give everyone a fair share of asking questions. But if we get to an area where nobody has any questions I...
would be very pleased, but surprised. If we do that then we can have more time on other things.

**Senator HANSON-YOUNG:** Okay. Thank you.

**Mr Bowles:** Chair, just to further complicate things, in some of these outcomes you will still notice that things like multicultural and adult migrant English fit in there. We do not have that, obviously, any more but they are still within our program structure. In outcome 6 the main issue will be citizenship, so you can probably do a little bit less on that if you want to.

**CHAIR:** Thanks. I would certainly hope, Minister, that this regime we have been through in the last six years of outcome 'this' and group 'that' which, I am sure, were designed to put senators off the track, which they successfully did, I might say—

**Mr Bowles:** And departmental secretaries, too.

**CHAIR:** It is just absolute rubbish the way these things have been done over the last six years. I certainly hope, Minister and Secretary, that you will be able to have a program that actually means something and allows senators to identify the areas they want to question. On outcome 1, whatever that means, can I have an indication of who is interested in that? Four?

We will give you a bit of extra leniency.

**Senator KIM CARR:** I would like to point out to you, Chair, and I have been doing this for 20 years, that my recollection is the division of labour has been on the basis of outcomes throughout that period.

**CHAIR:** Thanks, Senator. We will not go into that. I have been doing this for 24 years—

**Senator KIM CARR:** Not very well, I might say.

**CHAIR:** Well, yes, you are right. Most of the time I was not in the committees—I was doing other work.

**Senator KIM CARR:** That is true.

**CHAIR:** Senator, you might start and we allow you, that is the Labor Party, say, 15 minutes on outcome 1.

**Senator KIM CARR:** I go to the issue of the streamlined visa processing announcement that the government has made. Mr Secretary, you have drawn attention to it in your statement. Which institutions have been invited to apply for the streamlined visa processing?

**Mr Bowles:** I do not have that with me. I can take that on notice.

**Senator KIM CARR:** There are only 22. I would have thought you could quite readily identify them.

**Mr Bowles:** Sorry. The invitations have only just gone out so nobody has accepted at this time.

**Senator KIM CARR:** Nobody has accepted?

**Mr Bowles:** No. We will not know until we have actually finished the process.

**Senator KIM CARR:** Is it correct to say that the minister actually identified the figure of 22 in his statement?

**Mr Bowles:** I believe that is correct, yes.

**Senator KIM CARR:** On what basis did he do so?
Mr Bowles: I might ask Dr Southern to answer that one.

Dr Southern: The 22 institutions were selected on the basis of immigration risk. It was an assessment that was made in relation to, I guess, a formula. My colleague Mr Fleming can give a bit more detail about the actual parameters that we used, but we based it on data that we had in relation to their performance in relation to immigration risk.

Senator KIM CARR: If that is the case, I take it you have been able to identify that there are 22 institutions that meet your criteria of risk.

Dr Southern: That is correct.

Senator KIM CARR: Who are those 22?

Dr Southern: As the secretary said, he has only just written to those institutions to invite them to participate. I think we have done that on a confidential basis, at this stage.

Senator KIM CARR: What has the fact that you have written to them on a confidential basis got to do with the committee? You have identified 22. I would like to know which are the 22 you have identified.

Dr Southern: I do not have the list with me.

Senator KIM CARR: No-one else here has the list?

Mr Fleming: No, we do not have the list with us. We would have to take that on notice. I would add one additional criterion for selection to those outlined by Dr Southern: yes, it was immigration risk, but also that the arrangements are only being extended to higher education providers.

Senator KIM CARR: Yes, I understand that. I just want to be clear about this, Dr Southern. You are saying that no-one here has the list of 22 higher education institutions that you have just written to. Is that what you are telling me?

Dr Southern: I do not have it with me, no.

Senator KIM CARR: And no-one else has that? Mr Bowles, is that what you are telling the committee?

Mr Bowles: That is exactly right. It would be presumptuous to put it out if they have not accepted, because not all of the 42 universities agreed to come into this process. We do not want to get out in front of having a finalised and formalised arrangement.

Senator KIM CARR: Can you tell me how many have responded to your invitation?

Mr Bowles: I think I only signed the letter in the last week or so, from memory.

Mr Fleming: My understanding is that we do not have any formal responses yet.

Senator KIM CARR: So, no. How do you define risk?

Mr Fleming: It is a calculation based on a range of factors that look at things like the refusal rate for student visa applicants who apply to go to that institution for those degrees, the non-return rates of applicants who apply—basically, looking at whether students who apply to go to those institutions get the visas and comply with the requirements of those visas.

Senator KIM CARR: Has the department previously trialled the AL risk-processing system?

Mr Fleming: The streamlining?
Senator KIM CARR: Yes.

Mr Fleming: Yes. That is currently extended to universities in relation to, effectively, bachelor degrees and higher.

Senator KIM CARR: Is it correct to suggest that there were 142 providers trialled in that system?

Mr Fleming: I am not sure what that is referring to. That is not ringing any bells with me.

Senator KIM CARR: It does not ring any bells?

Mr Fleming: No.

Senator KIM CARR: I am just wondering if it is the case that, beyond the university system, the department of immigration has previously sought to identify the streamlined visa-processing system using the assessment level, or AL, risk process. Is that the case?

Mr Fleming: There were a variety of methodologies being looked at over the previous couple of years.

Senator KIM CARR: Yes. Was there a position in recent times with an assessment level risk process determined list of registered CRICOS providers with a low risk score of two or less?

Mr Fleming: I do not have that information with me. I would have to take that on notice. I was not around at that time.

Senator KIM CARR: Is there a provider risk score within the department?

Mr Fleming: You asked about the risk factors we looked at. That is run through a scoring basis, and providers do get a risk score at the end of it, based on that.

Senator KIM CARR: So every provider that you have on the CRICOS list has a risk score?

Mr Fleming: That is correct, and that goes into the calculation of what assessment level applies to student visas applying to the courses.

Senator KIM CARR: And, when we define low risk, we mean an AL score of 2 or less?

Mr Fleming: Yes. AL1 would be the lowest risk, up to AL4 and AL5.

Senator KIM CARR: Of the trialling that you undertook quite recently, you identified 142 providers with an AL risk of 2 or more. Is that right?

Mr Fleming: Again, I am not sure about the reference to a trial. It may have been about the variety of methodologies and approaches looked at over recent years at to whom streamlining might be extended. We can take the exact figure on detail, but 142-odd providers who get assessed as AL1 or AL2 does not sound out of the ballpark.

Senator KIM CARR: Of those 142, after your trial is it also true that 14 have failed to renew their registration?

Mr Fleming: Again, I am not sure what trial you are referring to.

Senator KIM CARR: Perhaps you should check your records on that. I am just wondering how these 22 institutions have been identified.
Mr Fleming: They have been identified because they are higher education institutions that offer bachelor degrees or higher, which is the sort of cohort to which streamlining can apply—

Senator KIM CARR: And that is why no VET colleges were invited? That is the reason for that?

Mr Fleming: That is correct. It is extended to higher education. Because they all have had 100 or more international students, that then allows us to do an analysis of the immigration outcomes of those students that in turn allows us to score the risk level of the institution.

Senator KIM CARR: Are you able to tell me how many non-university providers are actually operating at the moment?

Mr Fleming: No. I would have to take that on notice. I do not have an exact number.

Senator KIM CARR: Can you indicate what percentage of that 1,030 are regarded by the department of immigration as low risk?

Mr Fleming: I can take that on notice.

Senator KIM CARR: Has the Australian Skills Quality Authority been consulted in regard to the development of this new program?

Mr Fleming: We have had involvement over some time in looking at streamlining with ASQA.

Senator KIM CARR: Have they been consulted in regard to the selection of the 22 institutions?

Mr Fleming: I understand so. I will confirm.

Senator KIM CARR: Have they had a separate risk process in train?

Mr Fleming: I do not think they run a separate risk, because they would not be looking at immigration risk; they would be looking at education standards.

Senator KIM CARR: But do they have a risk process that you are aware of?

Mr Fleming: For immigration risk I do not think they would. I am sure they look at all manner of things for education.

Senator KIM CARR: But under CRICOS there are education risks as well. Can you confirm that nearly a quarter of the companies that they have undertaken audits of were non-compliant?

Mr Fleming: I would not be in a position to talk about the outcomes of their activities.

Senator KIM CARR: You would not have access to that information?

Mr Fleming: No. That would be a matter for them.

Senator KIM CARR: Were they part of your considerations in the selection of the 22?

Mr Fleming: We would have consulted with ASQA as part of the stakeholders with whom we would normally consult on consideration of details.

Senator KIM CARR: But you cannot tell me if any of the 22 were ever registered on that list?

Mr Fleming: On an ASQA list?

Senator KIM CARR: Yes.
Mr Fleming: No, and I am not sure what ASQA list you are referring to.

Senator KIM CARR: You will be able to consult your records. When ASQA were consulted, did they identify any audits that they had run for the selection of colleges or educational institutions?

Mr Fleming: I am sure if ASQA had concerns about any of the institutions we were considering they would have flagged that with us.

Senator KIM CARR: Have you had any consultation with ACPET in regard to the selection of these 22 colleges?

Mr Fleming: Not directly on the selection of the individuals, but we have been in discussions with ACPET and other stakeholders for some time about options for expanding the application of streamlining of student visas.

Senator KIM CARR: Did the department ever provide advice to the education department suggesting that the 2009 international-student numbers were unsustainable?

Mr Fleming: I am not sure we would have talked in terms of the numbers, in particular, being unsustainable. But certainly we had the experience of the difficulty we had in 2009 with student-visa holders' pathways to permanent residence and some education providers collapsing.

Senator KIM CARR: Can you indicate to the committee what the concerns were in 2009?

Mr Fleming: There were a number of student-visa holders with an expectation of pathways to permanence that were not going to be available to them, and there were a number of educational providers that collapsed, that were heavily reliant on international students.

Senator KIM CARR: Is there is any correlation between or capacity of people to enter under the streamlined visa arrangements for these 22 institutions and be able to transfer to VET qualifications?

Mr Fleming: They could certainly seek to transfer to other courses and they would be assessed against the criteria. They would need to apply for a new visa and they would be assessed against the criteria for that visa, which would no longer be streamlined and assessment-level exempt.

Senator KIM CARR: So that is possible.

Mr Fleming: Yes.

Senator KIM CARR: Has the department expressed any concern about that possibility?

Mr Fleming: As long as the students went through the proper process and applied for the visa to change their status, and they were assessed against the criteria that would apply to any other student who is not so-transferring, that would be fine.

Senator SINGH: Could we get an update on the changes to 457 visa applications? I appreciate that the changes have not been in place for long and you could take this on notice if you do not have it, but how many applications have been received and how many have been declined owing to the requirement that a genuine skill-need is demonstrated? I understand there were 32 department inspectors appointed, under the Migration Act, to monitor that
compliance. How many of those inspectors are there, now that officers from both this department and Fair Work may be inspectors?

**Mr Fleming:** Probably on the 457 application and decision statistics, since the changes were introduced, they will be at a short period, so it will probably be easier if I take those on notice and give them in writing. On inspectors, I will hand over to my colleague.

**Mr McCairns:** There are currently 44 inspectors appointed under the Migration Act. There are 68 staff in total around that work area and together with the Fair Work Ombudsman and Fair Work Building and Construction there are over 300 appointed inspectors across Australia.

**Senator SINGH:** What has been the rate of non-compliance, thus far?

**Mr McCairns:** I have some answers to an earlier question, for 2012-13, so if I do that it will put what I am going to say about the current status into context. In 2012-13 there were 30,090 active sponsors under the 457 arena. The number of sponsors monitored was 1,857. The number of sponsor sanctions was 217. The number of sponsors formally warned was 302. The number of sponsors issued with an infringement notice was 68. That was for the 2012-13 year. If I give you it to date, until the end of October—we have not got the breakdown for that yet because things are still going on, as it were—during the period July to the end of October the department received a total of 9,496 allegations. That has been an increase of 15 per cent in the written allegations during the same period. That is an increase in allegations. That may or may not mean there is an actual infringement there, but certainly an increase in allegations. But that might link to the increase in the program size.

**Senator KIM CARR:** In terms of 457 and the labour-market testing, on 18 November, yesterday, the department posted online information about how the labour-market-testing provision would work, including a list of occupations where the labour-market testing is required. This appeared on the website yesterday. Has that changed?

**Mr Fleming:** The legislation that passed earlier this year was set to come into effect by the end of the year. The legislation included some exemptions to labour-market testing, including some matters that were to be clarified by ministerial legislative instrument. The key things that were announced last Friday and posted on our website yesterday were about the extent of the exemption for ANZSCO level 1 and 2 occupations, other than the protected occupations of nursing and engineering. That is one thing. The second is a legislative instrument about specifying the extent to which the requirement for labour-market testing may be inconsistent with international obligations. In short, there were some matters left in the legislation for specification by legislative instrument, which has now been done.

**Senator BOYCE:** Mr Bowles, in response to a question on notice in May 2012—BE12/0222—the department had spent about $170,000 on work related to implementing the Enabling Australia report, which dealt with the migration treatment of people with a disability. Could you tell me where you are at now, in terms of the cost-benefit test, or net-benefit approach, I should say, that was suggested in that report?

**Mr Bowles:** I will have to get someone to do—

**Mr Fleming:** We have been continuing to examine that and will brief the new government, shortly, on options for considering implementation of it.
Senator BOYCE: Could you give me more detail on what you mean by 'continuing to examine'?

Mr Fleming: It has been recommended. We have been looking at various options for implementing it. It is quite complex because of the potential budgetary impact of how we manage it. We did not get to a final point with the previous government. With the recent change of government, we will brief them shortly.

Senator BOYCE: One of the things that did happen though was that the significant-cost threshold—filter—that was used for people was changed 12 months ago from $21,000 to $35,000.

Mr Fleming: That is correct.

Senator BOYCE: Are you able to speak to the effects of that?

Mr Fleming: Firstly, I would say it was further increased to $40,000 from 1 July, so it has increased again. We will have a sense of that probably early next year, because of the way that our various data holdings and statistics around the health requirement are kept. At the moment, there is a lot of manual collation and consideration, so we will not have our 2012-13 stats until late this year or early next year. At that point we will be able to have a look at the potential impact.

Senator BOYCE: So there is no sense of whether this is leading to the fact that families that include someone with a disability are more easily—

Mr Fleming: In a policy sense you would anticipate that it would pick up some of those. In terms of the extent and how many, we will have an idea in the coming months.

Senator BOYCE: Thank you, Mr Fleming, I will watch that with interest.

Senator HANSON-YOUNG: My questions are in relation to the report by the joint standing committee of migration in relation to the treatment of people applying for permanent visas because of disability and health concerns. I am a little unconvinced as to why it has taken so long. This report was handed down almost three years ago. Every estimates session we ask questions about it and there still has not been an official response. There has been no implementation of the recommendations. Why is it that this keeps being put off?

Mr Fleming: There was a response to it included in the government response, which I guess from your perspective included looking at it further, which is what you are referring to.

Senator HANSON-YOUNG: It is like asking your child to make their bed and they say that they will do it later and then they say they have responded to you. It is not quite the same is it?

Mr Fleming: I probably cannot add anything but to say that we will shortly brief the incoming government on options for responding to that recommendation substantively.

Senator HANSON-YOUNG: Under the previous government was there a direction not to prioritise this as an area of reform?

Mr Fleming: No.

Senator HANSON-YOUNG: Has the current government asked specifically about what they need to do in this area or is it from your perspective one of the things that is still on the list and that is why you are raising it.
Mr Fleming: The current government has not specifically asked as yet, but I do not always wait until my minister asks for a submission to provide one.

Senator HANSON-YOUNG: How many applications are currently on foot that would be impacted by the current restrictions?

Mr Fleming: I would have to take that on notice.

Senator HANSON-YOUNG: Could you also take on notice how many ministerial interventions have there been in relation to this issue since the report was handed down in 2010?

Mr Fleming: We can look probably generally at ministerial interventions where the ground for refusal was against the health criterion, not necessarily specifically around net benefit.

Senator HANSON-YOUNG: That would be helpful about the health criterion, thank you.

Mr Bowles: I might just respond to Senator Hanson-Young. She asked before about modified non-return rates. Senator Hanson-Young, you were after the top five modified non-return countries. They are Syria, Eritrea, Egypt, the Palestinian Authority and Bermuda. These are on our website.

Senator HANSON-YOUNG: What are the next five after them? How many do you have on that list?

Mr Bowles: I can keep going. The next five are Ethiopia, Nicaragua, Georgia, Guinea and Rwanda.

Senator HANSON-YOUNG: Has that list changed in the last six months?

Mr Bowles: I would have to take that on notice.

Senator HANSON-YOUNG: What is the process for when a country goes on that list or comes off?

Mr Bowles: I cannot speak to the detail.

Mr Fleming: It is a regular calculation of looking at the people who come from those countries and their level of compliance or otherwise with the conditions of their visa. My understanding is that the report on the web explains the methodology, and we can include that.

Senator HANSON-YOUNG: Who makes that decision? Is it something the minister has to sign off on?

Mr Fleming: No, it is based on an analysis of data.

Senator HANSON-YOUNG: How often would it be reviewed?

Mr Fleming: I would have to check. I would guess quarterly, but it might be six-monthly. I am just advised that it is published quarterly.

Senator HANSON-YOUNG: Sorry, Mr Bowles, I am looking at your list. You did not read out Lebanon, did you?

Mr Bowles: No, I did not.

Senator HANSON-YOUNG: And that is not further down the list?

Mr Bowles: I only have the top 10.
Senator HANSON-YOUNG: Okay. Thank you.

CHAIR: Senator Hanson-Young, you were not quite so good, after all, in saving us some time. Senator Seselja, is not here. I think you did answer Senator Seselja earlier about the alleged rorts to the 457 program. What are the department's figures on the actual cases of rorting identified the 457 visas, in, say, the last year or couple of years?

Mr Bowles: Mr McCairns, just read some of those out, Senator.

Mr McCairns: That is what I just read out a second or two ago when I was answering Senator Singh. Would you like me to repeat those?

CHAIR: Just very briefly.

Mr McCairns: I do not describe it as rorts. Obviously—

CHAIR: No.

Mr McCairns: I would describe it as monitoring activity and monitoring outcome.

CHAIR: Yes, sure.

Mr McCairns: So very quickly I will repeat the figures. The number of active sponsors is 30,090. The number of sponsors monitored was 1,857. The number of sponsors sanctioned was 217. The number of sponsors formally warned was 302. The number sponsors issued with an infringement notice was 68. Those figures are for 2012-13.

And then I said that for the first period, July to the end of October this financial year, we have received a total of 9,496 allegations. But of course they are not results yet; they are getting investigated, monitored, et cetera.

CHAIR: The whole 9,000 are being investigated are they?

Mr McCairns: They would be triaged.

Senator BOYCE: There are not 9,000 cases, though.

Mr McCairns: They would be triaged. We would look at things like increases in visa applications that are inconsistent with labour market trends and industry growth. We would look at trends in adverse monitoring outcomes: what happened before. We would look at marked increases in related allegations—there might be lots of dob-ins for example. And we would even look at allegations in the media. We would put that all into a matrix and then put that into categories of mandatory, high, medium and low. There are certain industries we know are riskier than other industries. That would then form the basis of the approach we would take to the monitoring activities.

CHAIR: Do you have statistics—have you given them to us before, when I was not listening?—of the country of origin of the 457 visa holders? What is their country of origin?

Mr McCairns: I would not have that.

Mr Fleming: We can certainly provide that, and I can probably give you the top visa countries. I have the top countries for 457 primary visa applications granted. Would you like the figures as well?

CHAIR: Yes, please.
Mr Fleming: In July 2012 to June 2013, India was 14,247; United Kingdom was 13,305; Republic of Ireland was 6,569; the Philippines was 4,072; and the United States of America was 4,062.

CHAIR: The Pacific Island nations did not figure at all?

Mr Fleming: Not in 457 visas.

CHAIR: What is their—

Mr Fleming: There is the Pacific Seasonal Worker scheme.

CHAIR: Do you have the details of that?

Mr Fleming: I do. Just give me a moment to find them.

CHAIR: Perhaps I better get them on—

Mr Fleming: I can find them fairly quickly. As at 31 October, 2013, 3,558 seasonal workers had been granted visas and, as at that same date, 31 October, there were 834 seasonal workers in Australia under the program.

CHAIR: Has that program been difficult to manage and have there been complaints or breaches?

Mr Fleming: No, I think it has been operating rather well.

CHAIR: That is my impression. I am pleased to hear that.

Senator BOYCE: I understood that it was operating below capacity, below expectation.

Mr Fleming: There is certainly some capacity for further visas to be granted under the program. But it has been quite carefully rolled out, first as a pilot and then as a manageable program, to ensure that it works well.

CHAIR: Thank you for that. We will now go on to outcome 2.

Senator KIM CARR: I have further questions in outcome 1.

CHAIR: I will now go on to outcome 2, as we arranged. If senators want to use their allocated time on outcome 2 to ask about outcome 1, I am sure the department will advise. Senator Carr, I am trying to manage the program for the hours that we have.

Senator KIM CARR: This is a most unconventional management, Mr Chair.

CHAIR: It would help if you did not interrupt. I am trying to share fairly the number of hours that we have. If you have some other suggestion, I am always pleased to hear it. We will now move to outcome 2.

Senator Cash: Chair, according to the program we also come back to anything outside Operation Sovereign Borders at 9.15.

CHAIR: We have three hours for outcomes 1, 2 and 6.

Senator KIM CARR: So what is the difficulty in dealing with questions now with regard to outcome 1?

CHAIR: Because, when we get to outcome 6, senators like you will complain that there is no time left to deal with outcome 6 because we used it up this morning.
Senator KIM CARR: I have already indicated the outcomes are not evenly divided with regard to priority.

CHAIR: Senator Carr, if you come to me at afternoon tea with your suggestion on the hours to be allocated, provided it is reasonable, I will be very happy to implement it. I am not familiar with this committee; I have made that known a number of times. If you have reasonable suggestions, please come forward. I am only too happy to help but, until someone else does that, I will continue to do what I said I would do.

Senator KIM CARR: The convention and the standing orders actually provide opportunities for opposition senators to ask questions at Senate estimates.

CHAIR: That is simply incorrect, Senator Carr. It is for all senators. And, as I said before, unlike the Labor Party, there will be government senators who want to ask difficult questions of the executive government and we will do that. I am not going to deny any of those government or crossbench senators that opportunity. Every senator has the opportunity, not just opposition senators. And that has been a practice in the last six years and your Labor chairman very religiously enforced—

Senator KIM CARR: On the APH website, under the heading 'The role and achievements of Senate committees in the consideration of estimates' it says: The committees now perform … important functions. First, they provide individual senators, especially non-government senators—

CHAIR: Individual senators.

Senator KIM CARR: with an unparalleled opportunity to gather information on the operations of government.

CHAIR: Which standing order?

Senator BOYCE: Is this a legal authority?

CHAIR: Which standing order?

Senator KIM CARR: I have indicated to you that this is a well-established principle by the nature of estimates committees.

CHAIR: Which standing order?

Senator KIM CARR: You are trying to provide a blocking mechanism by the government to prevent opposition senators asking questions. I repeat for the third time: you are inviting us to go back to the chamber and seek this committee's recall. That is the consequences of your action, Senator. I trust that officers, if they are inconvenienced by being recalled, will remember this incident.

CHAIR: Senator, you do what you would like. You can forget the threats. And can I tell you that my duties will be carried out without fear and favour and I, for one, am not protecting the government from anything.

I know that is the case for my colleagues as well. We have now wasted another five minutes. I go to outcome 2. I will have to cut back. I will allow the opposition 14 minutes and the other crossbench and government senators—whom there are more of—14 minutes also. Over to you, Senator Singh, Senator Carr— whoever.
Senator KIM CARR: What progress is the department making on the government's stated policy to reduce the humanitarian program by a third?

Mr Bowles: I mentioned in my opening statement the numbers that you refer to, from 20,000 last year to 13,750. The advice is before the government. They have already indicated that, of the 13,750, a minimum of 11,000 will be for offshore, with a renewed focus on the special humanitarian program. That is well and truly underway to deliver on those outcomes. The major change is, obviously, to the onshore component where that is only going to be around 2,750 and that will not include illegal maritime arrivals.

Senator KIM CARR: In terms of the current yearly allocation, how many have been filled?

Ms Larkins: I do have year to date.

Mr Bowles: There were 20,000 last year, which included 12,515 from overseas, as in refugees, and that includes the special humanitarian program. The balance were onshore and the offshore that compares to the 12,515 is 11,000 places as the minimum and some could come out of the other 2,750 depending on the outcomes of onshore. They are the broad numbers.

Ms Larkins: Up until the end of September 2013 we have granted a total of 3,685 visas in the consolidated program. Of those, 2,485 are in the humanitarian program and 1,200 in the onshore protection visa part of the program.

Senator KIM CARR: Of the offshore refugee visas, do you have any projections on the expected breakdown by region?

Ms Larkins: I can give you a breakdown via country of birth to the end of September this year. Of the 2,425 refugee places, 799 were from Afghanistan; 411 from Iraq; 318 from Myanmar; 171 from Congo; 154 from Iran; 147 from Somalia; 134 from Eritrea; 81 from Bhutan; 71 from Ethiopia; 41 from Egypt; and 98 others.

Senator KIM CARR: And how many of those people were referred by the UNHCR?

Ms Larkins: They will have all been referred.

Senator KIM CARR: Can you tell me how many have come from Indonesia or Malaysia?

Ms Larkins: I do not have that level of detail. If there are any in the year to date they will be in that 98, so the numbers will be quite small.

Senator KIM CARR: September is a little while back, so is there likely to be much of a change if we were to have more contemporary figures?

Ms Larkins: As the secretary said, we are looking for an offshore program of around 11,000 so that is what we are aiming for over the forward year.

Senator KIM CARR: I am interested in how many places have already been filled of that 11,000 and you are giving me figures going back to September.

Ms Larkins: I can take that on notice. I do not have that with me.

Senator KIM CARR: You do not have any expectation of the—

Ms Larkins: I do not have it in my head.
Senator KIM CARR: In terms of the refugees who arrived by boat or people seeking refugee designation in 2013, how many were granted it?

Ms Larkins: We granted 1,200 onshore protection visas and, of those, 539 went to people who had arrived by boat.

Senator KIM CARR: How many of those were from Indonesia?

Ms Larkins: I do not have that with me. I would have to take that on notice.

Senator KIM CARR: Malaysia?

Ms Larkins: Again, I do not have that detail with me.

Senator KIM CARR: Can you take that on notice, please.

Ms Larkins: I will.

Senator KIM CARR: How many are you expecting to be from Malaysia and Indonesia this year, 2013-14? Is that figure likely to change?

Ms Larkins: The broad allocations within the government's 11,000 are still being determined and considered by government. So we do not have that finalised yet.

Senator KIM CARR: When will you have that?

Ms Larkins: We expect to have that within the coming weeks. We are working to an—

Senator KIM CARR: When that is provided, will you provide that to the committee?

Ms Larkins: We can, yes.

Senator KIM CARR: Is the commitment to provide 4,000 resettlement places from Malaysia over four years still being acted on? The previous government made a commitment to Malaysia that they would deliver 4,000 resettlement places over four years.

Ms Larkins: Again, the actual allocation of places is still being considered.

Senator KIM CARR: But your intention is to maintain that commitment.

Mr Bowles: I think that is a matter for government that has not been decided. I might add that we would be well ahead of that in a pro rata sense, anyhow, given that in the last two program years we have had over 3,000. So in two years we have delivered 3,000.

Senator KIM CARR: Minister, is it your intention to fill the remaining thousand?

Senator Cash: As the secretary has advised, that is a decision for government. However, given that you have given me the opportunity to address an answer to you, I will advise the committee that the government is intending to provide 13,750 places for the 2014 humanitarian program, of which a minimum of 11,000 places are for the off-shore component. I am sure you are aware of our election commitment policy in relation to the Women at Risk visa. We would like to see no fewer than 1,000 places at a minimum given in relation to the Women at Risk visa. We have also made statements in relation to the number of visas given to Syrian refugees in the number of 500.

In terms of the focus of our program, as I stated in the Senate last week, it is our belief that we will be restoring integrity and fairness to the humanitarian settlement program, because the majority of the visas given out by the former government were to people who had come here illegally by boat. A fundamental difference between the coalition's policy and the former government's policy is that, of the 13,750 visas, not one of them will go to someone who

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LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE
arrives illegally by boat. We will be giving preference to those people who have been waiting patiently in camps—not for five, 10 or 15 years, but in some circumstances in excess of 20 years.

Senator KIM CARR: I am just wondering how you use the word 'illegal' when they have been granted a refugee visa.

CHAIR: Do you have a question?

Senator KIM CARR: That is the question. On what basis do you use the term 'illegal' when they have been granted a refugee visa?

Mr Bowles: Once a visa is granted they are not illegal. But up until that point, in the current language, they are described as 'illegal maritime arrivals'.

Senator KIM CARR: I understand what they are described as. I am questioning the veracity of that statement. I am also questioning how it can be fairer, when you have 7,000 fewer places provided, which is what the minister is saying.

Senator Cash: Senator Carr, given that the majority of those 7,000 places that were provided by the former government were, it is my understanding, eaten up by people who had entered Australia illegally in terms of their mode of transport. There was no additional benefit given to those people who wait patiently in refugee camps around the world and who do not have the means or the opportunity to flee those refugee camps.

Senator KIM CARR: How many Coptic Christians will be granted out of Egypt this year?

Ms Larkins: I do not have the detail on the planning levels yet. We could you give you the detail of the numbers of grants last year. I would have to find those.

Senator KIM CARR: The minister has just indicated that the government's intention is to provide 500 places out of Syria. How many were provided last year, for those from Syria?

Dr Southern: The figures we gave you earlier, in relation to the different nationalities, were country of birth, so from memory the program last year certainly took a number out of countries surrounding Syria, and from Syria itself, but they were often Iraqi and other refugees who were within Syria rather than Syrians.

Senator KIM CARR: Sure. So you must be able to tell me how many people were born in Syria?

Ms Larkins: So we know that last year we had 89 Syrians coming in under the SHP. We may have had people coming in under the humanitarian program—

Senator KIM CARR: How come it was so low—89?

Ms Larkins: Because the countries bordering Syria have taken so many people, have opened the borders, and there are many people who have fled Syria into surrounding countries, the UNHCR has not been seeking a durable resettlement solution for a lot of people from Syria. As the conflict goes on they are seeking a greater settlement contribution from settlement countries, but the numbers are still quite small and they are seeking to stabilise the population close to Syria. It is always their preference to try to keep people in the neighbourhood or to return them home and return them home as soon as possible.
Senator KIM CARR: The minister indicated that the government was intending to provide 1,000 women-at-risk visas. Did I understand you correctly, Minister—was it 1,000?

Senator Cash: 'No less than'.

Senator KIM CARR: How many visas were granted in the last year, 2012-13, for women at risk?

Mr Bowles: I mentioned in my opening statement: women at risk and their dependants were 1,673.

Senator KIM CARR: So we are actually providing fewer places—is that the case?

Senator Cash: I think you need to look at the number of visas in the women-at-risk category that were provided by the former Rudd government, the former Gillard government and the former Rudd government during their period in office. There was a downturn during that entire period.

Senator KIM CARR: I just want to get this straight: Mr Secretary, you are saying 1,600 and how many?

Mr Bowles: For the last year, 1,673.

Senator KIM CARR: And in the next year it will be 1,000.

Senator Cash: No, it will be—

Senator KIM CARR: Up to 1,000?

Senator Cash: No less than 1,000.

Senator KIM CARR: But that you are planning to provide 673 fewer I would have thought would be a reasonable conclusion.

Senator Cash: No. The evidence to the committee is: the coalition intends to provide no less than 1,000.

Senator KIM CARR: Why not no less than 1,673?

Mr Bowles: The figures I talk about also include dependants. So it largely depends on how many dependants there are as to how many you actually get in the program. So, until we know what the program looks at, we do not know the final answer to all of those questions.

Senator KIM CARR: As to the 'no less than 1,000' this year—will that include dependants as well?

Mr Bowles: Again, until we understand finally the make-up of the program, we really cannot answer that question.

Senator KIM CARR: Are you excluding dependants from that 1,000?

Mr Bowles: At this stage they would not be excluded—

Senator KIM CARR: So would it be on the same basis?

Mr Bowles: Until we know the make-up of the final program, we really could not put a final figure on that. What the minister has said so far is, 'No less than 1,000,' and, yes, that is slightly different from what it was last year, but we have not got the final make-up of the program in place.

Senator KIM CARR: 'Slightly'—is it about 40 per cent?
Mr Bowles: Again, all I can say is: we have not got the final make-up of the program in place at this point.

Senator KIM CARR: But there is no intention to change the criteria in terms of dependants?

Mr Bowles: I would not imagine so. If—

Senator KIM CARR: I just want to know whether it is like for like. If it was 1,673 last year and 1,000 this year, that strikes me as a significant drop.

CHAIR: Thank you, Senator; your 14 minutes is now 15 minutes. Senator Hanson-Young—I am afraid, because of time, the other senators will have three minutes for questions only.

Senator HANSON-YOUNG: I would like to know how many people have been given protection visas in the past 12 months, and, to be included in those figures, I would like to know how many people have been issued with protection visas since the start of the financial year.

Mr Bowles: Ms Larkins will be able to get them for us shortly.

Senator HANSON-YOUNG: There are two categories of those.

Ms Larkins: As I spelt out earlier in the year, in the year to date until the end of September, we have granted 3,685 visas in the program, of which 1,200 are onshore protection visas.

Senator HANSON-YOUNG: How many protection visas have been given since 7 September?

Ms Larkins: I do not have that detail.

Senator HANSON-YOUNG: Have any protection visas been issued onshore since 7 December?

Ms Larkins: Yes, to my knowledge. I would have to take it on notice to give you precise detail, but I do know of some cases that have been granted in that period.

Senator HANSON-YOUNG: Of the 1,200 onshore protection visas, how many were given to people in detention versus those on bridging visas?

Ms Larkins: I would have to take that on notice.

Senator HANSON-YOUNG: How many people have been issued a temporary protection visas since 18 September?

Ms Larkins: Three.

Senator HANSON-YOUNG: Were those people previously on bridging visas?

Ms Larkins: I do not think I have that detail.

Mr Bowles: We can take that on notice. It is highly likely.

Senator HANSON-YOUNG: Of the 22,900 people on bridging visas, how many have work rights?

Mr Bowles: We will see if we can get that figure for you. Obviously, they are the ones before—
Senator HANSON-YOUNG: I would like to know how many have work rights, how many do not, out of the 22,900.

Mr Bowles: From memory, I think it is around 6,000; but we will confirm that. Ms Pope is here, so she will be able to confirm that.

Senator HANSON-YOUNG: If I could perhaps keep going through my questions.

Ms Pope: I can answer that straightway. Of the roughly 22,900 in the community—I am sorry; I have only got it for the number granted, not for the number that are still in the community. Of the 27,400 granted, 9,868 had work rights; 17,535 were post 13 August and did not have work rights.

Senator HANSON-YOUNG: So 17,000 effectively.

Ms Pope: Yes, but some of those would not still be in the community, because that is the total number granted since November 2011. So it is 5,000 different to the number that are still in the community.

Senator HANSON-YOUNG: Could you take that on notice and get those updated figures.

CHAIR: I am sorry, Senator Hanson-Young, your time has finished. Senator Boyce.

Ms Pope: I can take it on notice, Senator.

Senator BOYCE: I want to raise one particular issue regarding a particular person called Uzair Karrar, who is an 18-year-old Hazara with nephrotic syndrome, who is currently in Villawood and who has been there for some time, despite the fact that the refugee groups understand that he has a protection visa and is waiting to be placed with his cousin in Sydney. Could anyone explain to me why this has not happened, despite the fact that nephrotic syndrome is quite a debilitating condition.

Mr Bowles: Senator, I would have to take that on notice. I do not know of the specific case, and it is not normally something we speak quite publicly about. But I am happy to follow it up for you.

Senator BOYCE: It is only being spoken publicly about because I have had representations from refugee groups saying that they were unable to get communication in other ways. The name is U-Z-A-I-R and the surname is K-A-R-A-R. Permission has been given by the family for those details to be released, by the way.

Mr Bowles: And to be put into the public domain. We will see if we can find out for you.

Senator BOYCE: Thank you.

Senator RHIANNON: If a Sri Lankan person has a well-founded fear of persecution in their country in accordance with the refugee convention, what formal pathways are there for them to seek asylum in Australia? And is it possible to seek protection from the Australian High Commission in Colombo?

Mr Bowles: I suppose if anyone does have a well-founded fear of persecution irrespective of where they come from, they have rights. As to whether they can go to Colombo, it is probably a question best asked of foreign affairs department. It is usually something that is handled in the context of the foreign affairs arrangements.
Senator RHIANNON: But I was asking about what the formal pathways are. You would have details about that, wouldn't you?

Mr Bowles: People can go through the UNHCR. Generally that will be outside of the country. We do know that some Sri Lankans have come by boat and claimed asylum. There are many pathways, I suppose, for them to take. If you want information around whether they can or cannot do something in Colombo in the context of Foreign Affairs, it is best to ask Foreign Affairs because we are just not experts in that.

Senator RHIANNON: How many people have sought protection at the Australian high commission since 2009 on the basis that they have a well-founded fear of persecution or for another humanitarian reason, and how many Sri Lankan people have been provided a humanitarian visa through the Australian high commission in Colombo in the last four years?

Mr Bowles: I would have to take that on notice and refer to my colleague in Foreign Affairs to see from their perspective as well as ours.

Senator RHIANNON: Thank you. Thank you, Chair.

CHAIR: Senator Seselja for three minutes.

Senator SESELJA: We were asking some questions around the MRT and RRT earlier and you said we might come back to that, so is this the appropriate place?

Mr Bowles: I think it broadly fits under outcome 2. Only if it is refugees, yes.

Senator SESELJA: I wanted to go back to the line of questioning in relation to the complementary protection visas, because we were going through the detail of that. I think we were told that 83 in that category were referred to the department. What is the process from there and how many of those 83 then get accepted in terms of the advice and how many otherwise?

Ms Larkins: The process is that the RRT make a determination about whether someone is owed protection on the basis of the complementary protection grounds. They then come back to the department, the decision is remitted to the department. They then have to meet the other requirements of visa grant, so security, character and other requirements. To date since the complementary protection requirements came in on 24 March we have granted 55 protection visas on complementary protection grounds.

Senator SESELJA: Does that include the case of the New Zealand bikie who was in the Federal Court?

Ms Larkins: He has not been granted a visa.

Senator SESELJA: What was his status?

Ms Larkins: We are still going through the process of assessing him for visa grant. He has not been granted.

Senator SESELJA: Of the 55 that were granted, are any others in a similar category where they are effectively fleeing some of their criminal associates?

Ms Larkins: We do not keep that data.

Senator SESELJA: So you do not know whether that has been the case?

Ms Larkins: No. What I can tell you is that we go through character checking and security checking for that case before visas are granted. That will include criminal checks.
Senator SESELJA: So there are no other cases such as that; it would not be possible for someone with that kind of criminal history to get a complementary protection visa?

Ms Larkins: I am saying that we would consider character and security issues as part of the visa grant, and I do not have more detailed information with me. And we do not keep that level of information.

Senator SESELJA: Once that decision is made by the department, that is then appellable where?

Ms Larkins: A decision to grant or a decision to refuse?

Senator SESELJA: A decision to refuse.

Ms Larkins: It would depend on the grounds for refusal. It would either be to a court or to the AAT, depending on whether we are using character provisions or other provisions of the act.

Senator SESELJA: So how many of those decisions to refuse have been appealed in the last—

Ms Larkins: I do not have any data with me on people where there have been CGT grounds where we have refused. I would have to go and look at it.

Senator SESELJA: You will take that on notice?

Ms Larkins: I have only got those who have been granted.

Senator SESELJA: So, for other types of visa grants, it is not this process; this is only for the complementary protection visa?

Ms Larkins: No. It is the same process for all visas. So, whether they are found to be owed protection or not, under CP grounds or under the Refugee Convention grounds, they still have to meet other requirements for a visa grant.

CHAIR: Thank you, Senator Seselja. Sorry, but your time has finished. The committee will now break for afternoon tea.

Proceedings suspended from 15:20 to 15:33

CHAIR: We will resume this hearing of the Legal and Constitutional Affairs Legislation Committee and move to Operation Sovereign Borders. I welcome Lieutenant General Angus Campbell, joining the minister and Mr Bowles. General, I am not sure what your experience with Senate committees is. If you are a sane, balanced person it will be nil. They are usually fairly gentle but are occasionally robust. Congratulations on the important work you are doing. I understand you have an opening statement. I invite you to make that now.

Lt Gen. Campbell: The whole-of-government effort to counter maritime people smuggling has not previously reported to the committee in this format. For that reason, and with your permission, I wish to make an opening statement in relation to the Joint Agency Task Force and Operation Sovereign Borders.

Operation Sovereign Borders commenced on 18 September 2013. My deputy, Deputy Secretary Allan McKinnon, and I were appointed the following day. I report directly to the Minister for Immigration and Border Protection, however, the Joint Agency Task Force exists within the portfolio responsibilities for which Mr Bowles has responsibility. The Joint Agency Task Force is located within the premises of and supported by the Australian
Customs and Border Protection Service. The role of the JATF is to coordinate the counter-
people-smuggling efforts of 16 different departments and agencies of government. Initiatives
that fall within the remit of the JATF span source countries for people smuggling through
regional transit countries to offshore processing centres. Working with international partners
we seek to improve regional counter-people-smuggling outcomes and stop the transit of
illegal maritime arrivals to Australia. Our mandate does not extend to onshore immigration
issues, including detention, returns and removals. These are matters for the Department of
Immigration and Border Protection.

The task force comprises four elements: a headquarters, responsible for development,
implementation and coordination of strategy, policies and initiatives to counter maritime
people smuggling into Australia; a disruption and deterrence task group, led by Australian
Federal Police Assistant Commissioner Steve Lancaster; a detection, interception and transfer
task group, led by the Commander of Border Protection Command, Rear Admiral David
Johnston; and an offshore detention and returns task group, temporarily led by Assistant
Secretary Neil Skill in the absence of First Assistant Secretary Ken Douglas of the
Department of Immigration and Border Protection. I am also assisted by the ambassador for
people smuggling issues, First Assistant Secretary Craig Chittick, and the Prime Minister's
special envoy for people smuggling, Major General Jim Molan.

Present today with Mr Bowles and me are Assistant Commissioner Lancaster, Rear
Admiral Johnston, Mr Skill, Mr Chittick and Mr John Young of the Australian Maritime
Safety Authority. They will be able to assist, should they be required, during the committee's
considerations of the Joint Agency Task Force and Operation Sovereign Borders.

The headquarters comprises 68 officials from 10 departments and agencies, each of which
bears the cost of their secondees. No additional permanent recruitment into government
recruitment was required to form the headquarters. I am greatly appreciative of the
professionalism, commitment and energy of the team that has formed. A budget of $10
million over three years has been identified for initial allocation to the headquarters and is
expected to be appropriated shortly. To date around $1.1 million has been expended to
establish the workspace and IT systems with which we operate and around $20,000 has been
used for domestic and international travel.

The three task groups operate from their parent agencies: the Australian Federal Police,
customs and border protection, and immigration, respectively. The Joint Agency Task Force
brings together skills and expertise from across government. I am the single point of advice to
the Minister for Immigration and Border Protection on Operation Sovereign Borders matters
and I am responsible for the operation's implementation. My exercise of that responsibility as
it relates to routine matters is through my task group heads and as it relates to substantive
policy or operational adjustments is through liaison with the relevant departmental and agency
heads. I do not, nor do I think it appropriate to, command the elements of the JATF in the
military legal authority sense of the term 'command'.

Turning to people smuggling and on-water activity, while the JATF does not comment
publicly on current or possible future operations, there is a general routine to the transit of
suspected illegal entry vessels attempting to reach Australia that those new to the committee
or this subject might find a useful frame of reference. Assuming a boat has departed for
Australia, its crew and passengers can expect to be intercepted by an Australian Border
Protection Command vessel in our contiguous zone, between 12 and 24 nautical miles from our land territory. Any other assumption on behalf of smugglers and crew is a considerable risk. As you know, the voyage is dangerous, the conditions often squalid and the boats and crew of variable quality.

On occasions vessels attempt to make telephone contact with organisers, facilitators or government agencies in either the country from which the vessel departed or Australia. Sometimes these calls claim real, false or self-induced of a safety-of-life-at-sea incident and request assistance. Australia's Maritime Safety Authority will be informed and may be liaise with its Indonesian counterpart Basarnas as both a matter of courtesy and to ensure coordination of effort within a region that, by bilateral and international maritime organisation agreement, is the Indonesian's search and rescue region. If assets are available and information correct, an aerial confirmation of location will vector on water assets to provide assistance as may be required. I emphasise the word 'if'—the ocean is large, the boats are small and our assets limited. Nevertheless safety of life at sea is, and always will remain, the first priority of Australia and the Joint Agency Taskforce. Depending on location and circumstances we do on occasions ask if Indonesian authorities wish to receive those persons recovered. In recent times Indonesia has done so on two occasions, on 26 September and 27 September 2013. Otherwise those persons enter our offshore processing system. This voyage towards the Australian contiguous zone may take anywhere from two days to more than a month, depending on the point of departure, vessel condition, crew and weather—to name but a few factors.

The general model that I have just outlined is uncontentious and a standard sequence of events that has been observed for many years. Despite this, each individual SIEV has unique characteristics in terms of location, time, weather, sea-worthiness of the vessel, numbers and condition of passengers and competence of crew. These variations generate the risks and dangers that our border protection command and naval personnel manage so well. Under Operation Sovereign Borders, I will, however, employ the full range of measures available to vary this general model on any occasion in which an opportunity to deter people smuggling presents. Looking forward in the next few months, I would also note that the arrival of the monsoon season, which generally commences in December, will bring a deterioration in weather conditions, induce additional complexities for on-water operations and increase the risk of loss of life at sea.

With regards to Operation Sovereign Borders public information protocols, there has been considerable public comment and debate in recent days regarding the amount of detail I provide at weekly press conferences. With the Chair’s indulgence, I would like to read into the Hansard selected remarks I made on this issue on the 15 November 2013 at the OSB press conference:

Command carries with it a responsibility to my people and our mission. It is with this responsibility in mind that I have established protocols around the release of certain information to the public. These protocols are designed to preserve the integrity of our operations and in that respect are consistent with what would be expected in any complex operation, particularly one involving diplomatic law enforcement and security aspects. Specifically, I am seeking to avoid a circumstance in which the following occurs: we give advantage to people smugglers; provide people smugglers with material that may be used to manipulate or confuse their prospective customers; we undermine regional relationships necessary to deal with this complex regional problem; or we endanger our people.
As was outlined on 15 November, people smugglers use information about vessel arrivals to market ventures to prospective customers. They use official announcements of vessel interceptions to persuade people that the way to Australia remains open. People smugglers use such announcements to claim credit for an intercepted vessel, to bolster their reputation and to gain market share. They do so irrespective of whether they were the organisers of those vessels. Information about arrivals also leads to the release of final payments to people smugglers. Information protocols that disrupt cash flow, even briefly, cause difficulties for people smugglers, particularly in an increasingly tight market where business is very competitive. Public release of information about interception location undermines the tactical advantage that our surveillance and response assets have over people smugglers, especially those who seek to avoid detection. People smugglers have used knowledge of where our vessels are operating to make dangerous assumptions about the nature of our maritime assets and laydown. In some cases this has led to their making ill-informed judgements about voyage planning, including the selection of crew and route and vessels to undertake their journey. For example, we know that passengers have been told on occasions by people smugglers not to be concerned by the poor state of their vessel or the inexperience of the crew or the lack of provisions on board, because the voyage will be short and they will quickly marry up with an Australian vessel nearby. These false assurances place people's lives in considerable risk. We also know that people smugglers use information or would use information about on water procedures to instruct crew and passengers on how to limit the effectiveness of such procedures. For example, by disrupting lawful boardings or destroying information that might otherwise be useful in a prosecution. In some cases, this has led people to sabotage their own vessel. People smugglers use passenger demographic information to obtain insights into potential new markets. Our efforts are undermined if we provide pointers to communities that may be more open to exploitation. Releasing demographic information also risks encouraging the chain migration of those in similar circumstances. Consistent with long established protocols in relation to international communications, information about the details of official bilateral dialogue or communications between operational agencies undertaken under the auspices of Operation Sovereign Borders is also not disclosed. Such details may undermine the regional and operational relationships essential for implementation of counter people smuggling measures. Reporting events mid-incident can also risk both the cooperation of partners and potentially the lives of those involved.

These considerations go to the heart of my responsibilities to care for my people and our mission. As you would expect of me, I take this responsibility very seriously and I do not believe in secrecy for secrecy sake. The protocols I have established for the release of public information related to Operation Sovereign Borders seek to balance the public's right to know, which I respect, with the safety of all involved, which I am responsible for, and the mission I have been given, which I am determined to achieve. These protocols provide for the operational integrity necessary to underpins success and for that reason I consider them to be in the public interest.

With regard to publicly releasable information, since the commencement of Operation Sovereign Borders until 9 am, Friday, 15 November there have been 13 boat arrivals, carrying a total of 25 crew and 707 illegal maritime arrivals. Those persons have entered into offshore processing or enhanced screening arrangements. There are 1,157 people on Manus Island; 629 people on Nauru; and 2,217 in detention facilities on Christmas Island. From offshore
In close cooperation with partner authorities there have been a total of 32 disruptions affecting approximately 1300 persons who otherwise might have become illegal maritime arrivals. There have also been 44 arrests and five warrants issued arising from involvement in people smuggling. The joint agency task force has not been directly involved in incidents in which the death or serious injury of people has occurred, but we were aware of, and sought to assist with surveillance assets, an incident close to the Indonesian coast on 27 September 2013, in which 44 people died. That incident was the subject of a contemporaneous media release.

Finally, Mr Chair, I would like to close with a short summary of the key outcomes since the commencement of Operation Sovereign Borders. JATF and its central whole-of-government coordination arrangements have now been established. Extensive ministerial level and senior official level international engagement to discuss improved regional cooperation on countering people smuggling has commenced. Strategic communications messages targeting source and transit countries have been strengthened around Operation Sovereign Borders and border security policies and measures. The tempo of deterrence and disruption activities has increased to put pressure on people smugglers. The 48-hour rapid transfer process for illegal maritime arrivals to offshore processing centres has been introduced. No exemption arrangements relating to eligible ability for transfer to offshore processing centres have been established and implemented. Capacity in existing offshore processing countries has been increased, and this work is ongoing. The security and resilience of offshore facilities has been reviewed and is now being progressively improved where needed. The presence of IOM, the International Organisation for Migration, at offshore processing centres has increased to help facilitate those who elect to undertake of a voluntary return to their country of origin.

Finally, the Joint Agency Taskforce has prepared confidential advice on a wide range of the other policy elements of Operation Sovereign Borders and the reasonable deterrence framework, which remain subject to government consideration.

Mr Chair, committee, thank you for your patience. That concludes my opening remarks. I have a copy to table.

CHAIR: Thanks very much, General. Thank you for tabling that. It is a very complete statement. I know all of the senators here would have taken on board what you have said. It is a pity that some of the journalists do not, but perhaps when that statement is distributed it will help everyone understand more what you do and how you do it and, perhaps importantly, why you do it. Because this is a new process, a new committee, a new element of the committee, we are flying a bit blind. What I am proposing to do is give Labor senators 20 minutes in a block, and coalition and Green senators 15 minutes in a block. You do not have to take that time, I might add; that is a maximum. Then we will continue until our time has concluded. Hopefully everyone will get the opportunity of asking all of the questions that they have on this process. Again, Minister, I thank you for facilitating this at a time that is not in the bowels of night as these things have been done.

Senator Cash: Thank you, Chair.

CHAIR: I do appreciate that. I know the members of the committee do. With that, Senator Carr, we might start with you.
Senator KIM CARR: Lieutenant General, is this your first appearance at an estimates committee?

Lt Gen. Campbell: No, it is not.

Senator KIM CARR: So you are familiar with the normal provisions of the Senate with regard to the standing orders?

Lt Gen. Campbell: Yes, I am.

Senator KIM CARR: Could you advise the committee about an incident involving a patrol boat which is reported to have sunk an asylum boat while towing it from Christmas Island last Friday?

Lt Gen. Campbell: Senator, as you are aware and with reference to the opening statement that I have just made, we have established a weekly briefing process for the updating of information with regard to what is occurring on water. I would suggest that the explanation offered with regard to why we do not discuss procedures and activities on water, giving potential advantage to people smugglers, is the basis for my concern that that protocol should be respected. I do note a distinction between commentary that might be offered in the media environment and a statement by an official of government that provides certification of vessel arrival and can very much be used in an authoritative sense by people smugglers to promote their business and indeed to encourage people to get onto boats, some of which are quite unsafe. For those reasons, I would respectfully offer that it is not appropriate to be giving incidental advice of either arrivals or the circumstances that are at play on water.

Senator KIM CARR: The report that I have before me is that a vessel was sunk as a result of the actions of an Australian government interception. It is reported that last Friday night a Customs boat sought to tow a wooden vessel and ripped the bow out of that vessel 30 kilometres from Christmas Island. As a result, the Australian Customs vessel had to pick up 30 people and take them to Christmas Island. That is the report that we have. That is the report that has been published in Australia. Would you describe that as a serious incident?

Lt Gen. Campbell: I can assure you and I can assure the committee, as I have assured Australia through the media conferences that I attend on a weekly basis, and as we have demonstrated by our actions, where serious incidents arise they are reported at the time. For example, the incident that led to the unfortunate loss of 44 lives was reported at the time. So I think there are demonstrated examples that, in circumstances that are serious or present a concern of loss of life, we do make an effort to make sure that Australia is informed at the time.

In terms of what you have described, I would not wish to offer any comment that might suggest that those descriptions are accurate or appropriate. I would like, though, to offer a general point which adds to the general description that I have offered about the way on-water activity occurs. This is not in reference to any particular incident or claimed incident; rather, it is a reality. There may be circumstances where a SIEV is found to be both unsafe and unseaworthy and it is no longer appropriate, in terms of the safety of life at sea, that persons remain on that vessel. In those circumstances, it has been the longstanding practice that those essentially unseaworthy, derelict hulks are sunk. Otherwise, they would present a hazard to navigation for mariners. That is a general note about the point that is part of your question.
about boats that sink. More specifically on your question, I am not in a position to advise you in more detail.

**Senator KIM CARR:** I put it to you that the sinking of a vessel of this description by an Australian vessel—that is, ripping the bow out of a vessel—while seeking to tow it away from Christmas Island, and the rescuing of 40 asylum seekers, could be regarded as a serious incident.

**Lt Gen. Campbell:** I am not going to comment on what appears to be a claim made. It is not a statement from a source that I understand to be an authoritative source. So, in terms of further investigating that question, I think that it is the people who are offering that claim through the media that will know why it is that they are making those claims.

**Senator KIM CARR:** Are you saying that it is not true?

**Lt Gen. Campbell:** No. I am not offering a comment. As is usual, and now routine, and for the reasons I have outlined in my opening statement, each Friday I will provide an update, at the weekly Operation Sovereign Borders press conference, the events of the previous week.

**Senator KIM CARR:** I just noticed that the minister in today's question time indicated that, where a serious incident occurs, those matters will be reported outside of your weekly schedule of reports. You do not believe this incident fits into that category?

**Lt Gen. Campbell:** I also noted that point earlier in my reply. I think that we have demonstrated in those press conferences that serious incidents have been reported. I will leave it at that—that we do report serious incidents when they occur.

**Senator KIM CARR:** I am just troubled—what is a serious incident, if this is not a serious incident?

**Lt Gen. Campbell:** I am not giving support to the description you have offered. I am simply noting that, as we have mentioned in those press conferences, the loss of life at sea or other serious incident—and that is something that is going to have to be considered at the time—which may be the foundering of a vessel et cetera, is released to the public at the time that we become aware of it.

**Senator KIM CARR:** Let me perhaps come at it another way. Who makes the decision as to whether or not an incident is sufficiently serious to be made public?

**Lt Gen. Campbell:** We have not yet had a sufficient expression of that for me to offer you an authoritative answer, other than to say I will see some things that I think are serious that I think need to be raised and I am sure the minister may also. Indeed, the Commander Border Protection may. At the end of the day, I will be making a recommendation to the minister about if something constitutes a serious incident.

**Senator KIM CARR:** So you have the authority to determine what is serious on your own?

**Lt Gen. Campbell:** No. As I have indicated, I would be making a recommendation on what I regard as constituting a serious incident.

**Senator KIM CARR:** Let me get it straight then. It is your recommendation to the minister, who makes the decision?

**Lt Gen. Campbell:** Yes. That is right.
**Senator KIM CARR:** So in this case the decision as to whether or not this is a serious incident has been made by the minister, not by you.

**Lt Gen. Campbell:** Senator, we are having a conversation that is moving in parallel but not connected. I am not talking of an incident, and I will talk of what has occurred in the week on a weekly basis. You are speaking of an incident as though we are having a conversation about it. That is not the case. If there is something that you feel has occurred and that you wish to raise, then this is not the forum where that is going to be discussed.

**Senator KIM CARR:** I am sorry, Lieutenant General; that is probably where we will part company. That is the nature of the Senate estimates process. I draw your attention to the resolutions of the Senate published in the standing orders, on page 142, which indicate—and it is repeated on many occasions—that there are no areas in connection with the expenditure of public funds where a person has discretion to withhold details of explanation from the parliament or its committees unless the parliament has expressly provided otherwise. Are you familiar with that?

**Lt Gen. Campbell:** I am, yes.

**Senator KIM CARR:** And how do you think your response fits with that?

**Lt Gen. Campbell:** It goes to the question of the degree to which an awareness of on-water procedures undermines our capacity to conduct our operations, gives advantage to people smugglers, potentially puts our people's lives in danger and may in certain circumstances undermine bilateral relationships. For those reasons, I think that there is a sound basis for not discussing events that occur on water and to give a brief of releasable information on a weekly basis.

**Senator KIM CARR:** The former secretary of the defence department Paul Barratt says the media strategy that you are pursuing is unjustified and unsustainable. You would be aware of those statements made on the ABC on Friday, 15 November?

**Lt Gen. Campbell:** I am not.

**Senator KIM CARR:** He says here:

> The fact is in a modern society any attempt to keep information bottled up is doomed to failure. There are three basic alternative sources of information: Indonesian officials in the current circumstances will be only too happy to embarrass the Government; people smugglers themselves don't need ministerial press releases to find out whether their people got through to Darwin or Christmas Island or got picked up by the Navy; and when they're within range, people on the boats have mobile phones.

On the occasion of people actually being delivered to Christmas Island, how can you sustain the view that that information will remain secret to the rest of Australia?

**Lt Gen. Campbell:** My position is that, in regard to boat arrivals, there are quite a number of mechanisms through the media, as you have indicated, that might offer impressions of activity, but there is a difference between what the media says and what an official of the government of Australia says, and it is the basis of that authoritative comment that we have seen in the past being used and touted by people smugglers to promote their business. It is from that position that, while I am not suggesting that the arrival should not be advised, I am saying there is benefit in it being advised on a periodic basis rather than on an incidental basis. In that, I am gaining some advantage or I am removing a degree of advantage from
people smugglers. I think that, if it is my role to seek to defeat the efforts of people smugglers, then I need to look to all avenues to prevent them gaining advantage.

**Senator KIM CARR:** Is that why transfers to Christmas Island of what I understand are still called IMAs are taking place at night?

**Lt Gen. Campbell:** I am not aware of any intentionality for night-time transfers. There may well be circumstances where persons arrive by day and by night, simply due to the logistics of boat transits and so forth.

**Senator KIM CARR:** How many people have now arrived at Christmas Island since this new policy has been in place?

**Lt Gen. Campbell:** It was 25 crew and 707 illegal maritime arrivals.

**Senator KIM CARR:** How many of those arrived at night?

**Lt Gen. Campbell:** I will have to take that on notice. I am not aware. That was in 13 boats.

**Senator KIM CARR:** Can I ask whether you are aware that the Maritime Safety Authority has advised their Senate committee that the information regarding the movement of vessels is actually known in Indonesia by people smugglers?

**Lt Gen. Campbell:** I am not sure that is precisely what we said.

**Senator KIM CARR:** Why do we not find the precise quote. We can perhaps assist you with that. I will try to get that for you. Is it the case that the technology is available for the movements of vessels to be monitored in Indonesia?

**Lt Gen. Campbell:** As I understand it, when a search-and-rescue or saving-life-at-sea incident arises, a broadcast from the coordinating regional coordination centre—which is a satellite broadcast—is communicated to mariners, so as to assist in the support to that vessel and persons that may be in distress. As I believe was indicated, should there be persons with the correct communications technologies, they could also receive that—which is data point of a time and last-known location.

**Senator KIM CARR:** I am just wondering, if that is the case, then does your strategy not fall to the ground? Given the availability of technologies around mobile phones, satellites and the internet—and the capacity to actually monitor the safety monitors of our own agencies—is it not conceivable that people smugglers know what is happening with the boats that are being sent to Australia?

**Lt Gen. Campbell:** I am confident that that is not immediately the case and that there is value in the protocol established. As the number of arrivals have decreased, so there is greater certainty amongst people smuggling syndicates as to which vessel has arrived. For example, in the month of October there were only five vessels arriving, then the information provided on an incidental basis of arrival—because there are so few ventures heading to the number of locations that they seek in order to arrive in Australia—actually far more greatly gives an indication of whose venture has arrived than when we were seeing a very large number of vessels arriving. So let us say two or three in a day, and there might have been five or 10 at sea, in which case incidental announcement of arrival would be far less clear as to whose craft had arrived where.
Senator KIM CARR: I have just got the report here in front of me that Maritime Safety Authority officers consider that people smugglers could still get real-time information about on-water rescues coordinated by Australian authorities. Could you confirm that?

Lt Gen. Campbell: I would ask if our representative from the Australian Maritime Safety Authority could join me at the table to provide clarification for you of exactly what it is that is provided. He is not here at the moment, but I believe he is coming.

Senator KIM CARR: It is the joy of estimates!

Lt Gen. Campbell: Indeed. I am very happy to get back to that.

Senator KIM CARR: Have you seen the reports about concerns within the military about the military's involvement in the political process?

Lt Gen. Campbell: Which reports are you referring to?

Senator KIM CARR: I am referring to one in the Australian, for instance.

Lt Gen. Campbell: Since the last media conference on 15 November I have seen some of the media reporting discussing the announcement in that regard made by Minister Morrison and also making commentary about these sorts of reflections.

Senator KIM CARR: Are you concerned about your involvement in the political process?

Lt Gen. Campbell: I am not involved in the political process. Let me say that again: I am not involved in the political process. My job is to provide confidential advice, as all advisers and senior officials do, to the government of the day and to implement the policies of the government.

Senator KIM CARR: Has there been discussion with you within the military about the potential for you not necessarily as an individual but as being in charge of this operation to be drawn into the political process?

CHAIR: That is not really a question for estimates. Lieutenant General, you do not have to answer that.

Senator KIM CARR: It is very much a question for estimates.

CHAIR: What someone else may have said to you somewhere else is not of importance to the committee.

Senator KIM CARR: I will put it to you another way. The report that I was referring to here is from the Sydney Morning Herald and the Age three days ago. It indicates that you were uncomfortable with your role in the briefings in terms of the politicisation of those briefings. Was that report accurate?

Lt Gen. Campbell: My question is: am I really here to offer commentary on people's commentary of what they think—

CHAIR: No, you are not, Lieutenant General. That is the point I was making before.

Senator KIM CARR: I am referring specifically to a media report about the government themselves responding to concerns about the announcement on Friday that Lieutenant General Campbell would remain at the briefing only to deliver the operational report and then leave after taking a few questions from the media and that Mr Morrison would conduct the
general side of the briefing and that this has arisen directly as a result of discussions about the politicisation of your role.

CHAIR: You do not have to answer that, Lieutenant General. I have a question arising out of Senator Carr’s questions and the Senate principle in the standing orders that was mentioned. You have been involved in many activities involving the military activities in Afghanistan and other areas of war. If I were to ask you at a Senate estimates committee which particular area the troops are going to tonight, what firepower they have on them and what their orders are, would you feel obliged to answer me, notwithstanding the Senate standing order?

Senator HANSON-YOUNG: Do not conflate that with a rickety wooden refugee boat.

Lt Gen. Campbell: I would feel that to answer that question may prejudice the conduct of the operations being described. I would note, if we look more broadly, the very successful multilateral, multi-agency, multi-year endeavour led by the Royal Canadian Mounties to produce what became a sweep on many hundreds of people who were involved in paedophilia and child pornography. That was not dealt with on an incidental basis. It was a great success and was done very carefully and quietly. I am not seeking that blackout; I am simply seeking what may be possible to achieve.

Senator BOYCE: I am not sure that my questions are actually for you, Lieutenant General, because this is a new area for us. What I was wanting to find out in terms of Operation Sovereign Borders is what the total funding cuts to AFP’s and ASIS’s overseas offshore operations have been since 2008-09. Is this a question for you, Mr Bowles?

Mr Bowles: No, it is probably best asked of the Attorney-General’s portfolio where AFP and ASIS belong.

Senator BOYCE: General Campbell?

Lt Gen. Campbell: I am not in a position to answer that.

Mr Bowles: We would not have any access to—

Senator BOYCE: It is a question which goes to what resources are at your disposal in terms of overseas operations.

CHAIR: I think I know the answer to this: do you involve the AFP, Customs and ASIS?

Senator BOYCE: ASIS and AFP are the ones I am querying.

Lt Gen. Campbell: The Disruption and Deterrence Task Group, led by Assistant Commissioner Steve Lancaster, involves those efforts of our law enforcement agencies in cooperation with partner agencies overseas to bring to justice people smugglers and also to deter and disrupt ventures they are organising. I very much have an oversight of the activity they are seeking to achieve. I do not have visibility historically of the their resourcing arrangements but what is available is available to me, yes.

Senator BOYCE: Would you care to comment on the level of resources they have and whether you believe that this assists you in doing your job or is there a high level of resources that perhaps should have been available?

Lt Gen. Campbell: You would probably be surprised that every public official will ask for more. However, might I instead just note that the efforts across a wide range of transit and source countries to bring to justice people smugglers and to disrupt their efforts have a very
significant effect on moderating the flow which ultimately ends up in destination countries like Australia and New Zealand. So wherever it is possible to resource those efforts and where partners wish cooperative efforts to see capacity develop, that is greatly to our advantage.

Senator BOYCE: Can you put on record the number of illegal boats that have arrived between August 2008 and 18 September 2013?

Senator KIM CARR: Who arrived a month before the election?

Senator BOYCE: We could probably get that to you as well, Senator Carr. We could do it on a monthly basis from August 2008, if you like.

Lt Gen. Campbell: Could I offer you initially some yearly figures and then, if there is a specific break-up that you wish to have, I might get someone to do the break-up.

Senator BOYCE: Yes, thank you.

Lt. Gen. Campbell: In 2008, there were seven SIEVs and 161 illegal maritime arrivals. In 2009, there were 60 SIEVs and 2,726 illegal maritime arrivals. In 2010, there were 134 SIEVs carrying 6,555 illegal maritime arrivals. In 2011, there were 69 SIEVs carrying 4,565 IMAs. In 2012, there were 278 SIEVs carrying 17,204 IMAs. To 15 November 2013, thus far this year there have been 291 carrying 20,188IMA.

Senator BOYCE: And that is for the calendar year?

Lt. Gen. Campbell: Yes, each of those I have given for the calendar year.

Senator BOYCE: Okay. As you have pointed out, you were appointed on 18 September, so I am using that as a convenient sort of break date. Are you able to give me the figures for the 2013 year through to 18 September and then from 18 September? Even, perhaps, if you have to use the end-of-month figure, if you do not have that specific figure.

Lt. Gen. Campbell: In my hand I have a figure that—no. I am going to get that figure for you. I have the monthly breakdowns, which might be—

CHAIR: If you give us the monthlies we will add them up ourselves.


Senator BOYCE: The point is that 2013 is already—

Senator KIM CARR: Could we have the monthly figures?


Senator BOYCE: is already a record year, and up until September, the previous government was responsible for how that was panning out.

Lt. Gen. Campbell: For the months of 2013, here we go: January, 10 and 465; February, 16 and 917; March, 36 and 2,351; April, 47 and 3,351; May, 47 and 3,292; June, 39 and 2,660; July, 48 and 4,236; August, 25 and 1,585; September, 15 and 829; October, five and 339; and November, to 15 November, three and 163.

Senator BOYCE: Thank you very much for those figures.

Lt. Gen. Campbell: From the commencement of Operation Sovereign Borders until 15 November, as I read in my opening statement, 707 illegal maritime arrivals have arrived on 13 vessels. And so in the period before Operation Sovereign Borders in the year 2013 there were 278—
Senator BOYCE: 265, well—sorry—

Lt. Gen. Campbell: I have 278 boats and around 19,500 IMAs before Operation Sovereign Borders.

Senator BOYCE: Okay. So up till September we have 270 boats and 19½ thousand people. And between September and November we have 13 boats and 700 people. Are they the figures, roughly?

Lt. Gen. Campbell: They are the rough figures, yes. I will ask one of my colleagues to give you the specifics, if you wish. I am not good at table mathematics.

Senator BOYCE: Someone is developing those now?

Lt Gen. Campbell: Yes, that is right.

Senator BOYCE: Okay, that is fine. Well, let's keep going then, shall we?

How many people has Operation Sovereign Borders transferred since 18 September 2013?

Lt Gen. Campbell: Seven hundred and seven.

Senator BOYCE: Seven hundred being intercepted. Could you, on that basis, tell me where you have put those 707 people?

Lt Gen. Campbell: They typically arrived into either the 48-hour rapid transfer process on Christmas Island or the enhanced screening processes on Christmas Island. Amongst that 707, in the period since Operation Sovereign Borders commenced, one group of 79 Sri Lankan persons, after enhanced screening, has been returned to Sri Lanka. The residual of that 707 have gone through the 48-hour rapid transfer process. That process looks to understand their medical circumstances, their suitability to travel and their identity, and to see them flow into offshore processing centres at Manus and Nauru.

Senator BOYCE: How many disruptions of attempts to arrive have occurred since 18 September 2013?

Lt Gen. Campbell: There have been 32 disruptions, and this is thought to be affecting 1,301 persons who might be potential illegal immigrants coming to Australia.

Senator BOYCE: How do you know that figure so precisely, might I ask?

Lt Gen. Campbell: It is in regard to the numbers of persons who may be about to step on a boat who might have been in some form of transit or been concentrated by people-smugglers and facilitators. I acknowledge that in these things, while you can count the numbers, it is about the imposition, the disruption and the difficulty that all that is producing with the people-smuggling syndicates.

Senator BOYCE: Are you able to tell us how those 1,301 people actually paid to go on these boats and were then unsuccessful?

Lt Gen. Campbell: All of them will have paid some amount, depending on where they are in the process and the particular financial arrangements with people-smuggling syndicates. Those syndicates do vary.

Senator BOYCE: Do you have any intelligence or sense of whether this loss of money, in terms of people putting in money and then, clearly, not getting anything for it, has affected views on trying to come to Australia by boat?
Lt Gen. Campbell: Yes. The disruptions, financial difficulty and uncertainty that people can face all have an influence on deterring people from being of the view that they can come to Australia.

Senator BOYCE: We were talking earlier with Mr Bowles about the leasing and so forth of the processing centres. I wanted to ask you about the potential we have for expanding our holding capacity in detention facilities on and off shore. Have you had an opportunity to assess that?

Lt Gen. Campbell: Yes. I can speak with regard to offshore capacity. Capacity is something that people-smugglers would really like to know. I would emphasise that we are building capacity and we can build more if we need to. The facilities are being developed to be able to cope with current and anticipated flows, and indeed have a little bit more. I am just offering you a general statement because you can appreciate how the smuggling community would like to use that information.

Senator BOYCE: Would you like to expand a little more on how you think the smuggling community might use that information, General Campbell?

Lt Gen. Campbell: I would happily speak in camera on that, if I might, rather than say it directly.

Senator BOYCE: Perhaps we will leave that then and see if we have the opportunity later. I might just move onto my next question. General Campbell, could you give us an update on the introduction of post-processing accommodation please.

Lt Gen. Campbell: We might have Mr Skill come to the table. He is the expert in this space. I think he will give you a much tighter response than I.

Mr Skill: We are currently exploring, with the relevant governments of PNG and Nauru, the options that they would accept with regard to where we might place a post-assessment settlement. We do have options available to us immediately in PNG and Nauru, in the event that a post-assessment situation happens imminently but, as it stands, we are still working through, with the respective governments, the best way to deliver those.

Senator HANSON-YOUNG: Lieutenant General, I am quite staggered, to be honest, that there are a number of questions that have already been asked and you have suggested that you would prefer to wait until a Friday briefing—a Friday press conference—putting that press conference ahead of obligations in a Senate committee hearing. I just think that is incredibly unfortunate. And I will press on with my questions.

Lt Gen. Campbell: Senator, would I be in a position to reply?

Senator HANSON-YOUNG: I will ask you a question. If you will reply to the question, we will see the attitude that we have got.

Lt Gen. Campbell: Sure.

Senator SESELJA: Chair, sorry—

Senator HANSON-YOUNG: Could I please ask, in relation to the disruptions—

CHAIR: There is a point of order.
Senator SESELJA: Lieutenant General Campbell has had, effectively, a statement made against him by Senator Hanson-Young and he has asked to respond. I think it would be reasonable if he were able to respond to that.

Senator HANSON-YOUNG: I am happy for him to respond, but I do not want it taken off my time.

CHAIR: It was not a question but you make a valid point, Senator Seselja. So, General, if you would like to respond to what was clearly a statement at you, please go ahead.

Lt Gen. Campbell: Yes, thank you. Senator, I simply and very clearly wish to say that I am not in any way seeking to offer disrespect to the Senate or to anyone present but, rather, am seeking to acknowledge the operational benefit of simply having periodic releases of information which disrupts and does not advantage people smugglers.

Senator HANSON-YOUNG: My point to that, Lieutenant General, is—

CHAIR: It is not a debate, Senator, it is a question.

Senator HANSON-YOUNG: We have Senate estimates not very often. It is already quite periodic, in terms of having it three times a year. This is the first Senate estimates where you have appeared in this role. I do not think it would have been a surprise to anybody that these types of questions were going to be asked. Maybe we should have scheduled the immigration hearing on a Friday.

Senator KIM CARR: Maybe we should have. Maybe we should have a special hearing on a Friday.

Senator HANSON-YOUNG: Maybe we should. Perhaps that is something the Senate will agree to do.

Senator BOYCE: You should ask some questions right now though.

CHAIR: Senator, you have wasted two minutes of your time and have not asked a question yet.

Senator HANSON-YOUNG: I am watching the clock as well as you are. It is two minutes, actually.

CHAIR: Didn't I say two minutes?

Senator HANSON-YOUNG: Angus Campbell, if I could continue. I would like to ask some questions about the disruptions, if I may, that you outlined in your statement. Could you explain the categories of the 32 disruptions and how many disruptions happened in each category?

Lt Gen. Campbell: I will ask if Assistant Commissioner Steve Lancaster could come to the table but, Senator, could you please explain what you mean by category?

Senator HANSON-YOUNG: I mean how many of those disruptions happened on water; how many happened at a port.

Lt Gen. Campbell: That is an aggregated figure of actions that have occurred with partners overseas—so in transit countries across our region. I am not speaking of on-water activity.

Senator HANSON-YOUNG: Have there been any on-water disruptions?
Lt Gen. Campbell: For the reasons I outlined, I am very concerned for the discussion of procedures on water that might either give advantage to people smugglers, endanger the lives of our people—because of the tactical responses that are offered—or indeed precipitate a more difficult circumstance than need be.

Senator HANSON-YOUNG: You outlined 32 disruptions in your opening statement.

Lt Gen. Campbell: That is right.

Senator HANSON-YOUNG: Are any of those disruptions that occurred on water?

Lt Gen. Campbell: That description of 32 disruptions and 1,301 people is in reference to our cooperative efforts offshore, with regional partners in the transit-country environment, in which we are able to disrupt people-smuggling syndicates as they seek to either organise boats or crews, or facilitators and so forth, and—

Senator HANSON-YOUNG: Are you able—

Lt Gen. Campbell: perspective immigrants.

Senator HANSON-YOUNG: Angus Campbell, I am sorry to cut you off but we are being kept to a time frame here. Are you able to tell me whether there have been any disruptions on water since 7 September?

Lt Gen. Campbell: I understand that. The reason I am concerned in terms of the immediate historical period is that people smugglers watch what we do and they watch either trends or changes in what we do. They work out how they might be able to avoid or respond to what we do, and we see it emerging in future activities. That is why the time frame we are talking about is actually very active in terms of a current operational setting.

Senator HANSON-YOUNG: I am not asking if one is currently underway, I asked if there have been any since 18 September.

Lt Gen. Campbell: I understand that. The reason I am concerned in terms of the immediate historical period is that people smugglers watch what we do and they watch either trends or changes in what we do. They work out how they might be able to avoid or respond to what we do, and we see it emerging in future activities. That is why the time frame we are talking about is actually very active in terms of a current operational setting.

Senator HANSON-YOUNG: Have there been any SIEVs that have been turned back since 18 September?

Lt Gen. Campbell: Again, that might be one of those terms you are using more broadly, in the sense of disruption, and it plays into that same category of areas of which we would potentially offer great advantage and present serious concern for our people if we discuss these things.

Senator HANSON-YOUNG: What is the advice as to when parliamentarians in the Senate would be able to have information about what has occurred? Saying that it is too close in proximity today—what are the guidelines for when we will be able to expect information?

Lt Gen. Campbell: That is very fair, Senator. I think the point is that as we understand more clearly the nature and the adaption of the people-smuggling syndicates to Operation Sovereign Borders’ efforts, we will get a much better sense of where information is sensitive, where it continues to be sensitive and where indeed we are at a point where certain
information is no longer of concern and that discussion can emerge. But this is an operation that has only being going on for a very short period of time.

**Senator HANSON-YOUNG:** Who will make that decision?

**Lt Gen. Campbell:** I think that would be a decision that in its usual way would be of government, by the minister, by recommendation from me and other officials who are looking at the problem. I was just going to finish by saying that this is very early days in a very challenging operation in which we need to squeeze the people-smuggling business at every point we can. Until we understand the kinds of responses that might arise, there are a lot of issues that are very sensitive and have the very real potential to emerge from what has occurred and in what may occur in the future.

**Senator HANSON-YOUNG:** I take it from your responses that you are willing to tell us how many people, almost down to the precise number, have been disrupted before they boarded a boat. We know how many people have been intercepted and transferred to Christmas Island and then on to Nauru or Manus Island. But you will not give us the information about anyone who was disrupted, turned back and towed back on water. Put yourself in my shoes for a moment. It seems that the logical conclusion to that would be that perhaps there has not been anybody else.

**Lt Gen. Campbell:** The point here is that the on-water environment is perhaps the most demanding, the most isolated and the most prone to unexpected risks emerging. So we are dealing with, in some circumstances, boats which are of variable quality and crews of variable competence and the weather. But then you add to that the change in techniques or procedures and the responses to them that may emerge. You are an isolated vessel, an Australian response asset, intercepting and seeking to assist the people on board but in circumstances that are uncertain. I point out that this distinction of being on water is one that is not characterised elsewhere because they are a very, very long way away and they are relying on small teams who are well drilled but need the best support possible to avoid the unexpected emergence of techniques or procedures by the crew, people smugglers and the tutoring of passengers that could put them in very serious danger. That is why I am really concerned in particular about on-water action.

**Senator HANSON-YOUNG:** I have not asked about anything that is currently underway. I am asking what has happened since 18 September. You are not able to give us any information. You will not confirm whether there has been anybody. So it seems at this stage good enough to assume that perhaps there has not been anybody who has been successfully turned around, towed back or disrupted on water—unless of course there is an incident underway right now, which is why you are so concerned about information. How was the operational media strategy derived in the first place?

**Lt Gen. Campbell:** From consideration of the information that we are receiving through interviews of the illegal maritime arrivals as they flow through our processing systems and with some correlation to some of the classified material that we have access to. So we could distil with some confidence those areas of concern and the areas where we needed to be particularly careful, particularly in these early days when we are, as I said, squeezing the people-smuggling syndicates in many ways. That is how we looked at it and came to the conclusions that we have in regard to what we are releasing at the moment.
Senator HANSON-YOUNG: So you were involved in coming up with that strategy?

Lt Gen. Campbell: Yes, I was.

Senator HANSON-YOUNG: Was it put to the minister as your advice or was the minister involved in those discussions as well?

Lt Gen. Campbell: As my advice and my recommendation for the operation that I am in command of and with regard to the people I am responsible for.

Senator HANSON-YOUNG: When did you advise the minister that that was how the media strategy would be carried out?

Lt Gen. Campbell: I cannot recall the particular day, but it was quite early on.

Senator HANSON-YOUNG: How long did it take you to derive the strategy?

Lt Gen. Campbell: We are talking in terms of a few days to a week—that kind of thing—of looking at the problem and the issues at play, acknowledging as I have said all along in both my opening remarks and my statements at those press conferences that there is a balance here. It is not an information blackout at all. Equally, it is not an environment in which the people smugglers get what they might wish to. I think it creates a balance that cares for people, supports the mission and disadvantages people smugglers.

Senator HANSON-YOUNG: How many boats have been purchased from Indonesia?

Lt Gen. Campbell: In regard to that issue, I will just offer the point that all those measures remain available at this stage. But the one you are referring to is not one the Indonesian government wishes to see being applied right now as part of our cooperative activities, which we respect.

Senator HANSON-YOUNG: So it has not been undertaken?

Lt Gen. Campbell: It is not one that we are working with the Indonesian government cooperatively on right now.

Senator HANSON-YOUNG: So no boats have been purchased?

Lt Gen. Campbell: No.

Senator HANSON-YOUNG: Back to the question of the media strategy, you came up with the proposal and you put it to the minister. You said to me that it is the minister who makes the decision as to when something will be made publicly available.

Lt Gen. Campbell: Were we talking about serious incidents at that stage?

Senator HANSON-YOUNG: No, this was when I asked you about when we could expect some information about what has been happening on the sea.

Lt Gen. Campbell: In that regard, my reference was that as the operation unfolds and we become more confident of the information that we have and the interplay of our actions with people smugglers gives us a better sense of areas where we have something under control information can be released. In areas where we realise that they have outwitted us we will need to be more careful. That is something that I would be in discussion with the minister on as the operation proceeds. But, as I said, it is early days.

Senator HANSON-YOUNG: But, ultimately, it is his decision?

CHAIR: Sorry, Senator Hanson-Young, but your time, as you can see, has long gone.
Senator HANSON-YOUNG: You said I had 20 minutes.

CHAIR: No. It was 15 minutes for you and coalition members, and 20 minutes for Labor members.

Senator HANSON-YOUNG: You said 20 minutes for coalition members and Greens. That is what you actually said.

CHAIR: No, I did not.

Senator HANSON-YOUNG: Yes, you did.

CHAIR: If I did, I was wrong. It is 15 minutes. Senator Boyce has—

Senator HANSON-YOUNG: You cut me off just as I had asked a question. Could I just get the answer to that?

CHAIR: All right. What a soft touch I am.

Senator HANSON-YOUNG: Lieutenant General, ultimately it is the minister's decision as to when this information will be made public?

Lt Gen. Campbell: If we are talking about information with regards to different aspects of the operation, yes, I will make a recommendation when I am seeing things that give me confidence that elements of information can be released. As I say, it is early days, but I would make a recommendation to the minister in that regard.

CHAIR: I will pass on to Senator Singh. Before I do, General, you indicated to Senator Hanson-Young that the people smugglers would be, for example, watching this hearing today to see what information they could get that might help their operations.

Lt Gen. Campbell: They have a wide range of information sources, and what is in the public space in Australia should be assumed to be accessible, and accessed, by people smugglers, by their facilitators, by organisers and supporters and then relayed or in fact directly acknowledged. I will give you an example which is in a related field. In a very, very small valley, in a very small village in Afghanistan, three days after the Queensland floods in 2011, a village elder offered his condolences to me, on behalf of his people, for the loss of life and property in Brisbane and, more broadly, in Queensland. We should not assume that something that occurs anywhere in Australia is not quite accessible from the point of view of the people smugglers seeking to look for public comment.

CHAIR: It is all available on the parliamentary network, which is accessible anywhere. One other quick follow-up: is there restricted access to the briefing sessions on Friday or can anyone go along?

Lt Gen. Campbell: No. Anyone can attend.

CHAIR: So any parliamentarian can go along?

Lt Gen. Campbell: Yes. They are open conferences.

Senator Cash: On that note, the transcript and any material flowing from the briefing are uploaded onto the department's website.

CHAIR: Okay, Senator Singh.

Senator SINGH: I pass to Senator Carr.

CHAIR: Sorry—
Senator SINGH: No. I am giving my time to Senator Carr.

CHAIR: I am allowing you to do that, but there has been a senator sitting here who wants to ask questions, so I will go to him and then come back to Senator Carr.

Senator SESELJA: I won't take a great deal of time.

CHAIR: If you do, your maximum is 15 minutes.

Senator SESELJA: I am not expecting to take my maximum at this time. General Campbell, thank you for your evidence so far. There are just a couple of points, and I might get you or the minister to comment on this. Senator Carr put to you earlier some critical comments in relation to the secrecy around Operation Sovereign Borders. Are you or the minister familiar with the very recent comments—I think only a few days ago—on ABC Radio of Air Chief Marshal Angus Houston in relation to this? Air Chief Marshal Angus Houston, as you know, is the former Chief of Air Force, Chief of Defence Force and leader of the Expert Panel on Asylum Seekers. He was asked about this issue. I will just read to you what he said:

"One of the problems that you face when you're conducting an operation like this is the need to guard information," he said.

"I guess the military way of doing things is to operate with a high degree of operational security to keep the people smugglers on the back foot and I think that's really why there's a need for operational security and that's why things are the way they are at the moment."

Minister or General Campbell, would you care to comment on those comments from Angus Houston?

Lt Gen. Campbell: I would not wish to comment, and I turn to the minister should she wish to do so.

Senator Cash: Yes, I am aware of those comments. I would merely say that they highlight the operational benefit of the release of periodic information.

Senator SESELJA: Sure, and it is quite obvious, it seems to me, that something you are doing is working pretty well. If we look at those numbers that you provided—there were a lot of numbers and I think we are all trying to get across them in terms of the size—from my reading of those numbers, in 2012 there were about 1,433 arrivals per month; in 2013, prior to Operation Sovereign Borders, it was about 2,288 per month; and, post Operation Sovereign Borders, on those figures that you have provided, I think it is now about 336 per month. That is a pretty significant drop, and I think it is obvious that something is happening that is working. I guess it is too early to tell, but, on the challenges that you would face in continuing that success in the coming months, is it the case that the weather conditions will assist? Obviously they will deter people from getting on boats, but they will make conditions far more dangerous for those who do.

Lt Gen. Campbell: Late October, November and December is more often a busier time because of the quieter time that can arise in the monsoon periods, particularly of January and February. The monsoon is of seasonal benefit in this effort, but it is really beyond the monsoon that we will look again to our numbers and our outcomes. People do still travel, and ventures are still conducted during the monsoon—perhaps a little bit less frequently but also to a degree more dangerously, unfortunately, for those who are at water.
Senator KIM CARR: Mr Bowles, what was the department's advice in regard to the PNG solution? Was it perceived to be an effective means of disrupting the people-smuggling trade?

Mr Bowles: I think the broader issue of offshore processing is definitely effective, including the PNG side of that.

Senator KIM CARR: So in terms of the figures that we have been given on the changes in the number of boats, were the 15 in September an effect of the PNG solution, do you think?

Mr Bowles: In September?

Senator KIM CARR: The significant drop in the number of boats.

Mr Bowles: I think it is part of the solution to what is happening out there at the moment. I would flag, though, that it is not over until it is over, and we need to keep a very close hold on a range of these issues.

Senator KIM CARR: Of course, you would have to also acknowledge that if there is a deterioration in our relationship with Indonesia we may well see an increase in the number of boats.

Mr Bowles: It depends in what direction we are talking about there. What we have seen to date is quite an effective deterrence strategy within transit countries. Indonesia is but one of those transit countries. One of the key things that I have seen, and I have visited all of these places—and to take up General Campbell's point—is it is quite amazing the level of knowledge that these people have on the government's policies at any point in time.

Senator KIM CARR: It makes the point that secrecy is not going to change that. Military secrecy is not going to change that. If they have got access to the internet, access to media reports, including the Jakarta Post, and access to satellite communications, people will know what is happening.

Mr Bowles: They will know what is said publicly by public officials. That is very, very clear.

Senator KIM CARR: In terms of safety, in terms of the provision of our obligations under the maritime laws in regard to the preservation of people's lives at sea, there is a requirement to provide safety or rescue services and that that information is broadcast and is therefore available to those with the technology to receive that broadcast.

Mr Bowles: I do not have any further knowledge of that. I am not responsible for that answer.

Senator KIM CARR: In terms of the so-called risk factors that Lieutenant General Campbell has referred to, when did the department become aware of those?

Mr Bowles: Which risk factors are you specifically referring to?

Senator KIM CARR: The risk factors that have become prominent since the operation of Sovereign Borders from 8 September.

Mr Bowles: General Campbell is now responsible for a range of these issues. The strategy of the new government is a matter for General Campbell to manage.

Senator KIM CARR: I am asking you a question about the department's awareness of these risk factors. When did you become aware of these risk factors that the general has referred to?
Mr Bowles: The general and I have had a range of conversations about these issues.

Senator KIM CARR: Subsequent to 18 September?

Mr Bowles: Since General Campbell has been appointed, we have had regular meetings on these issues.

Senator KIM CARR: Would it be fair to say that there had been no advice provided to the previous government on these risk factors by the department?

Mr Bowles: The policy issues of the new government are different to the previous government. I have had a number of conversations with ministers in the past around a range of issues to do with this particular issue of illegal maritime arrivals. I have had a number of conversations about when and if we should say or do things in the past. That is something that was advice to the minister and the government of that particular day. I have had those conversations a number of times.

Senator KIM CARR: Yes. But it was true to say that the question of the reporting of boats arriving was a position that department had advised the previous government on?

Mr Bowles: I personally cannot recall advice given.

Senator KIM CARR: You were not in that job. I am asking if it is the case that the Department of Immigration— it is not a personal question; you were in another portfolio—advised the previous government about the arrival of boats and the release of that public information?

Mr Bowles: Not to my knowledge prior to my arrival. I have advised ministers about certain aspects of release at certain periods of time and given advice around whether it was wise or not.

Senator KIM CARR: You were previously in the Department of Immigration, were you?

Mr Bowles: No.

Senator KIM CARR: So what advice did you tender to ministers such as that which you just indicated to me?

Mr Bowles: On a number of occasions, on specific activities, I have had conversations around when it would be wise to do is that.

Senator KIM CARR: In what capacity did you provide that advice?

Mr Bowles: As the secretary of the department.

Senator KIM CARR: Of immigration?

Mr Bowles: Of immigration.

Senator KIM CARR: Which you have held since when?

Mr Bowles: I have been in the acting role since March 2012 and was formally appointed in January 2013, so about 20 months or something like that.

Senator KIM CARR: You provided advice to the ministers to say that there should not be the release of public information?

Mr Bowles: No, that is not what I said. I said on specific occasions, for specific events, I have had conversations with ministers about the way to deal with some of those.
Senator KIM CARR: I think we both get the gist of what is being said here. Could I ask you, in regard to the change in the arrival patterns, how many people since 7 September are currently in immigration detention in Australia?

Mr Bowles: Since 7 September?

Senator KIM CARR: Yes.

Mr Bowles: In the onshore environment, there would properly be some in Darwin who might have been direct arrivals in Darwin. I would have to get that number for you.

Senator KIM CARR: There was a boat that tied up at the wharf last week, was there not?

Mr Bowles: I cannot recall. I can take that on notice. There would be a small number that would have arrived directly through Darwin. There may be a small number who are receiving medical treatment, but everyone else is either on Manus Island, Nauru or Christmas Island.

Senator KIM CARR: How many women, how many children and how many unaccompanied minors are in immigration detention who are in Australia, who have arrived since 7 September and who have arrived by boat?

Mr Bowles: I would have to take that on notice.

Senator KIM CARR: If you could provide me with advice on the number of people who have arrived by boat since 7 September who are currently in detention on the Australian mainland, as that presumably covers the same number of people. Are there any others that are covered?

Mr Bowles: No. As I have said, the people who would be on the mainland would be the ones that have come into Darwin and have not been transferred at this stage or are receiving some form of medical care.

Senator KIM CARR: So there would be a separate category in terms of Christmas Island from those on the mainland?

Mr Bowles: Basically, anyone who comes into Christmas Island will stay on Christmas Island unless they go to Manus Island or Nauru, unless there is a significant medical issue that we have to deal with.

Senator KIM CARR: How many people who have arrived by boat since 7 September have been transferred to Nauru?

Mr Bowles: I can come back to you with that number.

Senator KIM CARR: I am interested to know: the number of men, the number under 18 and how many unaccompanied minors.

Mr Bowles: I can take that on notice.

Senator KIM CARR: Since 7 September, how many people have been transferred to Manus Island with the same criteria: how many are women, how many are under 18 and how many are minors.

Mr Bowles: I can tell you that since 7 September there have been no women transferred to Manus Island. They are single adult males. There have been some people who had claimed to be adults that have subsequently claimed to be minors that we have dealt with and returned—

Senator KIM CARR: Sure. That is the usual. How many are in that category?
Mr Bowles: I would have to take that on notice. It is a small number, though, Senator.

Senator KIM CARR: Of the people who arrived by boat in September, October and November, how many arrivals were women and how many had children?

Mr Bowles: I can take that on notice.

Senator KIM CARR: How many children were unaccompanied minors?

Mr Bowles: Same again.

Senator KIM CARR: How many from Somalia have arrived last week?

Mr Bowles: I can take that on notice.

Senator KIM CARR: How many have been successfully turned back to Indonesia since the election?

Mr Bowles: I am not responsible for that. I think the general has given you the answer he is prepared to give you on that.

Senator KIM CARR: Yes—that is, he will not tell me. Is that right?

Mr Bowles: He has given you an answer.

Senator KIM CARR: I have a question on fishing boats. Lieutenant General, you said that you are not cooperating with the Indonesian government on the purchase of fishing boats. That was correct?

Lt Gen. Campbell: No. Sorry, Senator. I said that these measures are not ones that the Indonesian government wishes to see as part of cooperative activities at the moment, so we respect that.

Senator KIM CARR: Does that mean you are not trying to purchase any vessels?

Lt Gen. Campbell: At the moment, as I indicated to Senator Hanson-Young, that is right.

Senator KIM CARR: I just want to be clear: you are not trying to purchase. So that policy, essentially, is dormant?

Lt Gen. Campbell: It remains one of the measures.

Senator KIM CARR: Will that money that has been allocated for that purpose be redirected to other activities in the portfolio?

Senator Cash: As per the evidence of the Lieutenant General, that policy is part of a suite of measures that are available to this government if and when we require them. At this point in time, as is the evidence of the Lieutenant General, we are not looking to purchase the boats. However, the option does remain open to us.

Senator KIM CARR: Can I just get a clear undertaking, General: what do you regard as an operational matter?

Lt Gen. Campbell: Those issues that might prejudice the conduct of current or future operations.

Senator KIM CARR: Current or future operations of whom?

Lt Gen. Campbell: Our activities that might be prejudiced by the release of information. I have explained the four categories of why that prejudice might arise: advantage to people smugglers, the manipulation of prospective passengers, the potential damage to bilateral or
multilateral relationships critical to the regional problem that we face, and the safety of our people.

Senator KIM CARR: It would be fair to say it is a pretty broad definition of activities.

Lt Gen. Campbell: I think it is a very necessary group.

Senator KIM CARR: I understand that is your view—

Lt Gen. Campbell: Yes, that is right.

Senator KIM CARR: and it is a particular military view, I might say, in terms of the way in which operations should be run.

Lt Gen. Campbell: Could I ask, then, Senator: would we ever wish to hurt our people; would we ever wish to damage the relationships that are necessary in our region, and so on.

Senator KIM CARR: Of course not.

Lt Gen. Campbell: I think that they are very justifiable.

Senator KIM CARR: It is a question of whether or not the parliament is entitled to know how the money that we have appropriated is being spent. What is the right of the parliament under your definition?

Lt Gen. Campbell: I would look—

CHAIR: I do not expect you to answer questions about what the right of parliament is, General.

Senator KIM CARR: I just wanted to know what is not an operational matter, in your view, Lieutenant General.

Lt Gen. Campbell: Could I perhaps give you an indication of what I do say at the weekly conferences. It might be worth acknowledging. I have talked about my concern for maintaining the integrity of current and future operations. What I do say at the weekly press conferences: I advise when people from arriving suspected illegal entry vessels are transferred to Christmas Island or Darwin as they might arrive and how many are then transferred into the immigration and border protection system for processing. The vessels that arrive and the numbers that go in. In addition: the number of people on each of the islands, the number of transfers between the islands, the number and destination of voluntary returns to home countries, the number of disruption operations undertaken with regional countries to mitigate the flow of potential illegal immigrants, and the arrest extraditions and convictions arising from people-smuggling. Additionally, I have at successive weekly press conferences sought to inform the public, on a weekly basis, of different themes—the manipulative lies that people smugglers use to promote their business, the examples of convicted people smugglers whose efforts have led to the deaths of potential illegal immigrants, the dangers inherent in attempting to cross the open ocean in transit to Australia, the strengthened efforts we have made to communicate Australia's policy on people-smuggling across source and transit countries, the efforts of the Australian Federal Police in cooperation with regional authorities and state police services to bring people smugglers and facilitators to justice, the impact of our strategic communications effort among prospective source populations from the material we get back from analysis, a chronology of the West Java incident of 27 September in which 44 people died, and the reasons for adopting this weekly approach to the release of information to the public. That is what so far has been offered at each of these weekly press
conferences, and I do not think it is suggesting a closed shop to the advice and information to
the public at all.

Senator KIM CARR: No. It is just the question of the decision to release particular
information, and that is a judgement call that you are making—or that the minister is making,
to be more accurate, because, if I understood you correctly, you provide advice to the minister
and he makes the decision, so we should not hold you responsible; it is the minister's decision.
And then there is the question about whether or not that media strategy is actually effective.
That is surely a matter of legitimate public concern.

Lt Gen. Campbell: Yes.

Senator KIM CARR: And given that the statements of many prominent Australians—
people who have served in positions similar to your own—have a different view, I will just
ask you: is it possible for you to take on notice to provide us with advice on what you regard
is not an operational matter?

Lt Gen. Campbell: All those things that I have just offered you I regard as not an
operational matter and have released into the public. I would note that there will always be a
range of opinions on what is a very serious concern.

Senator KIM CARR: That is right; that is absolutely correct, and even amongst military
people there would be a range of opinions.

Lt Gen. Campbell: And then I would note that expressions of why it will not work or that
it is not working are, I would respectfully offer, premature—for something that has been
active for only a relatively modest period of time and that has some beneficial outcomes
emerging. Now, I do not know where we are going. I know where I want to get to. And I am
not saying that I am confident about the trends yet. But at least the early indicators are
positive.

Senator KIM CARR: And it could equally be argued that that is the objective of all—or
certainly mine—to prevent people risking their lives at sea. And it could legitimately be
argued that the actions taken by the previous government had a bearing on the numbers that
you are seeing. I am also concerned that it may well be that if you see a change in the
numbers as a result of a number of factors, which you have already indicated, including
deterioration in our relationship with Indonesia, then there may well be a need to reassess this
secrecy question.

Lt Gen. Campbell: I will just note that I have not discussed Indonesia today.

Senator KIM CARR: No, you have not, but I am making a point to you that one of the
factors that you have said is a condition for your secrecy is its capacity to affect other
countries in the region. You have indicated that as a criterion?

Lt Gen. Campbell: Yes, I have; that is correct—that bilateral relationships need to be
sensitively managed.

Senator KIM CARR: And I am putting to you that that may well be a factor in terms of
the flow of people from Indonesia. Is that a factor, in terms of our relationship with
Indonesia?

Lt Gen. Campbell: I would offer the view that maintaining the constructive and very
robust relationship we have with Indonesia is really important.
Senator KIM CARR: Of course it is.
Lt Gen. Campbell: In all facets.
Senator KIM CARR: Mr Bowles, I have a report here from the Sydney Morning Herald that immigration officers forced 12- and 14-year-old unaccompanied Sri Lankan children onto a plane to return home. Is that correct?
Mr Bowles: No, Senator.
Senator KIM CARR: It is 15 November, to give a date.
CHAIR: Perhaps we should ask, Mr Bowles: are you aware of this article?
Mr Bowles: I am not aware of the article. I think I am aware of the issue.
Senator KIM CARR: I will rephrase the question. I refer you to the Sydney Morning Herald of 15 November, where it was claimed that immigration officials forced 12- and 14-year-olds—unaccompanied Sri Lankan children—onto a plane to return home. And I would ask you, was that report correct?
Mr Bowles: That was part of one of our screening exercises where the people from that particular vessel did not engage our obligations and they were returned to Sri Lanka. For any unaccompanied minors who are sent back there are a whole range of things put in place at the Sri Lankan end to deal with this. It is consistent with what we have been doing since about October 2012.
Senator KIM CARR: With this particular incident, is it true that two children, 12 and 14, were initially removed by a departmental official?
Mr Bowles: I will ask the relevant person to come to the table to deal with this issue. But we go through the normal screening processes—
Senator KIM CARR: Okay; perhaps I can ask this question: were children removed by a departmental official in the incident referred to by the Sydney Morning Herald on 15 November?
CHAIR: Senator Carr, your time is up, but I will allow you to finish this line of questioning.
Ms Larkins: They were.
Senator KIM CARR: They were removed?
Ms Larkins: Yes.
Senator KIM CARR: Was there an instruction to put the children back on the aircraft?
Ms Larkins: No. They were not taken off the aircraft, so—
Senator KIM CARR: They were removed.
Ms Larkins: They were not put on the aircraft; they were not taken off the aircraft. My memory of that article suggests that they were on the aircraft and they were taken off and then there was a direction to put them back on.
Senator KIM CARR: So, can you explain to me what happened? Let's clear this up: what happened?
Ms Larkins: They were subject to the enhanced screening processes. They were screened out as part of the enhanced screening processes because they did not make a credible claim that engaged our protection obligations.

Senator HANSON-YOUNG: As children they did not know the exact words to say.

Ms Larkins: They had a guardian there.

Senator HANSON-YOUNG: Were they told they had a legal right to seek asylum?

Ms Larkins: We went through that process. An officer on Christmas Island asked us to review the decision making based on additional information that they had. Our officers considered that information. And that additional information did not change the original decision, so they were then put on the plane.

Senator KIM CARR: Who gave the instruction to put the children on the plane?

Ms Larkins: There was no instruction to put the children on the plane. The children are taken as a consequence of a decision about whether they are screened in, i.e., they are making a claim that needs further assessment under our protection processes—

Senator KIM CARR: So they did make a claim for asylum?

Ms Larkins: They did not make a claim; they raised a number of issues. The assessment of the senior officer who reviewed the case was that the things that they said in the interview did not engage our obligations.

Senator KIM CARR: So were they advised that they could make a claim?

Ms Larkins: I do not have that detail. The screening process seeks to determine whether we owe anybody an obligation to investigate their claims in more detail. So, what we are trying to do in the screening process is determine whether we can safely return this person or whether there is something we need to look at in more detail.

Senator KIM CARR: Including whether or not they have a right to asylum?

Ms Larkins: Absolutely.

Senator KIM CARR: And did you investigate that?

Ms Larkins: So, that is what the screening process does—is there something that requires further investigation to ensure that we are not refouling them? So yes, that is what the process was.

Senator KIM CARR: So you did actually investigate their right of asylum?

Ms Larkins: It is not a protection assessment claim; it is an important distinction. What we are asking is: is there something they are raising that needs further investigation in a protection assessment process? I will give you the most obvious example. If someone comes and says, 'I've come to Australia and I'm looking for a job', that does not engage our protection assessment processes.

Senator KIM CARR: These are children.

Ms Larkins: Absolutely.

Senator KIM CARR: And they were—what did you call the process?

Ms Larkins: An enhanced screening.
Senator KIM CARR: They were subjected to an enhanced screening process. Were they advised of their rights to seek asylum?

Ms Larkins: I do not have that.

Senator KIM CARR: Could you take that on notice, please?

Ms Larkins: Certainly.

Senator Cash: The enhanced screening process was a process that was commenced under the former government in 2012.

CHAIR: Thanks, Minister; let's finish this now.

Senator KIM CARR: But that is not the question; that is not the issue.

Senator Cash: I should say, Senator, that they do have an independent observer with them and an adviser with them, and they did have during the interview.

Senator HANSON-YOUNG: Not a lawyer, though.

Ms Larkins: I am not aware.

Senator KIM CARR: Then can I ask you this—

CHAIR: No, you cannot, Senator; you are well over time, I am sorry. Just before I pass to Senator Hanson-Young, perhaps I could just ask you a question, Minister. Are you aware of an article by a respected journalist titled 'Loose lips sink ships—or at least help people smugglers'?

Senator KIM CARR: Was that Andrew Bolt's?

CHAIR: It starts off saying, 'Whose side are Labor and its media mates on? The people smugglers or those trying to stop them?'

Senator KIM CARR: It is on Andrew Bolt—

Senator Cash: I am aware of that article.

CHAIR: Minister, has anyone ever explained to you what the importance is of the detailed information that is sought in the Senate but not given? And there are complaints made. What I am really asking you is, has anyone ever explained to you what they want to do with this information that they are claiming not to be able to get? What is the purpose? Has that ever been explained to you by anyone who has approached you officially in your capacity, or perhaps Mr Morrison in his capacity?

Senator Cash: I am not sure I quite understand the question, Chair.

CHAIR: I assume that people will approach you as a minister—and Mr Morrison—and say, 'We must know how many boats have been turned around.' Have you or Mr Morrison ever said to them: 'Well, what's the purpose of you knowing? Where does that take the issue?'

What I am asking is, in your official capacity, has anyone ever explained to you what the importance is of them knowing just how many boats have been turned around, for example—or anything else?

Senator Cash: No they have not. However, what I will say to you is this: in relation to the Senate's right to know, you will be aware that, for example, in relation to a claim for documents to be produced to the Senate there is an obligation for those documents to be presented to the Senate, unless of course a ground of public interest immunity arises. You
only have to look at the number of claims of public interest immunity that were made by the former government to know that there will always be circumstances in which a government of the day determines that it is not in the public's interest to provide the information that is being sought. In relation to the operational matters that are referred to in this particular portfolio, the Lieutenant General has clearly articulated for the committee and at each of the briefings that he delivers on a Friday—

CHAIR: Minister, I am aware of that. My question is really that I cannot understand why anyone except the people smugglers must know. As Mr Bolt says: whose side are Labor and its media mates on—the people smugglers or those trying to stop them? What I am trying to get from you, in your official capacity, is: has anyone ever explained to you why it is so essential that those who question you in the Senate have to know? What are they going to do with that information?

Senator Cash: No, they have not.

CHAIR: You have no way of understanding the purpose of this?

Senator Cash: All I know is that, as has been given in evidence today and as is represented in relation to the 75 per cent decrease in the number of boats or people arriving in Australia illegally since Operation Sovereign Borders commenced, there is clearly an operational benefit in the periodic release of information. And if I am ever asked why we have taken this stance I would point to the fact that this is a military-led operation—

CHAIR: Thanks, Minister. That is not really the question.

Senator Cash: But anyway, no-one has come to me and said why they want the information.

CHAIR: That is okay; that answers my question.

Senator KIM CARR: I raise a point of order.

CHAIR: Senator Carr, I am coming to you. What is your point of order?

Senator KIM CARR: I have a point of order. I am asking whether, under the terms of the standing order, the minister is now claiming public interest immunity.

CHAIR: I do not think she is.

Senator Cash: I do not know why I would be claiming public interest immunity, Senator Carr.

Senator KIM CARR: I will ask directly: are you claiming public interest immunity?

CHAIR: She is not, and there is no point of order.

Senator HANSON-YOUNG: I would like to ask some questions around the treatment of families. For the record, how many women and children are being held on Nauru?

CHAIR: Senator Hanson-Young, so that there is no misunderstanding: you have 15 minutes.

Senator HANSON-YOUNG: Thank you.

Mr Bowles: I am not sure I have the answer here.

Mr Skill: As at nine o'clock on 18 November, there are 124 men as part of the family group, 171 females and 110 children.
Senator HANSON-YOUNG: How many of those children are unaccompanied minors?
Mr Skill: There are currently three unaccompanied minors on Nauru.
Senator HANSON-YOUNG: Do you have the ages of those minors?
Mr Skill: I am sorry, I do not have the details of all of the ages, although I can say that two of them are still subject to age determination processes.
Senator HANSON-YOUNG: Are there any pregnant women being detained on Nauru?
Mr Skill: Yes, there are.
Senator HANSON-YOUNG: How many?
Mr Skill: As at 31 October there were eight pregnant women on Nauru.
Senator HANSON-YOUNG: Could you tell me how many pregnant women are being detained on Christmas Island?
Mr Skill: I cannot say. We will have to take that on notice.

Senator HANSON-YOUNG: Thank you. Could I ask some questions around the separation of families. Firstly, I want to go to this issue of the separation of the mother and her baby in the hospital in Brisbane. This mother was obviously detained on Nauru and then sent to Brisbane for the birth of the child. What advice did the department receive from the hospital regarding the decision to separate the mother and the child?

Mr Cormack: I can get that information for you. A pregnant woman was transferred from Nauru to Australia on 11 October 2013. She gave birth on 6 November and was discharged from hospital on 10 November. She joined her husband and other two children at the Brisbane immigration transit accommodation. The mother departed the BITA—the Brisbane immigration transit accommodation—each day at 9 am to visit the child at the hospital and returned to the BITA at 6 pm to join her family for dinner. The husband and the two other children also visited the hospital on several occasions. The baby was discharged from the hospital on 14 November. The health services provider at the BITA was advised by the hospital that it is common practice that mothers do not always stay overnight with babies in special care units. Neither the hospital nor the family requested further visits, we have been advised. Had this been requested, the department would have arranged it. That is our common practice in circumstances such as this.

The department understands that the hospital has since advised that they encourage new mothers to be involved in a baby’s care, and they can visit their baby any time, where possible. That, however, does not contradict the earlier advice that we got from the doctor at the hospital.

Senator HANSON-YOUNG: Someone who is in immigration detention cannot visit their baby whenever they like, can they?
Mr Cormack: They can: if they make a request, that request will be facilitated—and we do that.

Senator HANSON-YOUNG: Who made the time restriction between 10am and 4pm?
Mr Cormack: The secretary has asked that this matter be reviewed in detail. There are quite a few facts that we need to clarify, but we cannot find any record of anybody attempting to restrict access for this woman to her newborn child.
Senator HANSON-YOUNG: So you are saying that she awoke in the morning and asked to go to the hospital and she was taken there?

Mr Cormack: If she had made a request to go to the hospital she would have been accompanied and would have been able to spend as much time as she wished at the hospital.

Senator HANSON-YOUNG: Who is running the review?

Mr Cormack: We have commissioned Dr Paul Alexander. Dr Alexander is the chair of our independent health advisory group.

Senator HANSON-YOUNG: Independent of the department?

Mr Cormack: Sorry, I should have said 'Immigration Health Advisory Group'.

Mr Bowles: He is not a departmental employee.

Senator HANSON-YOUNG: He is not a departmental staff member?

Mr Bowles: No, he is an independent advisor.

Senator HANSON-YOUNG: When will that review be completed?

Mr Cormack: We anticipate that that will be completed in early December.

Senator HANSON-YOUNG: Okay. Can I go to further issues in relation to the separation of families, because it is something that occurs elsewhere.

Mr Bowles: Sorry, Senator?

Senator HANSON-YOUNG: This is not the only case of separating a child from their parents, is it?

Mr Bowles: I would have to take any other specifics on notice, but it is not our practice to separate people like that. If, in this case, there was a request made, we would facilitate it—we have facilitated that in many, many cases. The minister, in this particular case, asked me to facilitate a review, and I have facilitated a review on that basis. There are a range of things, as Mr Cormack said, that need to be looked at in this particular case; and we will do it as expeditiously as we possibly can.

Senator HANSON-YOUNG: When family groups arrive and are brought off the barge at Christmas Island, are they separated into the different places—North West Point, Construction Camp, Phosphate Hill?

Mr Cormack: Our normal practice would be to keep families together on arrival. They may need to be separated momentarily for health assessments, or something like that, but it is our common practice and our policy to keep families together.

Senator HANSON-YOUNG: So there should be no separated families on Christmas Island?

Mr Bowles: If you are asking a question about what happens when people arrive on the dock, generally speaking—and Mr Cahill can add to this—what happens is boat cohorts will be kept together and therefore families will be kept together in that context.

Mr M Cahill: The first priority at the jetty is to actually identify, at that first point, family links. They are taken up for initial processing. And then what we do, if we are able to, depending on time of arrival, accommodate the single adult males separately at the IDC and the families will be put together in the alternative places of detention.
Senator HANSON-YOUNG: Are there any families on Christmas Island who are currently separated?

Mr Bowles: We would have to take that on notice. I could not be definitive. There are a number of families there. As I have said a number of times, it is not our practice to do that. We have special arrangements in place for families and that is what we try and do. Families could get separated for short periods of time for medical treatment—or, in some cases, they may have to have longer term medical treatment; but that would be the exception. We do not have a practice of separating families.

Senator HANSON-YOUNG: Mr Bowles, so the reports in the paper on Friday suggesting that fathers were being kept from being able to visit their wives, who are having babies, are not correct. You are saying that that is not the case?

Mr Bowles: I am not aware of any specifics of what might have been in the media on Friday. There will be occasions when different members of the family do not get to visit altogether, or on the same day. There are still considerations we need to make when we are dealing with the security around these issues. But, as I said, generally speaking, people might visit at different times. In the case with the lady in Brisbane: she did visit the child regularly and the husband and the two kids visited regularly—not at the same time all of the time, necessarily. So there will be variations like that. That will happen.

Senator HANSON-YOUNG: Was the department given any advice as to the consequences of putting a new mother, only days after having a caesarean birth, back into immigration detention?

Mr Bowles: We rely on the medical advice all of the time in these cases.

Senator HANSON-YOUNG: I am asking: did you receive advice about where the woman should have been accommodated?

Mr Bowles: We work on the principle of medical advice about when people can be discharged. If the doctor is ready to discharge them, they are then taken back to their accommodation—which, in this case, was the BITA.

Mr M Cahill: We have IHMS at the centre as well, who are quite active. When someone is discharged from hospital the medical advice and everything is handed over to that health service provider, who obviously monitor the welfare of people who have had surgery.

Senator HANSON-YOUNG: Has IHMS given any advice to the department in relation to the accommodation of pregnant women?

Mr Bowles: I would have to take something as specific as that on notice. They provide advice to us on a range of issues all the time.

Senator HANSON-YOUNG: Has IHMS given you any advice, as a matter of practice, on the appropriate accommodation of pregnant women?

Mr Bowles: I will take the specifics on notice, but we rely on IHMS as our medical provider for all things to do with people in detention.

Senator HANSON-YOUNG: Could you also take on notice whether IHMS has given any advice as to what the health risks are of keeping pregnant women detained in Nauru?

Mr Bowles: We can take that on notice, but we have relied on advice to do what we have done to date.
Senator HANSON-YOUNG: You can't tell me whether IHMS has given you any advice as to the appropriate accommodation of pregnant women?

Mr Bowles: I have said we rely on IHMS for all detention related activities.

Senator HANSON-YOUNG: As a matter of practice, pregnant women on Christmas Island need to be transferred to the mainland—yes?

Mr Bowles: Sorry, the women on Nauru?

Senator HANSON-YOUNG: On Christmas Island: they all need to be transferred to the mainland.

Mr M Cahill: Yes, in the main. When they reach a certain advancement in their pregnancies, we do transfer them to the mainland facilities—obviously, with their partners. And at the point at which they are to give birth, and it is appropriate, we will then look at where they are managed within the detention network, including Christmas Island.

Senator HANSON-YOUNG: So the family of a pregnant woman can expect to be transferred to the mainland with the mother.

Mr M Cahill: It depends on the individual circumstances. As indicated by the secretary in relation to families, the main principle is keeping the family together. There are instances where, for security purposes, depending on the security assessment of the adult partner, we may arrange for them to be near them for the birth; but sometimes they may be kept in a separate facility. So at times we will keep someone separate, but it is a very rare instance—I cannot say that is 100 per cent.

Senator HANSON-YOUNG: How many unaccompanied minors are currently being held on Christmas Island?

Mr M Cahill: I will get Ms Pope to confirm, but my recollection is 76, as of 18 November.

Senator HANSON-YOUNG: In a case where a mother is transferred to the mainland from Christmas Island or Nauru for medical reasons, and she has other children, are they transferred with her?

Mr M Cahill: I cannot comment on Nauru, but in relation to Christmas Island it depends on the circumstances. Again, our principle is to keep the family together. If we need to transfer a mother who is heavily pregnant we will look to keep the family together.

Senator HANSON-YOUNG: Can you confirm whether it is correct that a mother has been transferred from Christmas Island to Darwin and her three children under the age of 12 have remained on Christmas Island.

Mr Bowles: We will take that on notice.

Senator HANSON-YOUNG: Thank you. Would that be a scenario that would occur, though?

Mr Bowles: We will take that on notice. I cannot comment on a specific case like that.

Senator HANSON-YOUNG: Could I go to the circumstances surrounding a young Somali boy on Christmas Island, an unaccompanied minor, who attempted to take his own life in August.
Mr Bowles: Senator, I am very nervous about talking about individual cases, particularly young children, in relation to these issues.

Senator HANSON-YOUNG: I take that on board, Mr Bowles, but there have been a lot of reports about this case. I would argue some information is correct and some is not. I think it is important for the public interest to know how this boy was treated and who is looking after him and acting as his guardian now.

Mr Bowles: One of the reasons I don't like talking publicly about these sorts of issues is that, as you say, some information is correct and some information is not. I will take on notice anything related to individuals and we will make an assessment on those things. Let me say, though, that we operate in the best interests of all the people within the detention network and within our broader system. We are actively engaged with all issues relating to the individuals in the care of the Department of Immigration and Border Protection.

Senator HANSON-YOUNG: Is it correct there was an unaccompanied minor on Christmas Island who attempted to take his own life in August and who was medevac'd to Perth?

Mr Bowles: I will take that on notice.

Senator HANSON-YOUNG: Could you please take on notice, in relation to a young boy who was medevac'd to Perth, whether the minister is still his responsible guardian.

Mr Bowles: If that boy is in the care of immigration, the minister is the guardian, as would normally be the case. But, as I said, I will take anything further on notice.

CHAIR: I will have to stop you there, Senator Hanson-Young. I have been remiss in letting you go longer. Senator Seselja, you have a couple of questions? And then we will go to Senator Singh.

Senator SESELJA: I have just one question. Senator Hanson-Young asked a question at the beginning of her time just then about how many men, women and children are being held in detention at the moment. Could you provide figures for us, as at the beginning of 2008—just after the Rudd government came in—how many men, women and children were in detention at that time.

Mr Bowles: I will take it on notice but, needless to say, there were very few people in detention in 2008 and we had a period of no arrivals for a large part of 2008. I will take on notice the specifics of how many there were, but there were very few.

Senator SESELJA: Thank you.

Senator SINGH: Mr Bowles, the coalition set a 48-hour turnaround policy for medical checks to be conducted on asylum seekers on Christmas Island before they are transferred to Manus Island or to Nauru. That has been strongly criticised by the Royal Australasian College of Physicians, who believe such checks should take up to two months for ruling out serious diseases like tuberculosis, hepatitis and typhoid. How do you justify turning around asylum seekers in such a short time for their medical checks?

Mr Bowles: We rely on the medical advice of IHMS on these issues and we have been working with IHMS and other providers around how we can effect the transfer of people within the 48-hour period. We have arrangements in place particularly for things like chest X-rays in relation to TB. So all of those issues are undertaken. If there are further issues
identified at a later date, we will take them into account and make decisions about that. The facilities we have on places like Manus and Nauru are capable of dealing with the issues that we would transfer into those arrangements. If something came up in that process, we would obviously make alternate arrangements until we could work out what is the best outcome for an individual.

Senator Cash: Can I add something to that for Senator Singh. In relation to undertaking the health assessments within the 48-hour period, all elements of the standard health induction assessment have been maintained.

Senator Singh: Clearly there are diseases which take time to manifest—TB and the like. Are you saying that it does not matter because they will get the necessary follow-up checks on Manus Island and Nauru?

Mr Bowles: No, what I'm saying is that the chest X-rays are available within that 48-hour period and that is the test for TB.

Senator Singh: And typhoid and hepatitis?

Mr Bowles: We do a range of tests for these people and, as I said, we have arrangements in place to deal with things like hepatitis and—

Senator Singh: So 48 hours is enough for hepatitis and typhoid?

Mr Bowles: Pathology results can take a little bit longer sometimes and we will make individual decisions based on the advice at the time. We have processes in place on Manus and on Nauru to deal with those sorts of issues.

Senator Singh: What are those processes? How many doctors?

Mr Bowles: If we want to go to how many medical staff there are, as has been the case for quite a while—let me find where they happen to be.

Senator Cash: While the secretary is doing that, for the benefit of Senator Singh and the committee, in relation to the health induction assessment, the standard of which has been maintained in relation to the 48-hour assessment, I can advise the committee that the HIA, the health induction assessment, includes but is not limited to public health screening, including a chest X-ray, screening for pre-existing medical conditions, mental health screening and pathology screening. They were all undertaken within the 48-hour period.

Senator Kim Carr: Can you do the security check as well in the 48 hours? You must be very busy.

Mr Bowles: We have a very rigorous process around that 48 hours. In total we have 38 people on Nauru and 38 people, incidentally, on Manus, who conduct a range of different services from GPs, primary care nurses, paramedics, medical directors, health service managers, psychologists, visiting psychiatrists, mental health teams, mental health nurses, councillors—a range of different people in both locations to deal with the issues on the islands.

Senator Singh: I want to follow up on Senator Hanson-Young's questions about pregnant women. Is it right that there are eight pregnant women on Manus Island or on Nauru?

Mr Bowles: It would be on Nauru.
Senator SINGH: Will they deliver their babies on Nauru?

Mr Bowles: No, Senator, at this stage. Unless of course the facilities are available in Nauru but, as can be seen, the lady we were talking about before transferred off the island to have the baby in Australia. Ultimately, Nauru will at some stage have the capacity to deal with a range of these things and they are parts of issues that we are constantly looking at.

Senator SINGH: I understand Nauru's hospital only has about 56 beds and limited resources, doesn't it?

Mr Bowles: That may be true, Senator but, as I said, we have a range of people on the island who deal with the day-to-day care of the people in the facilities.

Senator SINGH: So will Australia contribute to the expansion of hospital facilities on Nauru?

Mr Bowles: That is a broader question. We have already done a lot of work with the locals, but that is a broader question for the Department of Foreign Affairs and Trade in relation to aid-related issues.

Senator SINGH: Okay. So are these pregnant women on Nauru living in tents?

Mr Bowles: Yes, Senator.

Senator SINGH: They are living in tents. Okay. So they will go and have their newborn babies, and will they then return with their newborn babies to the tents?

Mr Bowles: They will return to the island. And we are looking, when that happens, to have them in appropriate accommodation. More than likely it won’t be tentage at that particular stage, because we are looking at options around how we might do that.

Senator SINGH: Okay. So 'more than likely' is not a definite, but it is a hopeful, is it?

Mr Bowles: Senator, we have not transferred anyone back, at this particular point, in that circumstance. I have said we are looking at options around one of our places with hard-wall facilities. That is what we will continue to have a look at when we are ready to do that. We are not going to send anyone back until we have medical advice to do that.

Senator Cash: Senator Singh, if I could further the information that has been given by the Secretary in relation to the health care that is provided on Nauru: health care delivered to transferees is the best available in the circumstances and is broadly comparable with health services available in the Australian community. In relation to pregnant women—

Senator SINGH: The Australasian surgeons don't think so.

Senator KIM CARR: Would it be camping grounds, do you think that is the sort of equivalent?

Senator Cash: which is the subject of your questions, care for pregnant women is provided by International Health and Medical Services, IHMS, medical professionals with the support of the Republic of Nauru Hospital. And in relation to the facilities at the Republic of Nauru Hospital, the hospital delivers approximately 360 babies per year. It has ultrasound capability for anomaly and dating scans performed during the course of the pregnancies. It has the capacity to deliver a child, if that is required. The hospital also has the capacity to perform caesarean sections and other surgical interventions, and obviously has pain relief options.
Senator SINGH: Thanks, Minister.

Senator Cash: But just to confirm that, the health care that is provided is provided consistent with IHMS medical professionals.

Senator SINGH: Thank you, Minister. What level of schooling will be provided for the children on Nauru?

Mr Cormack: Senator, at the present time we have the organisation Save The Children which provides a range of services to children on Nauru. There is an in-centre school arrangement, and there are also plans in place to have the transferee children access the local schools.

Senator SINGH: Right. Well, there is a lot of pressure on the Republic of Nauru, isn't there? I would like to ask some budget questions now: first of all, what is the budget of Operation Sovereign Borders?

Lt Gen. Campbell: Senator, as you will be aware, the government committed $487 million over the forward estimates to fund Operation Sovereign Borders-related capabilities and new border protection policies, but that estimate is taken from the Fiscal Budget Impact Of Federal Coalition Policies, and they are expected to be appropriated as part of the 2013-14 additional estimates bill and/or the 2014-15 budget bills, if agreed. So they are still under government consideration.

Senator SINGH: Right.

Senator KIM CARR: Could I just get that clear: how much do you expect to be appropriated?

Lt Gen. Campbell: I just note that the Fiscal Budget Impact of Federal Coalition Policies where the estimate was offered of $487 million, and that is expected to be appropriated as part of either the 2013-14 additional estimates or the 2014-15 budget bills.

Senator KIM CARR: So is that for one year?

Lt Gen. Campbell: No, that is the standard period of either the residual period of this year, or budget and forward estimates in the standard way.

Senator KIM CARR: So it is across the forward estimates?

Lt Gen. Campbell: That is right.

Senator SINGH: So it is across three years, is it?

Lt Gen. Campbell: That is as I understand it, yes.

Mr Bowles: I might just clarify a couple of things. The budget for a range of issues under the Operation Sovereign Borders will, as we talked about earlier this morning, come from the agencies concerned. There are specific coalition policies that were put forward at the time, and General Campbell just mentioned one particular issue there. The budget more broadly, for all of the measures that will be in place, will be finalised in the MYEFO process which is still to come. That will take into account the deterrence work, the offshore processing, and all of the other issues in relation to that. Specifically for the JATF, I think there was the ten million dollars over the forward estimates to deal with the headquarter arrangements, and then there were a range of measures to deal with the individual task groups, but they will largely remain within the relevant departments and will be finalised in the context of MYEFO.
**Senator KIM CARR:** Mr Bowles, it would be considerably more than 470 million.

**Mr Bowles:** 470 million is in relation to a particular part of the OSB, which is in relation to one of the task groups, possibly even two of the task groups, but it will absolutely be more than that in dealing with the broader issues of offshore processing and the like, as I testified this morning. All of those issues will be finalised in the context of MYEFO.

**Senator KIM CARR:** How much is being spent on the current functions that are being undertaken as part of this new program? What is the current appropriation for the functions that have been undertaken by the 16 agencies that are part of the Operation Sovereign Borders?

**Mr Bowles:** Again, I do not have that information to hand.

**Senator KIM CARR:** Can you take that on notice?

**Mr Bowles:** We can take that on notice, but let me just say: it is not amalgamated into a single budget. The budgets relate to the departments concerned, and that is where they will stay.

**Senator KIM CARR:** Sure.

**Senator SINGH:** Mr Bowles, you are saying you really do not know how much Operation Sovereign Borders is going to be.

**Mr Bowles:** What I am saying is, we have a formal process around the budget which is MYEFO, which is the next step in that, and all will be dealt with, within the context of MYEFO, that relates to the component parts of OSB. It will relate to a range of different agencies. Obviously, my portfolio is a large part of that, so obviously I am particularly interested in that, but that is the way the budget process has always been, and that is how it has been worked out.

**Senator SINGH:** But Operation Sovereign Borders is already in place.

**Mr Bowles:** It is.

**Senator SINGH:** Can you provide us with an aggregate figure?

**Mr Bowles:** It is using the resources of the 16 departments and agencies that are involved, of which my portfolio—which is the Customs and Border Protection and the Immigration and Border Protection areas—

**Senator SINGH:** I understand that, but what is the aggregate figure thus far, since it has been in place?

**Mr Bowles:** I will take aggregates on notice. But what I am saying to you is, the final arrangements will come forward in MYEFO. So whatever I give now will not be correct. I will take it on notice.

**Senator KIM CARR:** Sure. It is a provisional figure. But you must know what the budget is that is available at this point.

**Mr Bowles:** I know what my budget is—and we went through that a fair bit this morning. It was the 900—

**Senator KIM CARR:** Lieutenant General, do you know the aggregate figure?

**Lt Gen. Campbell:** The aggregate figure across all of the departments: no, I don't. That would have been the figure that was appropriated through the last budget process—
Senator KIM CARR: Yes, it would.

Lt Gen. Campbell: and appropriated across a very wide range of agencies and departments.

Senator KIM CARR: Can you take on notice: what is the aggregate figure of your current budget arrangements?

Mr Bowles: We can take that on notice.

Lt Gen. Campbell: Yes, absolutely, Senator.

Senator SINGH: Lieutenant General, you used the figure before from the coalition's fiscal outlook statement, but everyone else who has appeared before this committee has said that that document was not a reasonable basis for an estimate.

Senator Cash: I think, Chair, to be fair, Senator Singh should actually quote the person and the evidence if she is asking the Lieutenant General to make a comment on that.

Senator KIM CARR: It is not unusual to take election—

Senator SINGH: It is an election policy, which I think is why previous witnesses have raised that it is not an accurate—

Mr Bowles: Senator, I would put that in context in saying that the budgets of all of these things are being developed in the context of MYEFO.

Senator SINGH: That is fine.

Senator KIM CARR: But you must know how much is currently appropriated for the functions.

Mr Bowles: As I see it, I know—

Senator KIM CARR: If we are operating without appropriations, we are in a whole new world here.

Mr Bowles: And I have said we would take the aggregated issue on notice. We have already gone through the offshore component of my organisation, which I know and I have already put on the record.

Senator SINGH: Minister, is this the agency that is administering Operation Sovereign Borders as the main agency? I understand that it crosses a lot of departments, agencies and the like, but where does it stem from?

Lt Gen. Campbell: The agencies that are the component owners of certain elements are the ones who will administer moneys that are allocated for that role through the process of MYEFO and the budget cycle. The joint agency task force headquarters is sitting in the centre, coordinating and seeking to develop strategies and so forth. That is an organisation that, it has been anticipated, would be allocated around $10 million. I went through that in my opening remarks. But every bit that ultimately is appropriated, as it is now, is appropriated into the departments and agencies, who use the money; it is does not go through the joint agency headquarters and out.

Senator KIM CARR: Are you anticipating this role will go on for some time?

Lt Gen. Campbell: As a military officer—and I mean this very respectfully—I serve as I am directed.
Senator KIM CARR: I understand that but you must have some idea of how long the appointment will be for.

Lt Gen. Campbell: It is not for me to assume my appointment—

Senator KIM CARR: There has been no discussion about whether you are on a tour of duty here for—

Lt Gen. Campbell: I think the discussion has been to do my duty.

CHAIR: Hopefully, it will all be solved in a few months and you will not have a job in this area, Lieutenant General.

Senator SINGH: Mr Bowles, what are the arrangements for following a positive refugee assessment under Operation Sovereign Borders?

Mr Bowles: The process at the moment is that the countries involved, PNG and Nauru, are responsible for the refugee status determination of the individuals. If they are determined to be positive, and when we get to that point, they will be kept in either PNG or Nauru in post-assessment centres.

Senator SINGH: So the granting of refugee status, if found to be positive, is done by those two respective countries.

Mr Bowles: That is right. Both are signatories to the convention; therefore, it is their sovereign right and responsibility. They both have pieces of legislation in place to deal with that. We obviously work with them, but it is their sovereign issue, and they are taking that responsibility seriously, from what I can see.

Senator SINGH: Have there been any yet that have been found to have positive refugee status?

Mr Bowles: Not at this stage.

Senator SINGH: Or any that have been processed or assessed?

Mr Bowles: None of the current residents of either Nauru or Manus have completed that process yet.

Senator SINGH: But you are liaising and ensuring that those two countries are carrying out those processes.

Mr Bowles: Yes. We provide advice to both PNG and Nauru on refugee status determinations, and we have been working with them in a mentoring type process. They are exceptionally keen to take on their responsibilities as sovereign countries. I have to say that it is quite impressive how they have actually taken to that. It is a big task, but they have taken to it quite enthusiastically and quite professionally.

Senator KIM CARR: You mentioned before, Mr Bowles, that your intention was to provide a hard-wall facility for women returning from the maternity wards in Australia.

Mr Bowles: Yes.

Senator KIM CARR: I did understand you correctly?

Mr Bowles: That is correct.

Senator KIM CARR: So there is a plan to expand the existing facilities?
Mr Bowles: We have those sorts of facilities in place at the moment and we are looking at how we can configure those four—

Senator KIM CARR: So that is within the existing capacity?

Mr Bowles: That is correct.

Senator KIM CARR: Is it your intention to expand that capacity?

Mr Bowles: There is capacity to expand. There is capacity on both islands to deal with the issues we are dealing with. The general said before that we can build more or we have the capacity in the approval processes to deal with those issues.

Senator KIM CARR: There is a problem here in terms of the public works construction protocols that exist within this parliament. Have you notified the Public Works Committee that you intend to expand—

Mr Bowles: We have been in touch with the Public Works Committee.

Senator KIM CARR: Have you advised them of the scale of your expansion work?

Mr Skill: We have been in consultation with the secretariat of the Public Works Committee. However, it was prorogued during the election period, so the committee did not exist to allow us to talk to them. We certainly have a strategy and we are working closely with the secretariat. We have very well developed plans to consult and approach the committee chair as and when we can.

Senator KIM CARR: But you are required, aren't you, to actually advise the Public Works Committee of expansion plans that cost more than $15 million?

Mr Skill: That is the act, yes.

Senator KIM CARR: Is that right?

Mr Skill: That is correct, yes.

Senator KIM CARR: When do you intend to put a formal proposal to the committee?

Mr Bowles: We do not have a specific date at this stage, but as soon as we possibly can, once the committee is formed.

Senator KIM CARR: So, upon the committee's formation you will be putting in a submission?

Mr Bowles: As Mr Skill said we are already dealing with the secretariat and we will be ready to go to the committee once we have actually finalised our arrangements.

Senator KIM CARR: And of course the normal protocols in regard to tendering arrangements presumably will apply?

Mr Bowles: We will deal with tendering in an appropriate way.

Senator KIM CARR: I am asking whether by law in this country you are or you are not required to put construction works out to tender?

Mr Bowles: There are varying ways that we can actually deal with construction works in going to the market, from open, to select, to emergent activities, and we will make decisions in relation to those. If we have arrangements in place, we can extend in certain cases.

Senator KIM CARR: So you are saying you are not required to have an open tendering arrangement for the construction of facilities at detention centres?
**Senator Cash:** That was not the evidence of the secretary.

**CHAIR:** If you want to pursue that further, Senator Carr, you can perhaps do that next time. Your time is over the limit now. Before handing over the call to others I have two brief questions. General, in regard to the people who are apprehended, do they have travel papers on them—passports or documents for entering into Malaysia or Indonesia?

**Lt Gen. Campbell:** It varies. Some have documentation. Some have quite a complete package, some have nothing, and all the way in between.

**CHAIR:** What is a complete package?

**Lt Gen. Campbell:** You might see people with their identity documents, a drivers licence, a passport or a UNHCR document. Those sorts of thing—registration documents and so forth. But it is variable.

**CHAIR:** Do the majority have some sort of passport visas into Indonesia or Malaysia?

**Mr Bowles:** Generally speaking, people who go into transit countries do go in there on a form of travel document. If they travelled by boat, then it depends on the people smuggler. Some people smugglers take travel documents off them and they turn up either with or without, in some cases. What we have found is that once you get to a certain point they seem to have someone who can actually access the travel documents if it is actually important to them. We are making it important to them.

**CHAIR:** So, clearly, if someone comes from countries, broadly speaking, in the Middle East, they have to fly into either Malaysia or Indonesia and would need a passport to get into either of those countries.

**Mr Bowles:** Anyone flying into another country would generally need a passport and/or some other travel documentation. Generally speaking it is Malaysia, Indonesia or possibly Thailand. But there are varying routes for people to get to their final destination.

**CHAIR:** Do the majority have some form of travel papers on them when they first come into contact with Australian authorities?

**Mr Bowles:** No, not at this stage.

**CHAIR:** There was a bit of a discussion before about the cost of this operation. I understood the general to say right at the beginning—correct me if I am wrong, General—that the cost of Operation Sovereign Border is the existing costs of all the agencies that make up the task force. Is that what you said?

**Lt Gen. Campbell:** At the current time, within the appropriated monies from the 2013-14 budget, the monies that all of the different agencies and departments are using is that money directed to elements of activity either that they were undertaking or have evolved in the time since the change of government. But it is that money. The dollar number that I was referencing is in the public space, but it is subject to going through the normal processes that the secretary outlined—

**CHAIR:** Which it would have been if Operation Sovereign Border did not come into existence.

**Lt Gen. Campbell:** That is exactly right.

**CHAIR:** You still would have had all those agencies getting MYEFO moneys.
Lt Gen. Campbell: Yes, and as the secretary mentioned, it is only one slice of that wider connected set of activities that in total may make up the monies that are currently now being used and, when appropriated through the next cycles of budget consideration, will further be used.

CHAIR: Has any assessment been made of the overall reduction in the cost of illegal boat arrivals, and the cost of looking after those people? Under the previous government there was a huge influx, and money had to be set aside for looking after these people when they arrive, for detention centres, for facilities and capital works on Manus and Nauru. Has any assessment been made—in the hope that the trade stops, and your early figures indicate that it is heading that way—of what I could very loosely term the savings from the activities of Operation Sovereign Border?

Mr Bowles: The answer is yes, but we do not have an answer to it yet. That is part of the MYEFO process. All will depend on what the long-term numbers are, obviously. But if the numbers are going down the way they are, and that is maintained or is even less, clearly the level of funding required in the longer term is going to be less than what it has been in the past. But I cannot give you a definitive answer on a number at this point.

CHAIR: So, regarding the concern that has been expressed by members of this committee about the cost of Operation Sovereign Border, in all likelihood—touch wood, if the trend continues and activities continue to work—the overall cost to the Australian taxpayer is going to be considerably less. Would that be a fair statement?

Mr Bowles: Again, until we get to that MYEFO understanding of what the projections are on arrivals and the like, it is hard to say, other than that you will probably see an increase to deal with the backlog issue and then you should see a tailing off, assuming numbers actually stay even where they are, or are lower. That would be a case, I would suggest, that you would see in the longer term—less money spent on the issue.

Lt Gen. Campbell: I would just like to say that I am making no assumptions at the moment about where we are and where we are going. It is early days.

CHAIR: You do not want to tempt fate, but it started well, General, didn't it?

Mr Bowles: That is why I keep referring to MYEFO, because it is really important that we do not assume too much today. We have to actually plan for what might happen, but, clearly, we have seen a reduction in numbers.

CHAIR: I think you just mentioned this when I talked about travel papers. Clearly a lot of illegal arrivals are being 'sponsored' by people already in Australia. Is any work being done to try and assess what risk that is? Is it an offence to help the illegal arrival into Australia?

Mr Bowles: Absolutely. It is probably a question best asked of the AFP. I am not wanting to claim that it is an operational detail, but these are quite sensitive issues. It is illegal for people smuggling in Australia, obviously. There have been a number of arrests over time. I would suggest there could be more into the future. But we do not want to get too much into the detail of—

CHAIR: I for one certainly do not want to ask any questions that might give any people smuggler or their supporters any hand up or any form of assistance, so I will not proceed with that unless someone can say to me that you can tell me things that do not have any impact.
Lt Gen. Campbell: I just thought that Assistant Commissioner Lancaster might note for you the criminal law issue.

Mr Lancaster: There are a variety of offences in Australia that relate to anyone who provides support to any people in the people smuggling framework.

CHAIR: As I said, I do not want to be accused of helping the people smugglers, so I will not take that any further.

Senator SESELJA: I will ask a couple of follow-up questions around numbers and potential savings. Mr Bowles, are you able to tell us whether there is a formula that you work to in terms of the costs per arrival, the cost per person in detention, in order to plan your budgets?

Mr Bowles: This is a question that goes back many estimates that you would not have experienced, Senator. It is not as simple, particularly in the onshore environment—I will stick to that for the minute—to say it is X dollars for this and Y dollars for that. We have evolved the budgeting process for irregular maritime arrivals quite significantly over the years but, in particular, probably the last 18 months we have evolved what is now called a demand-driven model. It factors in a range of issues like the occupancy—the average number of people that are detained—how many arrivals happen; how many people are in held detention, community detention, bridging visas, obviously in the offshore environment. It also factors in what other services you provide to the different types of people, like families, single adult males and unaccompanied minors, because there is education, health and particular things that go around that. All that goes into quite a sophisticated model that has been developed between ourselves in Immigration and Border Protection and the Department of Finance. It is in its probably second run at going through in real earnest and I think we are starting to get to a pretty reasonable point.

I suppose the overall issue is that you can always divide by the number of people and come up with an answer, but it will not give you the proper answer, so I have always avoided using that. It is very sophisticated these days in how we do that. We have gone through the rolling average issues and all those sorts of things. Needless to say, it does depend on the number of arrivals and it does depend on the length of stay people have in the different types of either detention or community placement that they are in.

Senator SESELJA: Given the complexity in casting forward then, is it possible for you to perhaps take on notice to give us a comparison—I am sure it is in the budget papers, but just for simplicity—between when we last had a situation where there were nearly none or no boat arrivals, which I think was described earlier as being in the 2007-08 financial year, and the last financial year in terms of costs. That might answer my question in broad terms on the kinds of potential savings there are when you actually stop people from coming to this country unlawfully.

Mr Bowles: I can take that on notice and see what we can do in that space. I am not sure how we can actually do that. Again, if I make the assumption of zero arrivals and zero people in detention you would obviously have an almost zero cost. But there is a cost to maintaining the network. There is a cost to a range of things. All of that is factored in there. So I will see what we can work out.

Senator SESELJA: And those costs would be known historically?
Mr Bowles: Yes, that is right. They change. The detention network is far different to what it was even two years ago, but it is totally different to what it was in 2007-08 as well. All of that is built into the model. We can take on notice to have a look at what we can provide. I am just conscious that it is quite difficult to get a simple comparison, that is all.

Senator HANSON-YOUNG: Mr Bowles, this might be more appropriate for you, but I am conscious that it is in direct relation to the Lieutenant General. What was the process of appointing the Lieutenant General to the head of Operation Sovereign Borders?

Mr Bowles: That would be a question best asked of Defence. The minister might be able to shed some light, but ultimately Lieutenant General Campbell was appointed by the CDF. If I recall the minister's comment at the time, he said he would take the advice of the CDF on the appointment of a person to run the joint agency task force.

Senator HANSON-YOUNG: Minister, do you have anything to add to that?

Senator Cash: I do not. I would have to take it on notice to get any further information for you.

CHAIR: Perhaps Lieutenant General Campbell might have some inside knowledge?

Lt Gen. Campbell: I think that the secretary has described it appropriately.

Senator HANSON-YOUNG: Just so that I am clear, Lieutenant General, you were appointed by the Department of Defence, not by the immigration minister?

Lt Gen. Campbell: I was appointed by the Chief of the Defence Force.

Senator HANSON-YOUNG: The Chief of the Defence Force and not the immigration minister?

Lt Gen. Campbell: I believe that he considered who might be appointed and I am sure he both took advice and had discussions with whomever it was relevant for the Chief of the Defence Force to do so.

Senator KIM CARR: Was that tasking—

Mr Bowles: Not the appointments of military personnel.

Senator KIM CARR: To this particular post, though. This is different.

Mr Bowles: There is a difference between tasking and appointments. Tasking is a matter for the government, and I cannot comment on that. But the appointments are the purview of the CDF.

Senator HANSON-YOUNG: Lieutenant General, what are your reporting protocols?

Lt Gen. Campbell: I directly report to the Minister for Immigration and Border Protection.

Senator HANSON-YOUNG: So you report to the immigration minister and not to the head of Defence?

Lt Gen. Campbell: That is correct. There will be technical conversations I have with the Chief of the Defence Force as a military officer. There are some issues sometimes where I choose to speak with the Chief of Defence Force, but in my role as the head of the joint agency task force in command of this operation I report to the Minister for Immigration and Border Protection.
Senator HANSON-YOUNG: Has it been raised with you whether there are any potential conflicts of interest between you reporting to the immigration minister as opposed to the head of the Defence Force?

Lt Gen. Campbell: No, there have not.

Senator HANSON-YOUNG: No-one has raised potential conflicts or ways to avoid that with you?

Lt Gen. Campbell: I think military officers—certainly senior military officers—are quite alert to the importance of avoiding either the real or the perceived politicisation of the institution that is the Australian Defence Force. But in terms of anything specific, that is not the case.

Senator HANSON-YOUNG: You have never had a conversation with the immigration minister about avoiding a potential conflict of interest?

Lt Gen. Campbell: The discussions I have with the minister are confidential. That is probably all I would say there.

Senator HANSON-YOUNG: Could I ask you about the appointment of Jim Molan as the Operation Sovereign Borders special envoy. What exactly does that role do?

Lt Gen. Campbell: He is the Prime Minister's special envoy for Operation Sovereign Borders and people smuggling. He is an envoy with a remit to engage in our region and where he might be required on issues of progressing our efforts to stop people smuggling and to see it as a regional problem where there is a need for regional efforts to emerge.

Senator HANSON-YOUNG: Is this a full-time position?

Lt Gen. Campbell: We are a bit on the edge of my knowledge about those kind of issues because, while he works with me, he does not work for me. He is the Prime Minister's special envoy. We work very collaboratively together but I have never inquired of him as to the status of that envoy employment package.

CHAIR: That would be a matter for the Prime Minister, would it?

Lt Gen. Campbell: I do not know.

Senator HANSON-YOUNG: So he does not report to you?

Lt Gen. Campbell: We are colleagues.

Senator HANSON-YOUNG: Is it your understanding that you report to the Prime Minister as opposed to the immigration minister?

Lt Gen. Campbell: I think on a practical and daily basis it is to the Minister for Immigration and Border Protection.

Senator HANSON-YOUNG: Mr Bowles, what was the process that led to the hiring of Jim Molan as the government's special envoy seeing as it is in relation to regional cooperation, which has traditionally been the remit of the immigration department?

Mr Bowles: We play a role. The Department of Foreign Affairs and Trade plays a role. There are varying ways of engagement in the region. There have been other envoys in the past. As I think Lieutenant General Campbell said, Major General Molan is an appointment as the Prime Minister's envoy on this particular issue. I do not have any further detail to add.

Senator HANSON-YOUNG: Who actually appointed him?
Mr Bowles: Ultimately I presume—and this is something that is best asked of Prime Minister and Cabinet—if it is the Prime Minister's envoy the Prime Minister would have had something to do with it.

Senator HANSON-YOUNG: Were you consulted about this appointment?

Mr Bowles: No, and I do not necessarily believe that I should have been.

CHAIR: Senator Hanson-Young, let's say we leave it there and I will come back to you when we start again.

Proceedings suspended from 18:29 to 19:31

CHAIR: Colleagues, ladies and gentlemen, the sitting of the Senate Legal and Constitutional Affairs Legislation Committee is resumed, and we will go back to Senator Hanson-Young in continuation.

Senator HANSON-YOUNG: Could I go back to questions in relation to unaccompanied minors. Mr Bowles, did we get a figure on the number of unaccompanied minors on Christmas Island? I can see Ms Pope coming up to the table.

Mr Bowles: I thought it was around the 70 mark, but Ms Pope will tell us.

Ms Pope: It is 76.

Senator HANSON-YOUNG: Do you have the numbers of unaccompanied minors in other facilities?

Ms Pope: Yes, I do.

Senator HANSON-YOUNG: That would be helpful.

Lt Gen. Campbell: Mr Chair, while we are waiting, could I just give an answer to a question that was asked earlier by Senator Boyce?

CHAIR: Yes, please do.

Lt Gen. Campbell: In regard to the current year, 2013, you were asking for a break-up of arrivals pre and post 18 September.

Senator BOYCE: Yes.

Lt Gen. Campbell: Before 18 September in the year 2013, there were 278 boats, and 19,481 illegal maritime arrivals. On and after 18 September, there were 13 boats and 707 illegal maritime arrivals.

Ms Pope: I have the figures now. As of 15 November, we have had the figure of 76 on Christmas Island. There are six unaccompanied minors in mainland facilities, 633 unaccompanied minors in community detention and the three that we discussed on Nauru, and that adds up to a total of 718.

Senator HANSON-YOUNG: As to those six in mainland facilities, where are they located? Are they all in the same facility?

Ms Pope: I do not think so, but I do not have the exact breakdown for those. I would have to take that question on notice.

Mr M Cahill: Maybe I could help. There are a couple in Darwin and I think two down in MITA.

Senator HANSON-YOUNG: So there are none left in Pontville?
Mr M Cahill: No.
Ms Pope: No.

Senator HANSON-YOUNG: So, out of the 633 in community detention, is that officially in community detention, or have any been put onto bridging visas?
Ms Pope: No, they are definitely in community detention.

Senator HANSON-YOUNG: There are no unaccompanied minors on bridging visas?
Ms Pope: No, there are a small number, some of whom are living with their relatives. The number is less than 10. I do not have the exact figure with me, but it is a small number.

Senator HANSON-YOUNG: Okay. Thank you. There are three unaccompanied minors on Nauru. I want to clarify: there are no unaccompanied minors on Manus Island?
Ms Pope: That is right.

Senator HANSON-YOUNG: Who is the legal guardian of the three on Nauru?
Ms Pope: It is the Nauruan Minister for Justice and Border Control.

Senator HANSON-YOUNG: Is there a protocol for what that guardian is responsible for in relation to those unaccompanied minors?
Ms Pope: The arrangements are set out in the Nauruan legislation. They are working at the moment on the more detailed operational matters in relation to that.

Senator HANSON-YOUNG: When do we expect those to be completed?
Ms Pope: I cannot say. It is a matter for Nauru.

Senator HANSON-YOUNG: So when did the process start?
Ms Pope: What process? To clarify: these three people transferred as adults and then after arrival made claims that they were minors. They were not transferred as unaccompanied minors.

Senator HANSON-YOUNG: So what is the policy, that they should be there regardless of the fact that they are unaccompanied minors? Is there a view that they were not meant to be sent there and so should be brought back?
Ms Pope: For the moment, they will be remaining on Nauru.

Senator HANSON-YOUNG: Is the government's policy that unaccompanied minors should and will continue to be transferred to Nauru?

Mr Bowles: It is the government's policy that there are no exemptions from transfer to Manus or Nauru.

Senator HANSON-YOUNG: How is the Nauruan minister's responsibilities as the legal guardian of those three unaccompanied minors delegated to immigration officials?
Ms Pope: It is not delegated at the moment. The delegation arrangements are a matter for Nauru, and my understanding is that there is not a delegated guardian under the Nauruan arrangements at this stage.

Senator HANSON-YOUNG: So, effectively, in the detention centre on Nauru these children have no delegated guardian as they would if they were on Christmas Island?
Ms Pope: I think that is right, but I would prefer to take the detail of that on notice.
Senator HANSON-YOUNG: Okay. When were the unaccompanied minors transferred to Nauru?

Ms Pope: Just to be clear: they were not transferred as unaccompanied minors. But I can give you the dates on which they were transferred. One of them was transferred with his older cousin as a family unit. He was known to be under 18 at the time but was transferred with his cousin. Then they decided that they did not want to be treated as a family unit, and he by default became an unaccompanied minor. They were transferred to Nauru on 25 September 2013. The three others—

Senator HANSON-YOUNG: Two others or three others?

Mr Bowles: Two.

Ms Pope: There are two remaining there at the moment. There was an earlier case. But the other two who are there at the moment were transferred on 25 September. So in fact all three were transferred on the same date?

Senator HANSON-YOUNG: What has happened to this fourth person?

Ms Pope: This was an earlier case, and I am sorry I do not have the date on which he was originally transferred, but he was brought back to Australia and in May voluntarily returned to his home country.

Senator HANSON-YOUNG: Was that Nauru or Manus Island?

Ms Pope: That was Nauru.

Senator HANSON-YOUNG: What has happened to the unaccompanied minors who were on Manus Island?

Ms Pope: They have been returned to Christmas Island.

Senator HANSON-YOUNG: Why were they on Manus Island in the first place?

Ms Pope: The circumstances were the same: they were transferred as adults and later claimed to be minors.

Senator HANSON-YOUNG: Why were they brought back?

Ms Pope: A decision was made to return them to Christmas Island.

Senator HANSON-YOUNG: On what basis?

Ms Pope: I cannot comment on the basis. I do not know.

Mr Bowles: It was on the basis of discussions with PNG at the time. The decision was made to bring them back.

Senator HANSON-YOUNG: How long had they been on Manus Island for?

Mr Bowles: I do not have that information.

Ms Pope: I do. The first one was transferred to Manus on 2 August 2013 and he was returned on 22 August 2013. He later returned to Manus after he turned 18 and departed as a voluntary returnee on 11 October 2013.

CHAIR: Back to?

Ms Pope: Iran.

Senator HANSON-YOUNG: I want to clarify that. This unaccompanied minor was sent to Manus Island—
Ms Pope: Not as an unaccompanied minor; as an adult, because he originally claimed to have been an adult on the basis of the date of birth he provided.

Senator HANSON-YOUNG: Unaccompanied minor was in Manus Island, transferred back to Christmas Island and then voluntarily returned to Iran.

Ms Pope: No, he went back to Manus after he turned 18 and then voluntarily departed in the company of his uncle on 11 October 2013.

Senator HANSON-YOUNG: Right.

CHAIR: Senator Hanson-Young, you have exceeded your time limit, so I will pass to Senator Carr; but, before that: Ms Pope, how do you know how old that guy was?

Ms Pope: How much time have you got?

Senator BOYCE: We did a whole inquiry into this.

CHAIR: Did you? Give me the short version.

Ms Pope: There is no scientific way to establish a person's age that is accepted widely. We perform what is called a focused interview. We go through the chronology of a person's life in respect of school, place in the family hierarchy, age of parents at the time they were born and all those sorts of things to try to get a consistent picture. We pay attention to their demeanour and their behaviour, their physical appearance and so on, recognising that people in different cultures and from different backgrounds with different nutritional profiles age differently. We come to what we call an on-balance view as to whether the person is over or under 18. We do not subscribe to a particular age.

CHAIR: In the instance before you, you had come to the conclusion or had he told you he was an adult?

Ms Pope: Originally he gave a date of birth that indicated he was an adult before he was transferred to Manus, and after arrival on Manus he claimed to be an unaccompanied minor.

CHAIR: And you really have no way of assessing which of those claims is accurate.

Ms Pope: Very often there is no documentary evidence, no. In some of these cases people, when pressed, can get documents from home—birth certificates and so on. Proving the veracity of those documents is challenging as well, so it can be quite—

CHAIR: They do not have photos on them.

Ms Pope: Sometimes but not always. But obtaining fraudulent documents in a lot of these countries of origin is not a difficult thing to arrange, so it is an interesting and challenging process.

CHAIR: I see there is a report in today's newspapers that people are selling passports and visas. Have you come across that sort of thing where passports and visas have been produced but are clearly shown to be fraudulent?

Ms Pope: Not in relation to age determination in my experience. It is more in relation to school records and birth certificates. They are the sort of documents we deal with in relation to age determination.

CHAIR: It is very difficult for you. I sympathise with you. Senator Carr.

Senator KIM CARR: I was just reading the coalition's Operation Sovereign Borders policy. We have been given advice that this has sacrosanct standing within the government. It
is a new development in public policy where election promises become the basis for government appropriations. I look forward to following that through.

CHAIR: Where were you three years ago?

Senator KIM CARR: No, I am just looking forward to the officers using that in Treasury. I am sure that will go down real well. Do you have an ERC in this government?

Senator Cash: I believe the general would like to clarify any evidence he may have given in relation to Senator Carr's off-the-cuff comment.

Lt Gen. Campbell: From my perspective, a more accurate statement of the comments I made earlier would be that there is a document that has costed figures with regard to new proposals. We are in a budget cycle process through MYEFO. So in seeking to be helpful to the committee I was referring to a document that was in the public space and which had dollar figures. I very clearly indicated that that was not agreed as a decision of government, and that it was going through a process. That was all it was intended for.

CHAIR: I and most of the committee understood that.

Senator KIM CARR: I was being facetious; that is true. I appreciate that levity does have a place. I am just amused that we could cite a policy document from this government as having an election promise as its basis. The document says that the key initiative to be undertaken in the first 100 days is an issue of protocols for Operation Relex II to turn back boats where it is safe to do so. Has that occurred?

Lt Gen. Campbell: I believe it is day 63. If we, quite reasonably, acknowledge that that is a document of a party seeking election, it is also not an authoritative statement of the government's intent. It is a two-way street here. The reason I am very sensitive about this is because you asked earlier about politicisation of the military. Simply, in seeking to offer you a reference point in an environment in which budgets are not settled and processes are under way, I referred to that document as an attempt to be helpful. That is why I think it is important to clarify.

Senator KIM CARR: I understand that you are trying to be helpful. I am just trying to understand the intent of the government. When you say it that it is to be undertaken in the 'first 100 days' I presume that would normally be interpreted to be the first 100 days of the government. But you are suggesting that it means 100 days since your appointment.

Lt Gen. Campbell: My comment was that Operation Sovereign Borders has been active, I believe, for 63 days. Heaven forbid: I am not counting!

Senator KIM CARR: I can understand how you might want to count, after tonight's proceedings. I put the view to you that when a party makes a statement about the first 100 days one presumes they mean 100 days of their government, not 100 days from your appointment.

Lt Gen. Campbell: That is not for me to comment on.

Senator KIM CARR: I appreciate that. Has Operation Relex II—

Senator Cash: Chair, for the committee, in terms of Senator Carr's query in relation to what 100 days means I can say that the 100th day of Operation Sovereign Borders will be 26 December 2013. Prior to the election the government announced key initiatives to be
undertaken within the first 100 days of Operation Sovereign Borders. I trust that clarifies your query.

**Senator KIM CARR:** We can argue the semantics about when the 100 days starts. Have the protocols for Operation Relex II been issued?

**Lt Gen. Campbell:** In that, and all of the other on-water measures that we are pursuing, as I have indicated earlier, we are seeking not to project and presume or give opportunity to people smugglers in regard to what our tactics and activities might be.

**Senator KIM CARR:** I see. So, even if you had established these protocols they would be secret. Is that what the answer is?

**Lt Gen. Campbell:** Any expectation ought not be messaged or suggested in terms of the people smugglers expectation of what we are doing on the water, when we do things on the water, or what variations and what range of measures we apply on the water.

**Senator KIM CARR:** There is a document published, which has been cited here in the committee, as an authoritative source—

**Lt Gen. Campbell:** That is not correct, Senator.

**Senator KIM CARR:** It is not an authoritative source?

**Lt Gen. Campbell:** I beg to differ. I indicated that that was the only document that was available in terms of the pathway to ultimate budgetary decision. I think that is quite a different basis—

**Senator KIM CARR:** I understand the point you make. Minister, is this an authoritative source?

**Senator Cash:** I believe that you should be confident that this government, perhaps unlike the former governments—the Rudd government, the Gillard government and the Rudd government—will fulfil its election commitments. That is why within our document we set out for the public to see prior to their voting on 7 September what we would do within the first 100 days. As the general has stated to the committee, today we are in the 63rd day of Operation Sovereign Borders. On that basis there are another 37 days to go. I repeat in relation to your question that you should be quite confident, in particular based on the statistics of the 75 per cent reduction in boat arrivals under Operation Sovereign Borders to date that this government will fulfil its election commitments.

**Senator KIM CARR:** So when are talking about the government's intent being clear, if people read this document they would have a reasonable expectation that that is the government's intent.

**CHAIR:** Is that a question?

**Senator KIM CARR:** It is a question. Is that the case? Is this an intention of the government policy?

**CHAIR:** It was the government's policy.

**Senator KIM CARR:** It is the government policy.

**Senator Cash:** It is the government's policy as set out in its election document.
Senator KIM CARR: You see, if there is an anxiety about telegraphing to people what you are intending to do, surely you have already done it with this document. Which is it: this document does not count or the document does count?

CHAIR: Because it is some details of operational activities!

Senator KIM CARR: I am about to get to that.

CHAIR: Okay, good.

Senator KIM CARR: Have you commenced increasing capacity at onshore processing centres?

Mr Bowles: Did it say onshore?

Senator KIM CARR: Offshore, sorry.

Mr Bowles: We have been through that before. There is ample capacity on both islands.

Senator KIM CARR: Is it your intention to increase capacity at offshore processing centres?

Mr Bowles: As I said before, we do not flag the total numbers, but—

Senator KIM CARR: That is what the document says. Is it true?

Senator Cash: For the benefit of the committee, Chair, can I restate in relation to Senator Carr's questions that it is the government's intent to implement our policies and commitments.

Senator KIM CARR: Have you commenced increasing capacity at offshore processing centres?

Mr Bowles: As I have said, we are currently building capacity. There is ample capacity and we have capacity to go further if we choose to do so, if we need to.

Senator KIM CARR: Have you commenced leasing and deploying additional vessels to relieve patrol vessels of passenger transfers?

Lt Gen. Campbell: As I indicated earlier, with regard to on-water activities, which are the riskiest and which are the most likely to telegraph our procedures and tactics to people smugglers, that is an area where we are seeking not to give advantage to people smugglers. We went through this earlier today.

Senator KIM CARR: I see. The document says—I do not want misquote this biblical presentation of the policy position of the new coalition—there is a reference on page 7 that there will be an 'establishment of individual country plans'. Has the department commenced the development of those—or fashioned by the department as it says in this—have you begun the preparation of those individual country plans as set out on page 7 of this document?

Mr Bowles: Again, you are quoting from a document which is a strategic document. All of those issues are either under active consideration of government or being developed as we speak.

Senator KIM CARR: What countries have you had a discussion with in regard to the establishment of an individual country plan?

Mr Bowles: It would be inappropriate to talk about countries in that sort of context. The Department of Foreign Affairs and the Department of Immigration and Border Protection have long-held views on a range of those issues about how we manage arrangements with
different countries. That is being honed and developed in line with the considerations of government.

Sen\n
ator KIM CARR: We can talk about a country where there has been public acknowledgement—that is, Sri Lanka. There has been an indication that the government intends to gift two vessels to that country. Is there a formal document detailing the gift?

Mr Bowles: I do not know the answer to that. I could take that on notice. It is an issue that relates to Customs and Border Protection who were on earlier today.

Senator KIM CARR: Is someone here from the task force—

Mr Bowles: Someone from Border Protection who—

Senator KIM CARR: Can they tell me that?

Mr Bowles: No, Senator.

Senator KIM CARR: Why not?

Mr Bowles: Admiral Johnston does not deal with—

Senator KIM CARR: Operational matters?

Mr Bowles: Admiral Johnston deals with the arrangements of border protection, not whether the ships and boats concerned are gifted or otherwise. That is part of the department.

CHAIR: Wouldn't that be Foreign Affairs?

Mr Bowles: Partly Foreign Affairs, and obviously the vessels belong to the broader Customs agency, and it is not necessarily in the gifting arrangements, in the border protection component of Customs and Border Protection.

CHAIR: I see the problem there.

Senator Cash: Perhaps I could clarify for the committee. It was the Prime Minister who obviously announced the gifting of the vessels to Sri Lanka. However, in relation to the transfer arrangements, they will be settled with Sri Lanka by the minister.

Senator KIM CARR: I see. Is there any provision for what the vessels would be used for? Do we have any advice on that?

Senator Cash: At this stage the arrangements will be settled with Sri Lanka by the minister.

Senator KIM CARR: Will there be any prohibition on what the vessels might be used for?

Senator Cash: The transfer arrangements will be settled with Sri Lanka by the minister.

Senator KIM CARR: Could they be used for internal security purposes, for instance?

Senator Cash: I repeat my previous answer.

Senator KIM CARR: Could the committee be provided with copies of the formal documentation with regard to the transfer of the vessels?

Senator Cash: My understanding, for the benefit of the committee, is that the transfer arrangements will be settled with Sri Lanka by the minister, as I have stated, and they will be made under the existing memorandum of understanding with Sri Lanka—

Senator KIM CARR: Could we have a copy of that existing memorandum?
Senator Cash: under which the previous government offered to provide surveillance equipment to Sri Lanka.

Senator KIM CARR: Can we have a copy of that memorandum?

Senator Cash: We will take the question on notice. Thank you, Senator Carr.

Senator KIM CARR: What measures are in place to ensure the integrity of such arrangements, if it is consistent with the current MOU?

Senator Cash: We will take that question on notice.

Senator KIM CARR: Where is the $2 million coming from for the refit for the vessels?

Mr Bowles: That will be a process of MYEFO.

Senator KIM CARR: Wait for MYEFO—is that your answer?

Mr Bowles: Yes.

Senator KIM CARR: On page 15 of the Liberal Party document, there is a reference to interception and transfer of asylum seekers whereby transport ports have been agreed with the Indonesian government. Have they been located?

Mr Bowles: Again, Senator, I think we are delving into territory. I do not have the document in front of me for starters, but I think we are delving into quite sensitive—

Senator KIM CARR: Not an operational matter?

Mr Bowles: issues with another country.

Senator KIM CARR: I see. I am asking: have you established transit ports as set out in this document outlining what the government's intentions are? This is hardly a secret. Have you established those transit ports, which you declared you would do?

Senator Cash: Senator Carr, I refer to my previous answer which is that you can rest assured that this government will be implementing its election promises. In relation to the memorandum of understanding, again I just confirm for the committee's benefit: it was a memorandum of understanding that was entered into with Sri Lanka by the former Labor government. My understanding is there may be a copy of it on the website.

Senator KIM CARR: Thank you. I put a question on notice, I asked for it, and I look forward to your reply. In regard to the reference in the policy document to a $37 million investment over four years to enhance people tracking technologies in the region, what does that refer to?

Mr Bowles: Again, they are decisions before government and therefore I cannot speak about what might be in those particular issues.

Senator KIM CARR: There is also a reference to a $20 million Indonesian community engagement fund. What is that being used for?

Mr Bowles: A similar type answer. There are issues before government and obviously that one is something to do with working within the community, but the answer is that they are before government for decision.

Senator KIM CARR: I see. The document talks about the provision of financial support for community wardens. What does that involve?
Mr Bowles: Again, we are talking about a strategic document that is being dealt with in the context of the first hundred days. A range of these things are before government for consideration.

Senator KIM CARR: Are you intending to pay stipends, as proposed in this document?

Senator Cash: Chair, I believe the secretary answered Senator Carr's questions.

Senator KIM CARR: I am asking is that part of your consideration, the payment of stipends to foreign nationals?

Mr Bowles: As is long practice, you do not talk about advice to government.

Senator KIM CARR: Is it the intention, Minister, for there to be bounty payments made by the Australian government, as indicated in this document?

Senator Cash: Senator, I have already advised you that you can rest assured that our policies will be implemented as promised. As the secretary has stated to the committee, there are certain things that are still being considered by the government.

Senator KIM CARR: So the $20 million that you have allocated for the Indonesian community engagement fund, how much has been allocated for bounty payments?

Mr Bowles: Again, I cannot shed any more light than I already have.

Senator KIM CARR: What is the role of the International Organisation for Migration in the rollout of this particular policy?

Mr Bowles: I cannot talk about what might happen in the future but the department has had a long relationship that goes back probably to the 1990s, from memory, with the International Organisation for Migration on a whole range of asylum seeker assistance in Indonesia.

Senator KIM CARR: I presume you are seeking funding for the $20 million community engagement program.

Mr Bowles: What I have said is that we have had a long history of that. There are still decisions before government about the future arrangements around those sorts of things but clearly we have had a relationship with IOM in Indonesia for it would have to be close to 15 years or so in relation to work on the ground with asylum seekers, looking at how we maintain them there as opposed to getting on boats.

Senator KIM CARR: And the Indonesian government is cooperating with this program?

Mr Bowles: Yes, it has been going for 15 years.

Senator KIM CARR: No, the payment of bounties to their citizens.

Mr Bowles: Again, I have not made a comment about the bounty for citizens.

Senator KIM CARR: In terms of the ministerial statements that have come from Indonesian ministers about a people swap agreement, how much progress has been made on that?

Mr Bowles: I might ask General Campbell in a minute, but again we are in a territory where sensitive issues are constantly discussed with other countries—

Senator KIM CARR: But this is a case where an Indonesian minister has revealed this discussion.
Mr Bowles: I understand that, Senator. They are sensitive issues between governments and between countries in relation to arrangements that may or may not take place at particular points in time.

Senator KIM CARR: Lieutenant General, do you want to add anything about those public statements made by the Indonesian minister?

Lt Gen. Campbell: I concur with the secretary's comments.

Senator KIM CARR: Can I ask about the department's statistics on the number of people held in detention. Where do I find those? Is there any publication you could draw my attention to?

Mr Bowles: There are a range of publications on our website. I do not have one with me—

Senator KIM CARR: There is no change to the existing policy in terms of the provision of that information?

Mr Bowles: Not that I am aware of. There are a range of documents on the website—

Senator KIM CARR: No, has there been a change in policy—

Mr Bowles: A range of documents on our website that are being published—

Senator KIM CARR: How many incidents of self-harm and attempted self-harm have there been in mainland detention facilities this financial year?

Mr Bowles: In mainland centres?

Senator KIM CARR: Yes.

Mr Bowles: I might be able to assist on some of that; I could probably give you an indication. Are you talking about 2013-14?

Senator KIM CARR: Yes, this financial year.

Mr Bowles: We have actual self-harm, threatened self-harm and attempted self-harm. They are the three categories we track. There are 129 in the actual, 396 in the threatened and there has been zero in the attempted, in the onshore environment. That is considerably down from a few years ago. That total is 525. In the 2011-12 year there were 2,608 and in 2012-13 there were 1,087.

Senator Cash: Chair, to confirm for the committee's benefit, the mainland centres are not part of Operation Sovereign Borders.

Senator KIM CARR: Thank you very much. In regard to the Christmas Island detention facility, what are the statistics?

Mr M Cahill: For 2013 to date—I only have the calendar year—I have, in terms of self-harm actual attempts, six at Construction Camp APOD, 22 at Lilac/Aqua APOD, 25 at North West Point and none at Phosphate Hill.

Senator KIM CARR: Thank you very much for that. In terms of reportable incidents—that is the term that is used, is it not?

Mr Bowles: In the context of?

Senator KIM CARR: Of self-harm and attempted self-harm—the classifications you have been referring to.
Mr Bowles: They are self-harm incidents. Reportable incidents could be other issues that might happen.

Senator KIM CARR: I am talking in terms of the matters we have just discussed. I will ask this question on notice. Can the department provide details of reportable incidents broken down by the detention centre—both on Christmas Island and the mainland facilities—the nature of the incident, sex, age and length of detention and the action taken by the department?

Mr Bowles: We can take that on notice.

CHAIR: You mentioned that one of the detainees returned voluntarily to Iran. Do we have some form of assessing what happens to those people when they are returned?

Mr Bowles: We are talking about voluntary returns, in that sort of context. Generally speaking, they go back of their own volition and they are accepted back into their normal communities; they generally go back to families and the like. If there are any accusations that something has happened to those individuals, they are investigated and if something came of that we would deal with it. There have been no accusations out of Iran that I am aware of, on the people who have returned voluntarily to that country.

CHAIR: People who do not return voluntarily, do you need the consent of the receiving nation to send them back?

Mr Bowles: We do. We have to get travel documentation through the countries and we have very good relationships with anybody who does accept back. There are examples of that.

CHAIR: Have we asked how many have been returned, voluntarily or otherwise?

Mr Bowles: I can find that for you, in a second. I just need to think about what that might look like. If someone back there could help me, that would be even better.

CHAIR: Some of these questions may not be Sovereign Borders and if so, please tell me.

Mr Bowles: There is a bit of a grey area on some of these things. Some will go back from Manus and Nauru and some will go back from Christmas Island and the broader onshore network. Senator, you were going to ask something about returns.

CHAIR: I was just asking if you had numbers, either voluntarily or forcibly.

Mr Bowles: In this financial year, 2013-14, there have been 111 voluntary returns and 166 involuntary returns, as of 15 November, from Australia.

CHAIR: Do those involuntary ones return with some sort of, for want of a better word, policemen, to make sure they behave themselves?

Mr Bowles: Yes. We have escort arrangements. Generally, it will be something like a SERCO trained officer. In some cases, it could be AFP, depending on circumstances. They are likely to have interpreters and things like that as well, to make sure the language difficulties are addressed.

CHAIR: When they arrive in the country they are going to, that has been pre-arranged between the Australian government and the—

Mr Bowles: That is right. Acceptance is quite a formal process on the other end.

CHAIR: Again this may not be Sovereign Borders; if so, tell me and I will ask them later in the day. There have been reports of criminal activity at detention centres in Manus, Nauru
and Christmas Island. With the people responsible for that criminal activity—wilful
destruction of property and that sort of thing—is any action taken against them, or are they
just told—

Mr Bowles: Yes. Anyone who has been convicted or charged with criminal activities is
dealt with, with the full force of the law, irrespective of whether they are onshore or in Manus
or Nauru. In fact, there are a number of people in both Manus and Nauru who are subject to
that country's law, because of criminal-type activities that they may have undertaken.

CHAIR: In the case of Manus and Nauru, they are charged under—

Mr Bowles: Under the relevant law.

CHAIR: the relevant law of the country—

Mr Bowles: That is correct.

CHAIR: and determined by—

Mr Bowles: The courts of that country; that is right.

CHAIR: magistrates or courts in those areas and then subjected to the penalties of those.

Mr Bowles: That is correct.

CHAIR: What about Christmas Island?

Mr Bowles: At Christmas Island they are charged under Australian law and are dealt with
under Australian law.

CHAIR: Are the penalties in the line of fines, which I guess would not be paid anyhow, or
imprisonment?

Mr Bowles: It could be almost anything. They could be on a behaviour bond of some
type. They could be sent to jail. There is a range of different fines, depending on the court
outcome.

CHAIR: On Christmas Island they are dealt with by Western Australian magistrates, are
they?

Mr Bowles: AFP and Western Australia will probably have a hand in it at some stage.
There is a reasonably large contingent of AFP officers on Christmas Island.

Mr M Cahill: With matters of criminality, they are often referred to the Western Australia
police for Christmas Island.

CHAIR: And then subject to Western Australian courts and penalty systems.

Mr M Cahill: AFP are referred some matters and WA others; it depends on the nature of
the offence.

CHAIR: Does that then mean that those offenders will never ever be granted any form of
permanency in Australia?

Mr Bowles: It will depend on what the charge is, what the penalties are. They would still
be treated under the normal character provisions of the legislation. There are some people
who may have been charged for a relatively minor incident who may just get a suspended
sentence. That would not necessarily be held against them in a future application. But, if
someone were to do something quite evil that attracted a sentence, they would be treated the
same as anybody else under the character provisions. We look at character before we actually grant a visa, so it is the same sort of arrangement.

CHAIR: Mr Bowles, does your department deal with the sustenance of detainees?

Mr Bowles: In what way?

CHAIR: Are detainees paid a pension or a—

Mr Bowles: In the detention system it is a points based system. Mr Cahill can help.

Mr M Cahill: In the detention centre there is a points based system where, if they engage in programs and activities, they gain points which they can spend at the shop in the detention centre to acquire provisions, and then there are obviously allowances for those on bridging visas and, I think, some financial payment for people in community detention as well.

Senator HANSON-YOUNG: Would they have to earn points to get their lunch, though?

Mr M Cahill: No, they get fed.

CHAIR: They get fed and clothed?

Mr M Cahill: They get fed. They get clothed. They get their health services and so on. But on top of that there is an incentive structure for them to get personal effects that they would like.

CHAIR: If they sweep the room they are living in, that gives them points?

Mr M Cahill: Mainly the programs and activities are more about—it might be a sporting one; it might be an IT lesson—a range of constructive activities.

Mr Bowles: It is about engagement. It is trying to make sure they are engaged in activities and good behaviour, if you like, and the points system is used largely for those sorts of things. Their basic needs are met by us, in the department, through basically bed, food, clothing type—

Mr M Cahill: Toiletries, et cetera.

Mr Bowles: All of that sort of stuff—

Mr M Cahill: But, if there is a special shampoo they would like or something, they can use their points to buy that from the shop.

CHAIR: So, for example, cleaning the rooms they are living in—who does that? Do they?

Mr M Cahill: We have service providers that maintain that, but they also have some responsibilities of maintaining their own personal space. But we do have Serco provide the cleaning services for them—

CHAIR: Bed linen, washing?

Mr M Cahill: Their own clothes they wash at their own volition with the laundries we provide, and everything else, but, in terms of linen, I think we look after that.

Senator HANSON-YOUNG: The linen that is there, and there is not much.

CHAIR: I take the interjection. If they get enough points, can they buy an extra blanket or something? Not that you would need one on Christmas Island.

Mr M Cahill: My understanding is that, if a detainee is cold at night, obviously our service providers provide them with extra blankets. That is appropriate.
CHAIR: You mentioned those on visas who are not in detention as such. What sort of sustenance do they get?

Mr M Cahill: They get a payment under certain programs.

Dr Southern: People who are on bridging visas in the community, if they do not have work rights, are entitled to 89 per cent of the special benefit.

CHAIR: That is 89 per cent of?

Senator HANSON-YOUNG: The lowest dole payment.

Dr Southern: It is of the special benefit which is provided under the—

CHAIR: Senator Hanson-Young suggests by interjection 'the lowest dole payment'. Is that reasonably accurate?

Dr Southern: We have the numbers here. A single adult receives an income support payment of $445.89 per fortnight.

CHAIR: Per fortnight.

Dr Southern: Yes.

CHAIR: Just for my benefit, do you have any idea—this is not your area, but do you have any idea—what the age pension is, say?

Dr Southern: No, I do not.

Senator HANSON-YOUNG: It is about 807.

CHAIR: There you are, Dr Southern; my colleagues are doing your job for you and answering the questions. Do those payments come from your department or from some other department of government?

Dr Southern: They are currently paid for by our department through the CAS program and ASAS.

Senator KIM CARR: Administered by Human Services?

Dr Southern: That is the intent. We will be transferring to that arrangement—

Senator KIM CARR: I thought that was the current arrangement.

Dr Southern: No, it is not the current arrangement.

Senator KIM CARR: Do refugees get payments?

Dr Southern: Certainly to people who are on permanent protection visas, yes—that is administered through Centrelink—and for any temporary protection visa holders the payments will be made through Centrelink, but at the moment the Department of Immigration and Border Protection administers the payments to people on bridging visas. The transfer of that arrangement will occur sometime next year, in April.

CHAIR: People who are in the community on temporary protection visas are at some stage assessed for their eligibility or otherwise—is that correct? Is that how it works?

Dr Southern: People who are granted temporary protection visas have work rights, but if they are not working they have access to full Centrelink benefits.

CHAIR: But, as far as their situation goes, are they then assessed by the department on whether they will be allowed to stay in Australia?
Dr Southern: Temporary protection visas can be granted for a period of up to three years, and of course we are in the position now of having just granted the first temporary protection visas in the last couple of weeks or so. If they are granted for that three-year period then there would be a reassessment at the end of the period of the visa.

CHAIR: And the reassessment is to determine if their country of origin is safe enough for them to return—is that the principle?

Dr Southern: We are still working through the details of how that will operate, but, yes, one of the considerations would be whether there had been any changes in the circumstances in their country of origin.

Senator HANSON-YOUNG: I just want to take you, Lieutenant General, to some comments that have been made today in Indonesia, reported in the Jakarta Post, from their law and human rights ministry, which oversees the immigration department there or Imigrasi. There is talk of reviewing Indonesia's cooperation with Australia on asylum seeker boats. Given the diplomatic issues because of the leaked information around the tapping of the President's and his wife's telephones, I would like to know: what impact will there be on Operation Sovereign Borders if Indonesia does, as is being mooted here, 'lower their level of cooperation with Australia'?

CHAIR: That is really hypothetical at this stage.

Senator HANSON-YOUNG: It is not. It is coming directly out of the ministry today.

CHAIR: Well, it is hypothetical and I would not—

Senator HANSON-YOUNG: It is not. Whether our government wants to respond to these things or not is up to them. It is reported in the Jakarta Post.

CHAIR: I am not asking General Campbell to give a response on what you say is reported in the Jakarta Post.

Senator HANSON-YOUNG: All right; let me rephrase, Chair.

CHAIR: That would be good.

Senator HANSON-YOUNG: Lieutenant General, what level of cooperation do we currently rely on from Indonesia to enable you to conduct Operation Sovereign Borders?

Lt Gen. Campbell: We have very positive cooperation, wide-ranging, and of course we would always wish that to continue—not just with Indonesia but with a range of other partner nations across the region.

Senator HANSON-YOUNG: If there is a lowering of cooperation, what does that mean for Operation Sovereign Borders?

Lt Gen. Campbell: I would rather offer that we must continue to maintain a very cooperative relationship and that that is something that a lot of people are putting a lot of effort into across both sides of our relationship and those with Malaysia and Sri Lanka and Thailand and so forth. So I do not see it in binary terms, and I do not see it as a moment in time but one where a relationship has to be built and maintained.

Senator HANSON-YOUNG: There have been reports that in the last two months there have been restrictions on Australian rescue planes going into the flight zone in Indonesia. Is that correct?
CHAIR: Is that your area, General, or is that for some other agency of government?

Senator HANSON-YOUNG: It is part of Operation Sovereign Borders.

Lt Gen. Campbell: I think I can reply to this. No, those reports are not correct as they have been offered.

Senator HANSON-YOUNG: So there have been no restrictions on Australian rescue planes flying into Indonesia air zones?

Lt Gen. Campbell: It is more a matter of the fact that, for aircraft to cross international air boundaries, they require diplomatic clearance. In circumstances where flight patrols are limited in duration and those clearances are not able to be effected, you might adjust your patrol program. We have had no cases in which there has been a rejection, but there are cases—and I am talking not just about one country but about a range of countries that we partner—where the combination of flight plan, fuel load, tasking and the timings for diplomatic clearances do not quite synchronise. We get the best value we can from those surveillance flights with what we can. This is a standard and usual process of working with partners.

Senator HANSON-YOUNG: Just so that I am clear, you do not believe there have been any circumstances where Indonesia has denied Australia's search and rescue planes going into their airspace?

Lt Gen. Campbell: No.

Senator Cash: Chair, could I just add for the benefit of the committee that Australia obviously has a close relationship—with strong political, economic, cultural and people-to-people links—with Indonesia. Our partnership with Indonesia is as strong as ever. The Senate committee might be aware that last week Australia, in particular Canberra, was honoured to host a visit by Indonesia's Vice President, and there was a dinner, at which some of the committee may have been present, at Parliament House. Our strong relationship with Indonesia enables us to work together to address the regional challenges that we face—in particular, that of people-smuggling.

Senator KIM CARR: So the ambassador returning yesterday would have perhaps conveyed that message.

Senator HANSON-YOUNG: Lieutenant General, is there an agreement between Basarnas in Indonesia and Australia's Operation Sovereign Borders task force relating to on-water transfers?

Lt Gen. Campbell: Basarnas would be equivalent to the search and rescue agency, and has some similarity to the Australian Maritime Safety Authority, or has some cooperative linkage there. I am not quite sure what you mean by an agreement with the joint agency task force. The role and the interaction that you see routinely is between organisations like AMSA and Basarnas, and the cooperative management across the very wide space that spans the Australian search and rescue region and the Indonesian search and rescue region.

Senator HANSON-YOUNG: Let me clarify. I understand the relationship, particularly in the past, between Basarnas and AMSA. In relation to your job, heading up Operation Sovereign Borders, do you have any agreement or memorandum of understanding with Basarnas or, if not them, another body in Indonesia in relation to on-water transfers?
Lt Gen. Campbell: Are you talking about an MOU?

Senator HANSON-YOUNG: For example.

Lt Gen. Campbell: No. There are not any MOUs or the like. There are a range of operational understandings and routine cooperative behaviours that occur.

Senator HANSON-YOUNG: Are they documented anywhere?

Lt Gen. Campbell: No. The documented arrangements or processes that are normally at play are between the agencies or organisations across the Operation Sovereign Borders community, the 16, and counterparts. These put into effect, for example, our search and rescue arrangements and our in-region disruption and deterrence arrangements and so forth.

Senator HANSON-YOUNG: Have there been any documented agreements or an MOU, for example, between Australia's agencies and Indonesia's that have been agreed to since you have been in your role?

Lt Gen. Campbell: A document, you are talking about?

Senator HANSON-YOUNG: A documented agreement.

Lt Gen. Campbell: No. The cooperative arrangements and discussions we have are a development both of longstanding understandings and of discussion and consultation across the wide range of measures that are at play on Operation Sovereign Borders. We are not seeking treaty or MOU mechanisms and so forth.

Senator HANSON-YOUNG: Mr Bowles, are you aware of any agreement that has been signed between Australian agencies and Indonesia in relation to on-water transfers?

Mr Bowles: No.

Senator HANSON-YOUNG: We heard earlier Lieutenant General that Indonesia has not been forthcoming with agreeing to the boat buybacks, and that they have not occurred. What other areas are you looking for cooperation on from Indonesia, in order for you to carry out your mission?

Lt Gen. Campbell: I would note that, perhaps in clarification or a slight variation to the way you expressed it, all of the measures and any others that might be able to be identified, whether by Australian or Indonesian authorities, that could see us develop beneficial cooperation and outcomes will be pursued. There is no measure that is not in that category and none that in time and in relationship, and in the manner of a cooperative and respectful approach, may or may not emerge. We simply have to go through that journey and pursue those across a whole range of countries and opportunities so that at each step we are squeezing, where there is agreement, the people smuggling business model, and where there is not yet agreement we are working to develop that. That is applicable to all the countries that we work in.

Senator HANSON-YOUNG: You cited in your opening statement two successful transfers of individuals back to Indonesia. How many requests have been made of the Indonesians to take a group from a boat?

Lt Gen. Campbell: Separate to those events, there were two third-party notes presented with regard to other opportunities. We really appreciate Indonesia's support in the two instances where they did take up persons.
Senator HANSON-YOUNG: That was the 26th and 27th of October?

Lt Gen. Campbell: Correct. It is the sovereign right and the completely appropriate decision of the government in Indonesia to determine when and if it does such things. All cooperation is very much appreciated. As I said earlier, it is about building and maintaining a relationship and looking for opportunities where mutual benefit emerges.

Senator HANSON-YOUNG: How many other requests have been made that were not successful?

Lt Gen. Campbell: There were two additional third-party notes offered. I believe that at lower levels of the AMSA-Basarnas relationship there will have been conversations in circumstances where incidents occurred but that is the two returns and the third-party notes as requests from our government.

Senator HANSON-YOUNG: Lieutenant General, we have had two transfers.

Lt Gen. Campbell: Yes.

Senator HANSON-YOUNG: There have been two others which we have not been able to successfully fulfil. There is no written memorandum of understanding or documentation about what our cooperation is with Indonesia as far as Operation Sovereign Borders is concerned. How do you describe the role of Operation Sovereign Borders beyond a media strategy?

Lt Gen. Campbell: That would be somewhat unfair. The effort here is to coordinate across the range of our organisations involved and to connect and see the opportunity for partnership across our region and indeed further up into source countries. So we have active engagement through our people-smuggling ambassador, through the special envoy the, through visits by me or Secretary Bowles or the minister and a number of other officials. I think a really important point to note here is that a written MOU, agreement or treaty, in some circumstances and for some of our partners, is not actually the best way forward. There are some circumstances where those are appropriate; there are other circumstances where quiet diplomacy and effective operational level corporation produce the outcome that everybody wants.

Senator HANSON-YOUNG: I accept you may feel I am being unfair. The point I am trying to get at is, aside from the media strategy, what has changed in the last two months?

Lt Gen. Campbell: I went through the range of things we have achieved thus far in my opening statement.

Senator HANSON-YOUNG: In terms of how the operation occurs, we have not been given any information about what is different. I have sat through these Senate inquiries for nearly six years. I do not see anything different beyond the media strategy, unless you can put it on the table. Things the government took to the election have not been able to be fulfilled. So what has actually changed in the last two months? This is an opportunity for you to put it on the table.

Lt Gen. Campbell: I think I put it on the table in my opening statement, which I am happy to reprise in terms of things we have achieved thus far.

Senator HANSON-YOUNG: What operationally is different, Lieutenant General?

Lt Gen. Campbell: In terms of those on-water issues—

Senator HANSON-YOUNG: Which we are not allowed to know about.
Lt Gen. Campbell: I was going to say that we have been through the reasons why, I think with some validity, there is concern to preserve the operational integrity of what is going on on water and to also acknowledge the outcomes I have offered in my opening statement. Indeed, I see this as the beginning and I am not here in any way spruiking success. There is a long road ahead. There is lots to do but I think we are in a reasonable position two months after being established.

Senator HANSON-YOUNG: Again, the things you have cited are about the management of information.

Lt Gen. Campbell: Let me refer to my opening statement and I will go through those again. I think that it is a decent record and we have some initial indicators which are suggesting that some traction is being made. We do have very good and cooperative relationships across our region and we have more work to do.

Senator HANSON-YOUNG: Would you be concerned, if the Indonesian ministry is correct, reports are suggesting that they are not going to cooperate any longer. Is that going to have an impact on your operations?

CHAIR: That is a hypothetical, General, which you do not have to answer.

Lt Gen. Campbell: Senator, I would just offer that I, and my colleagues, are determined to build and sustain a very positive relationship with all the countries and to pursue objectives that are to the benefit of all the countries that are in our region challenged by this problem.

Senator Cash: Chair, could I perhaps elaborate also in relation to Senator Hanson-Young's line of questioning. In relation to the objectives of Operation Sovereign Borders and what has been achieved, the clear objective of Operation Sovereign Borders is to strengthen Australia's borders and its immigration system by defeating maritime people-smuggling. That is the clear objective of the government's policy. In relation to what has been achieved, we all know the statistics in relation to the decrease in the number of people coming to Australia by boat—there has been a decrease of 75 per cent—but there have also been some other changes. For example, there has been the reintroduction of temporary protection visas to manage the Labor legacy caseload of approximately 33,000 people that we have inherited who have not yet had their claims processed within the Australian community.

Senator HANSON-YOUNG: Chair, I wonder if the minister is eating up my last five minutes.

CHAIR: She is not, actually. You finished your 15 minutes three minutes ago, so she is really eating into my time.

Senator KIM CARR: She is eating into my time.

CHAIR: My time; I was next.

Senator Cash: Senator Hanson-Young's line of questioning was: what has actually changed? The introduction of temporary protection visas in relation to the Labor legacy caseload is a change. The clear and consistent communication of the government's resolve to preclude illegal maritime arrivals from settling in Australia, without exception is also a change. The strict implementation of the rapid transfer policy and processing or trying to turn people around within 48 hours is a very clear change from the former government's policy. So, Senator Hanson-Young, when you say, 'What has changed?' there have actually been a
number of fundamental changes. Whether or not those changes are working to date, when you look at the objective of Operation Sovereign Borders, in the first instance there has been a decrease in the number of people coming to Australia.

**Senator HANSON-YOUNG:** There has been no evidence put on the table today as to how any of those changes have been brought about by Operation Sovereign Borders, as opposed to the agencies themselves, except for the media strategy.

**CHAIR:** That is not a question, for a start, and I think your previous statement answered that very well, Minister. Congratulations, Minister, on securing the borders. I think 98 per cent, probably 100 per cent, of Australians support the government entirely in securing our borders.

**Senator HANSON-YOUNG:** 100 per cent now!

**CHAIR:** You do not think we should be protecting our borders?

**Senator KIM CARR:** That is silly.

**CHAIR:** That is what you are saying.

**Senator KIM CARR:** You did say 100 per cent of Australians support the government. That is a little rich, even for this time of night.

**CHAIR:** No, the government's policy of securing the borders.

**Senator KIM CARR:** I was cut short, before. I was putting on notice questions regarding reports of self-harm. I understood that you took on notice a question in regard to domestic facilities, including Christmas Island. I ask the same question in regard to Manus and Nauru, in regard to reportable incidents in that area.

**Mr Bowles:** On notice?

**Senator KIM CARR:** Yes, on Manus and Nauru—reportable incidents broken down by detention facility; nature of incident; sex; age, adult or minor, of course; length of detention; and the action taken by the department about those incidents. Can I ask you about the incident at Manus Island. I understand that there were reports of evacuation of all staff off Manus Island in October. Can you confirm that report?

**Mr Bowles:** If you are referring to the altercation that was outside the detention centre—

**Senator KIM CARR:** I am referring to media reports that we had to evacuate all Australian personnel from Manus Island—

**Lt Gen. Campbell:** I am familiar with the broad parameters of the incident. I cannot recall the dates. This was an altercation between members of the PNG Defence Force and the PNG constabulary—the police—outside the facility. The staff and so forth were not evacuated, as it turned out. I think there was another error in the initial media reporting. Guns, or weapons, were not drawn—which was the expression that was initially offered in the media. This was identified in a subsequent review of what had occurred, by the PNG authorities.

**Senator KIM CARR:** I thought the media was relying on departmental reports for that. Is that not the case?
Lt Gen. Campbell: I think that there was initial media commentary, and then there were a couple of releases. The facts were progressively understood and clarified in that process.

Senator KIM CARR: Am I correct in assuming that the department clarified the facts about its own reports?

Lt Gen. Campbell: I think that is right.

Mr Bowles: I think that is right. I cannot remember all the details. In a lot of incidents you get an early flurry of information. You then have to reassess as more information becomes available. I think there was a lot of talk at the time about whether you evacuate or not. I think there was an interpretation placed like that in the department. That was later clarified and it was a slightly different scenario.

Senator KIM CARR: Can you advise the committee what was the nature of the altercation between the New Guinean police and the New Guinean army outside the centre.

Lt Gen. Campbell: I do not think I can offer that in any authoritative way. I was not there. It involved personnel from services of another nation. I am not really in a position to offer more than that.

Senator BOYCE: When I was in Papua New Guinea between 1972 and 1975 there were frequent skirmishes between the police and the army. It was based on cultural differences.

Senator KIM CARR: I appreciate the observation.

Senator BOYCE: I do not think much has changed in that scenario.

Mr Bowles: Without going into specifics, my understanding is that it was largely to do with cultural issues and differences in points of view of two individuals. It was totally unrelated to what we were doing.

Senator KIM CARR: So there were no Australian personnel involved?

Mr Bowles: That is my understanding. It was between the police and the local military.

Senator KIM CARR: Are you taking any steps to minimise exposure to future incidents of this type?

Mr Bowles: I have had a conversation with my counterpart in Papua New Guinea. He is not specifically responsible for the police or the military up there but I did that so that he is aware of the implications of those sorts of issues. It is up to a sovereign government to manage their own issues of law and order.

Senator KIM CARR: With regard to reports of staff on Christmas Island being dismissed by Serco due to fraternising with detainees, are you able to advise the committee about those reports?

Mr Bowles: Yes. I cannot give all the details but, in a broad sense, Serco responded to allegations around inappropriate behaviour on a range of issues. In my view they responded appropriately and the particular staff member was dismissed.

Senator KIM CARR: One?

Mr Bowles: I think it was only one, in the end. I can take that on notice and clarify. I do not have the report with me. I spoke to the CEO—I think that is what he is called; or is it managing director?—on the weekend about the issue. He immediately acted and the particular individual that I was talking about was dismissed.
Senator KIM CARR: With regard to refugee determination commencing for people on Nauru and Manus Island, has that process started?

Mr Bowles: We have started interview processes on both islands. That is my recollection. Yes, that is right.

Senator KIM CARR: And how many people have applied for refugee status?

Mr Bowles: I do not have the numbers at this stage, they are just going through the early phases of the interviews.

Senator KIM CARR: So you have not processed any applications?

Mr Bowles: There is no finalised applications or people yet.

Senator KIM CARR: If people are found to be refugees, where will they be settled?

Mr Bowles: The PNG government are currently working through the issues of settlement within their country. There have been a range of local conversations within government and within departments where options for settlement within PNG has been discussed. So that is reasonably well considered, but they are not in a position at this stage to have a definitive outcome. We meet with them on a regular basis through a joint advisory committee, and those issues are discussed at those sorts of committees.

Senator KIM CARR: And can I ask how many personnel are involved in the processing of refugee applications?

Mr Bowles: It will vary between islands. I think at this stage there is only a small number on Manus and a small number on Nauru. I think the number on Manus is either three or four locals. There are a number of Australians who are assisting in the process at the moment and PNG are developing a whole settlement section within their immigration function up there. My counterpart up there, the Chief Immigration Officer, has requested my assistance in helping him to interview and do, effectively, the recruitment actions around their settlement processes, to which I have obliged and I am sending an officer up to help.

Senator KIM CARR: Right. So to be clear: the decision with regard to refugee status is a decision for the respective governments?

Mr Bowles: That is correct.

Senator KIM CARR: It is not a matter for the Australian government?

Mr Bowles: That is correct.

Senator KIM CARR: And what is our Commonwealth officer's purpose there?

Mr Bowles: Mentoring and assisting where we can on certain issues. Both countries are not countries which have had a long history of this sort of thing. We are actually considered to be, sort of, world best at some of these sorts of things, and we are providing assistance to both sovereign governments in helping them develop the skills. Early indications from what I have seen and what I have heard is that they are going very, very well.

Senator KIM CARR: But you have not actually processed any yet?

Mr Bowles: No. As you know it is sort of a longish process. Particularly when you are training people and mentoring them and all that sort of stuff.

Senator KIM CARR: Sure. I am just wondering what your assessment is based on? You say they are going well.
Mr Bowles: The feedback on the interview processes and the feedback from my staff that are up there helping them says they are taking to the process extremely well, and it seems to be quite a positive experience all round.

Senator KIM CARR: Thank you very much for that. Can I ask with regard to the AFP—is the Assistant Commissioner here still—the deployment of AFP personnel, is that part of this operation?

Mr Lancaster: Dependent on where—

Senator KIM CARR: Well I understood from this document—there is reference here to the deployment of AFP staff to countries in the immediate region. How many staff have you deployed?

Mr Lancaster: We have 12 offshore: 10 in Indonesia and one each in Sri Lanka and Malaysia.

Senator KIM CARR: Can you tell me what their function is?

Mr Lancaster: Their function is to liaise with their counterparts in those countries and also to exchange information as it applies to people smuggling. They are specifically for people smuggling. We have 30 people in the Indonesia post.

Senator KIM CARR: How long have you had the personnel deployed to those countries?

Mr Lancaster: As a post we have had them in there for many years.

Senator KIM CARR: Yes.

Mr Lancaster: But in relation to people smuggling it has been grown to 10 in probably the last four months.

Senator KIM CARR: Four months?

Mr Lancaster: Yes.

Senator KIM CARR: So of the 12 you have posted, when were they deployed?

Mr Lancaster: I would have to get on notice when the ones in Sri Lanka and Malaysia were deployed, but they have been there for several years now.

Senator KIM CARR: Four months ago of course was in the life of the previous government.

Mr Lancaster: That is right. It was down to three members for people smuggling, and it is being grown at the commissioner’s discretion to increase that capacity to 10.

Senator KIM CARR: Of those 12 personnel, how many have been deployed as a result of Operation Sovereign Borders?

Mr Lancaster: They were already in existence prior to Sovereign Borders.

Senator KIM CARR: So, none?

Mr Lancaster: That is right.

Senator KIM CARR: What is the cost of that deployment?

Mr Lancaster: I will have to get back to you on notice, but it is quite a significant investment when we deploy people offshore.

Senator KIM CARR: Of course, especially that number.
Mr Lancaster: I will have to take that on notice.

Senator KIM CARR: That would be much appreciated. Mr Secretary, you have provided the committee with advice in the past about capacity at Manus and Nauru. What is that capacity? What have you provided the committee with in the past?

Mr Bowles: I cannot recall exact numbers I might have said in the past. I gave a bit of a description of what is happening at the moment, before.

Senator KIM CARR: So, what is the current capacity?

Mr Bowles: As I have said, there is ample capacity across both islands. Well and truly more is available than the number of people there. I think the evidence is that there are something like 1,700-odd people across both islands. We are quite comfortable in the capacity that is on both islands, and there is work underway for the delivery of more accommodation. And there is capacity in both islands to even go further if in fact that was necessary.

Senator KIM CARR: That work that is underway for more capacity is the $15 million that we have referred to earlier. Is that correct?

Mr Bowles: The $15 million?

Senator KIM CARR: Yes, that is the amount that is in the document about expenditure on additional capacity at those places. No?

Mr Bowles: I am not sure about the reference to the $15 million, but we have capital works underway. We have arrangements in place for that.

Senator KIM CARR: Who is the contractor there for that capital works underway?

Mr Bowles: Which one?

Senator KIM CARR: Which particular island is the capital works on?

Mr Bowles: Work is happening within Nauru and Manus. There are arrangements in place with the current contractors, like Transfield and Canstruct on Nauru. And we have G4S on the other one. And Decmil is the other one, I think.

Senator KIM CARR: Is that right? Can I get that confirmed?

Mr Bowles: Yes, Decmil is the other one that is on the island.

Senator KIM CARR: And if there was a selected tender for further expansion, would they be the companies that would get the work?

Mr Bowles: It will be determined on the strategy we take on how we might want to expand those facilities.

Senator KIM CARR: How were the companies selected to get that work?

Mr Bowles: They have been in place for quite a while. I think the Canstruct one was a select tender at the time, amongst a group of people, and the Decmil one was a tender arrangement that was in place to do the building work, and they were successful.

Senator KIM CARR: What was the value of those existing contracts?

Mr Bowles: I have the figures out of PEFO here somewhere. In PEFO there was an allocation of $441 million for Nauru and Manus for capital expenditure.

Senator KIM CARR: Is that for both islands?

Mr Bowles: That is for both islands.
Senator KIM CARR: How is that split between the two?
Mr Bowles: It is roughly $120 million on Nauru and $321 on Manus.
Senator KIM CARR: And how far into those contracts are those contractors?
Mr Bowles: They are probably a bit over halfway on Nauru and at the early stages on Manus.
Senator KIM CARR: And what is the contract for? What actually are they doing? It is building facilities—so, accommodation?
Mr Bowles: They are doing a range of things. There is tentage, there are hard-wall marquees in some cases. There are permanent facilities in others. It is a range of activities that are going on.
Senator KIM CARR: For $400 million, how much hard-wall activity do we get?
Mr Bowles: As I said, there is ample capacity on both Manus and Nauru.
CHAIR: Senator Carr, you might have to put the rest of your questions on notice. We are finished with this session now. Perhaps I can just conclude, General, by thanking you very much for your attendance here today. See, we were not so bad after all, were we? Thank you very much. You go with the best wishes of the committee in fulfilling the job you do for Australia, so thank you very much.
Lt Gen. Campbell: Thank you.
Mr Bowles: Sorry, Chair—before we break, I just want to correct the record. Senator Carr, I think it was, asked a question about families on Nauru. We did not quite get those numbers right. As of the 15th there were 386 in families; 107 of those were children.
Lt Gen. Campbell: I believe Senator Hanson-Young might have asked if the two transfers to Indonesian authorities occurred on 26 and 27 October. I said yes, but it was actually 26 and 27 September.
CHAIR: Thank you. And if you do find other errors—and you would be inhuman if you had not made errors!—just let the committee know at any stage in the next few days. Thank you for that, General. Thank you, Minister.
Proceedings suspended from 21:01 to 21:18
CHAIR: We are now on to the department, outcome 3, and we have set aside half an hour for this, which we will share equally between those who indicate a preference to the Labor Party and the government and a lesser preference to the Greens.
Senator SINGH: When we concluded this morning, dealing with this part of the department at outcome 2, I did allude that I had a couple of extra questions for outcome 2 before we moved over to outcome 3.
CHAIR: I am happy to do that and I think Senator Boyce is in the same circumstance, but do not blame me if we do not finish the program. If you want to do that, I am happy to do that.
Senator SINGH: That is okay. I think there is different weighting given to the different outcomes, so I think we will get there in the end.
CHAIR: So you still have some questions on outcome 2. You have five minutes, Senator Singh.
Senator SINGH: That would be fine.
CHAIR: And five minutes, Senator Boyce.
Senator SINGH: If Senator Boyce would like to start, I am happy with that.
Senator BOYCE: My questions—and I am not sure, Mr Bowles, whether you will be able to answer them—relate back to the question I was asking earlier regarding refugees here. I constantly get this complete clash between the assessment by the department of the safety of returning someone to, for example, Afghanistan and the comments that are made by refugee groups relying on the views of academics and presumably others. Could you outline how the department assesses the safety of a return country, so to speak?
Mr Bowles: I might start off and my colleagues will chip in. There are some countries where obviously we would take more precautions than others. We base our decisions on, first of all, country information and understanding a little bit about where we are sending people back to.
Senator BOYCE: Where do you get that country information from?
Mr Bowles: Between us and Foreign Affairs we maintain country information at quite a detailed level that is updated all the time, it is an iterative thing, and we are constantly updating that for different things that happen. There is obviously a clear difference between voluntary return and involuntary return.
Senator BOYCE: Indeed.
Mr Bowles: If someone wants to go home we will facilitate them to go home. If we are going to send them home involuntarily we obviously deal with the government of the country we are sending people back to. Generally speaking, we have good relations with every country in fact where we deal with these sorts of issues. We facilitate the arrangements with the local governments, generally through the immigration departments or the foreign affairs departments. If there are minors involved we engage the guardianship bodies of those countries and they take ownership, if you like, once these people go back. So it is quite a rigorous process, first of all for us making the decisions to do that in the case of an involuntary return but once that decision is made our engagement with the country concerned, getting travel documentation and then facilitating people on the ground, is something we pay particular attention to.
Senator BOYCE: I will use the example of the Hazaras from Afghanistan and point out that the British government has determined that it is not safe to return Hazaras to Afghanistan. Do you take account of views such as that, and how do you take account of views such as that?
Mr Bowles: I will ask Ms Larkins to talk specifically about that, but we also take that very seriously.
Senator BOYCE: It is an example.
Ms Larkins: It does really depend on the individual circumstances and we are always looking at the particular claims and particular circumstances for an individual in the context of that country. I think different countries in the world get different flows of people, if you like. The sort of people we might get coming from Afghanistan will be quite different in terms of region, ethnicity, experience, so we might—
Senator BOYCE: I am using the specific example of the Hazaras.

Ms Larkins: We will look at each individual claim and make an assessment about whether in that circumstance return to that country is safe. So we do not make a generalised country assessment that applies to everyone.

Senator BOYCE: Or a generalised assessment that a particular ethnic group cannot be—

Ms Larkins: Again, we look at the individual circumstances of each person we are considering. Clearly, if you just look at approval rates, we tend to judge that some countries are safer than others to return. But we always look at the individual circumstances of the case.

Mr Bowles: For instance, we have only sent one person back to Afghanistan this year, and that was a voluntary return. So we do take account of all sorts of issues when we do that, whereas with some other countries we have sent people home involuntarily.

Senator BOYCE: That would be primarily Sri Lanka at the present time.

Mr Bowles: Primarily Sri Lanka. We facilitate that arrangement. We have a very good relationship with the immigration and emigration department in Sri Lanka. That process works quite seamlessly on the ground. For instance this year alone we have sent 140 people back to Sri Lanka involuntarily, and 12 people have gone home voluntarily.

Senator SINGH: In relation to humanitarian entrance, will they be able to access family reunion—the ones on the special humanitarian program?

Dr Southern: Yes, that is correct. So people who come from offshore on either refugee visas or special humanitarian program visas have access to family reunions.

Senator SINGH: Is that an ongoing policy?

Dr Southern: Yes.

Senator SINGH: When temporary protection visas were last in place, during the previous coalition government, how many were subsequently refused a further visa on the basis that they were no longer refugees at the time of the decision on their application?

Mr Bowles: We will have to take that on notice.

Senator SINGH: That is fine. Under the coalition's policy, a temporary protection visa needs to be applied for every three years. Is that correct?

Dr Southern: They can be granted for a period of up to three years, so they may be granted for a shorter period. At the end of the visa period they need to re-apply.

Senator SINGH: Three years is the limit?

Dr Southern: It is the maximum.

Senator SINGH: Therefore, permanent protection will never be achieved. If you are on a temporary protection visa you will never have the permanent protection—

Mr Bowles: That is the current policy of the government.

Dr Southern: There is no pathway.

Senator SINGH: There is no pathway out of it.

Senator Cash: That is the coalition's policy.

Senator SINGH: You are just stuck on this revolving loop of a three-year temporary protection visa for the rest of your life?
Mr Bowles: Or you go home, depending on the circumstances, when the country information is better. Country information does change. It is sometimes easier in some cases for people to go back home. That is why the UNHCR try to keep people locally as much as possible. We talked this morning about Syria and why there are only small numbers who want to get into the settlement arrangements. It is because generally speaking people stay close to home so that they can resettled back at home once the country actually gets a bit better or sustainable. That is the general issue in that space.

Senator SINGH: But obviously there are different circumstances for different people coming from different countries.

Mr Bowles: That is correct.

Senator SINGH: Is there any kind of avenue for reassessment once the three-year limit comes about, or is it just rolled on over.

Mr Bowles: The current policy is that there is no pathway to permanent visas in Australia.

Senator SINGH: What is the estimated cost of the work involved in reassessing someone's refugee status up to every three years?

Mr Bowles: We have not done that work yet, because it is a little while away. We are developing the policy to do implementation at the moment.

Senator SINGH: Temporary protection visas were once in place, under the previous coalition government, so there must be some understanding from the past what it would cost?

Mr Bowles: There obviously will be. We just have not actually applied that to the current settings at this particular point.

Senator SINGH: But it is probably something you will have to do, because it will be a budget consideration.

Mr Bowles: That is correct.

Senator SINGH: I could imagine it taking up quite a lot of resources and time to continue to reassess and reapply temporary protection visas.

Mr Bowles: We currently do that today with bridging visas. Bridging visas are issued for periods of time and then we assess and reassess and re-do, if you like. So it is probably not that different in some ways, but we have not actually turned our minds yet to the specifics of temporary protection visas.

Senator SINGH: Are you able to tell the committee how Australia ranks globally currently on receiving refugees.

Dr Southern: We are within the top three resettlement countries in the world. The top three are, and have been for quite some time, the US, Canada and Australia.

Senator SINGH: Is that based on our intake, our quantum?

Dr Southern: You can either look at it on the quantum—the number of people who are resettled in Australia under the humanitarian program—or you can look at it on a per capita basis. If we do it on a per capita basis we usually come out at about number one. But on a numeric basis we are usually second or third, depending on what Canada's program size is in a particular year.

Senator SINGH: So if that number is going to drop to 13,000-odd—
Dr Southern: It relates to the number of offshore resettlement places, which, under the current government's policy of 11,000 places coming from offshore, will be on a par with the 12,000 offshore places that were granted last year.

Ms Larkins: We expect to be the third-biggest resettlement country this year.

[21:30]

Senator SINGH: Can we move to outcome 3?

CHAIR: Yes, we can move to outcome 3 if you are finished with outcome 2.

Senator SINGH: In relation to a fact sheet issued by the First Assistant Secretary of the Refugee, Humanitarian and International Policy Division, on 1 November, why are people who arrive by air given processing priority over people who arrive by boat?

Mr Bowles: What are you actually referring to there?

Senator SINGH: I am referring to a fact sheet that was issued on 1 November by the first assistant secretary of the Refugee, Humanitarian and International Policy Division.

Mr Bowles: She is in the room.

Senator Cash: Relating to TPVs?

Senator SINGH: We are talking about border management—

Senator Cash: Could you table the fact sheet so that we can have a copy.

Mr Bowles: If we could have a look at what it is.

Senator SINGH: Do you have the fact sheet?

Ms Larkins: I do not have the fact sheet on me.

Senator SINGH: How about I re-phrase the question. Are people who arrive by air given processing priority over people who arrive by boat?

Ms Larkins: Yes, at the moment. That is the current policy setting.

Senator SINGH: I understand that may be in a fact sheet!

Ms Larkins: I will take your word for that!

Mr Bowles: Are we talking about processing for temporary protection visas in this case? We must be. That is fine.

Senator SINGH: This obviously then means that there is a kind of inbuilt delay in the processing of maritime arrivals. In a sense it penalises them over those who arrive by air. You have similar TPV outcomes for both and yet one lot are being—do you see what I am trying to say?

Ms Larkins: Yes, I do, but I think it would be good to take it on notice. I could speculate about what is in the fact sheet and the reasons for the policy, but it would be better for us to take it on notice and come back to you.

Senator Cash: Can I just confirm, Senator Singh, that the temporary protection visas are in relation to the over 30,000 people that the former government did not even commence the processing of. There are 30,000-odd people in the community who have not had their claims assessed at all and in fact have not actually made a claim.

In relation to irregular or illegal maritime arrivals that come under the Operation Sovereign Border regime, they are not being settled in Australia. So there are two quite distinct cohorts
there. The TPVs have been introduced to cope with Labor's legacy caseload of in excess of 30,000 people.

Senator SINGH: Is this type of penalty, I suppose you could call it, in the sense that you are prioritising one lot of people over another on the basis of how they arrive, prohibited under Article 31 of the refugee convention?

Mr Bowles: Again, we have taken it on notice to understand specifically what that is. If we are talking about prioritisation of those who arrive by air legally and then overstay, and then we deal with them or deal with them in a different way, I need to have a look at that and try to work that through. So we will just take that on notice.

Senator SINGH: I think document verification is in this section. How do you go about verifying documents?

Mr Bowles: We might get Mr McCairns up to talk about this one.

Mr McCairns: Thank you for the question, Senator. It can be tricky.

Senator SINGH: I can imagine.

Mr Bowles: Of course, Mr McCairns will give you a generic answer around things—we do not necessarily want to provide a how-to guide on how to do some of these sorts things.

Senator SINGH: Of course not. I am not asking for that.

Mr Bowles: We will answer in a broad sense.

Mr McCairns: Some countries have very robust documents: passports with chips in them, facial images, fingerprints and all sorts of things. Some countries have very poor documents. Some countries have no documents. Some countries have no documents for some cohorts of people. And some countries have endemic corruption where it is easy to get fake documents. So, in a generic sense, we have three types of expertise that I look after in my division. We have forensic document examiners, who are trained to the highest level—indeed, they often act as expert witnesses in court cases, that have nothing to do with immigration: they are there to verify a document, like you see on the TV sometimes, quite frankly, with the expert witnesses. We have fingerprint experts and we have facial image experts. We apply all of that to the broad agenda you are talking about, Senator. That would be done in a range of ways. One is that we would be training people at the front line how to recognise certain things. We have forensic document examination laboratories in major airports, where we have specialised equipment—again, I won't reveal what they do there, but you can spot forged documents via a range of mechanisms.

Also the experts are there to actually assess documents, so it is not just a training role—the documents can be, for example, sent to central areas and the experts can look at them. That is important because sometimes visa processing can take quite a while. So what they would do would be provide expert advice to people processing visas—or, indeed, for Mr Allen's border officers—in terms of the veracity of the documents. That is the broad outline.

Senator SINGH: How are those cases of false documents handled? What do you do about that, in a general way?

Mr McCairns: It is a very fair question—

Senator SINGH: Are people returned to their country of origin because they have false documents?
Mr McCairns: I will let our visa people answer that question, because we would not make that decision. But, if you think of a document, if you unpack it, it is usually about someone's identity. We have a policy position, which is developing, so it is not locked in stone yet, where, rather than identity being binary—so 'Senator Singh' is either you or not you—what we might do is suggest that we need a more subtle, graded view of that. So you might have increasing confidence in someone's identity, or indeed decreasing confidence in someone's identity. For example, stateless Feyli Kurds or some Rohingyan may come from very poor document-producing countries or countries with corrupt elements. It might be that we would look at a range of elements of that human being. We might say their identity could be three things: something they are—their biometrics, their fingerprints, their face et cetera; it could be something they have—a very good passport; and it could also be their story. It is a bit like Ms Pope was saying earlier: in a forensic age determination you can cross-reference, you can check when people went to school, you can check employment et cetera. You would be amazed to know how many people who have no documents have Facebook pages, for example.

Senator SINGH: Good old Facebook!

Mr McCairns: Absolutely! So there are a range of techniques could give you an increasing or a decreasing confidence in someone's identity. Obviously, with increasing confidence you are more likely to get the outcome you want; with decreasing confidence you are more likely to get an outcome you might not want. But it is a very intricate and very well-regarded science, and some of the people in Immigration are the best on the planet.

Senator SINGH: I appreciate that—I respect that it is an intricate and highly-regarded science, and that we have a lot of great experts in that field in the department. So that is very good to know. You have provided a very holistic view of what makes up a human being and the circumstances in which they may find themselves arriving in Australia. If people are not returned to their country of origin, and they do not have the right documentation, are there any circumstances in which they are able to enter Australia? If so, what kind of visa subclass would they be on?

Mr Bowles: It would depend on a range of issues. If it was determined someone had forged documents and they could not go home, at the very least we would take them into immigration detention until we actually found out a little bit more about them. As Mr McCairns said, we need to make sure people are who they say they are, not who they want us to think they are. We have done quite a bit of work in recent times around understanding identity and developing skills, beyond identifying fraudulent documents, that allow us to develop end-to-end ideas of who people are. If we are still unclear, we will more than likely take people into detention. Stephen, can you talk about border turnarounds in those sorts of cases?

Mr Allen: One of the categories of 'refused immigration clearance' that we keep statistics on are what we call 'inappropriately documented arrivals'. That covers a range of the kinds of things that Mr McCairns has been describing. It covers people who were refused immigration clearance either because they have arrived without a travel document, without a travel document that is in force, with a bogus document or with a travel document that was issued to someone else. In most cases, if they are not carrying a document which is in effect accurate and related to their identity, that would be part of the grounds on which we would refuse
immigration clearance—and return them to the port from which they had travelled to Australia. Under annex 9 of the Chicago convention, a convention that covers international air transport arrangements, if somebody arrives under those circumstances they may be returned to the previous port, basically at the expense of the airline who has carried them into the country. That is one of the places where we deal with this.

We also have airline liaison officers at a number of ports overseas who work with airlines to help train airline staff to identify bogus documents or people who may be of suspect bona fides. The ALOs themselves may offer advice to the airline or the airline itself may act and refuse to carry those persons to Australia. So there are points both on arrival and before arrival where these sorts of issues can be checked.

Senator SINGH: Is this outcome 3, where I can ask about onshore detention?

Mr Bowles: No, that would be outcome 4.

Senator SINGH: All right. I am ready for outcome 4, but others may have questions on outcome 3.

CHAIR: There being no further questions on outcome 3 we will move to outcome 4.

[21:44]

Senator RHIANNON: Could the department provide an update of how many unauthorised maritime arrivals have been subject to the enhanced screening policy?

Dr Southern: Between 27 October 2012 and 30 October 2013, there were 2,745 interviews conducted under the enhanced screening process, and those 2,745 interviews were conducted for screening of a total of 3,072 IMAs. Some of them were family groups with young children so they were not independently interviewed.

Senator RHIANNON: What was the final figure—3,000?

Dr Southern: It was 3,072 IMAs.

Senator RHIANNON: Is the department aware of any asylum seekers who have suffered torture or mistreatment after being returned to Sri Lanka as a result of the enhanced screening process?

Dr Southern: No.

Mr Bowles: No.

Senator RHIANNON: Is the department aware of any asylum seekers who have returned to Australia from Sri Lanka after being removed as a consequence of the enhanced screening process?

Mr Bowles: Sorry, can you repeat that—‘if they have returned to Australia after being removed’?

Senator RHIANNON: ‘Who have returned to Australia from Sri Lanka after being removed as a consequence of the enhanced screening process’. So they have come—

Mr Bowles: And been taken home and then come back again? My recollection is: there is a small number. I will take it on notice, though, to give you an accurate figure.

Senator RHIANNON: With regard to the previous question that I just asked, to which you answered no—that you are not aware of any who have suffered torture or mistreatment—
is that based on your own assessment or are you relying on advice from other departments or other quarters?

Ms Larkins: The information that I have in front of me says that we have had four complaints made to Australian government agencies in relation to people's treatment in Sri Lanka, and all of those claims have been investigated and found not to have any particular weight. We have also received—

Senator RHIANNON: Sorry; you said, 'investigated and found to have'?

Ms Larkins: Not to have any substance. We are also aware that there are three complaints to the Human Rights Commission relating to people returned to Sri Lanka under enhanced screening.

Senator RHIANNON: So therefore you have cancelled your earlier answer, which was no, and replaced it with that answer.

Ms Larkins: I thought the question you asked was: were we aware of people being subject to torture?

Mr Bowles: Who have been mistreated.

Senator RHIANNON: Yes, and when I asked that question you said no, and now I have come back to it and you have now given those figures.

Ms Larkins: No. I have given you the figures of complaints that we are aware of.

Mr Bowles: Just to make it very clear, you asked if we were aware of anyone who has been tortured and we said no. The next part of the question went to whether there have been any other complaints. There have been four that Ms Larkins has talked about, and those have been proved to be not so. Therefore there is no evidence, in any case that we aware of, of torture.

Senator RHIANNON: And the three complaints?

Mr Bowles: They have been proven to be not true.

Ms Larkins: The three complaints to the Human Rights Commission are still being investigated.

Senator RHIANNON: Still being highlighted.

Mr Bowles: They are separate issues.

Senator RHIANNON: My second question actually was: on what were you basing your very strong answer of no?

Ms Larkins: On the advice that I have in front of me on the complaints that we have had to date.

Senator RHIANNON: So it is based on those four complaints?

Ms Larkins: Yes. Based on the four complaints that we have had raised with Australian government agencies that have been investigated, we do not have any substantiated evidence of torture of anyone we have returned.

CHAIR: How do you substantiate the evidence? Do you have people on the ground in Sri Lanka?
Ms Larkins: Again, these will not be investigations that we will have undertaken. They will have been undertaken by other agencies, so I would need to take that on notice.

Senator RHIANNON: Can you take on notice who the other agencies are, in general, and, with regard to the four complaints, who supplied you with that information?

Ms Larkins: Certainly.

Senator RHIANNON: Just going back to the first question I asked: you gave me the response about 2,745 interviews out of 3,072 people. Of that number, how many have been screened in and how many have been screened out?

Ms Larkins: I do not have the details of screen in and screen out. I do have the number of removals. Of that 3,072 people, 1,191 have been removed up to 31 October.

Senator RHIANNON: Could you take on notice the number who have been screened in and screened out, please?

Ms Larkins: Sure.

Senator RHIANNON: As a result of the enhanced screening policy, how many people have been returned to Sri Lanka?

Ms Larkins: That is the number I just gave you, 1,191.

Senator RHIANNON: How many people have been returned to Sri Lanka voluntarily?

Dr Southern: In this financial year, 12 IMAs have returned voluntarily to Sri Lanka.

Senator RHIANNON: And how many have returned involuntarily—take away 12 from 1,191?

Dr Southern: No. That figure was from October 2012 to October this year. The 12 voluntary returns is just in this financial year, from July 2013 to the present.

Senator RHIANNON: Can you give us figures so I can compare it?

Dr Southern: Perhaps I will give you two financial year figures. For 2012-13 there were 1,056 involuntary returns and 159 voluntary returns. To date this financial year there have been 12 voluntary returns and 140 involuntary.

Senator RHIANNON: For both those sets of figures, could you give me the figures on how many were unaccompanied minors, for the voluntary and involuntary in those financial years?

Dr Southern: Certainly. We can take that on notice.

Senator RHIANNON: Have any unauthorised maritime arrivals been returned to Sri Lanka as a result of the enhanced screening policy without having personalised items, including identity papers, returned to them?

Mr Bowles: They would be returned with the goods they came with, and they would travel on an international travel authority document to go home if they had destroyed their paperwork.

Senator RHIANNON: My question actually was: have any UMAs been returned to Sri Lanka as a result of the policy without having their personal items returned to them? Are you confident in your reply?
Mr Bowles: My understanding is, absolutely yes, they go home with what they come with, unless there is a particular issue with it. Property is gathered, tagged and does go back with them.

Senator RHIANNON: Are you sure you do not want to take it on notice to check, because it is a pretty strong statement you are making.

Mr Bowles: It is, but I have also been there during different operations and they have a very rigorous process. We do, from time to time, get allegations that they do not get their gear with them, but it is tagged, listed and goes with the individual.

Senator RHIANNON: So there have been no cases where detainees' property has not been returned?

Mr Bowles: That is what I am saying. What I am not saying is that there have been no complaints. Some individuals will say certain things have not been returned, but our strong view is: the items are listed, tagged and they go home with the individuals.

Senator RHIANNON: Have there been any cases where the property has been returned to another person by mistake?

Mr Bowles: I would have to take that on notice, Senator. Again, it is tagged in front of them and if there were things got confused in the process it is usually confused amongst individuals at a point in time when this exercise happens, but I can take it on notice.

Senator RHIANNON: I think there are those incidents where your people get confused about who they are dealing with. Thank you for taking it on notice, and can you also take on notice whether that person has then been returned to Sri Lanka as a result of the enhanced screening process, so that the person has gone back with the wrong documentation.

Mr Bowles: Again, Senator, if you are talking about the wrong person going back, I would reject that statement. We have a rigorous process of who is screened, how that process works and who then goes on that manifest to be returned to Sri Lanka.

Senator RHIANNON: Does the database where enhanced screenings are stored always list the outcomes of all screening decisions by DIAC officers?

Ms Larkins: I am not sure whether the database does, but we keep a record of all decisions by DIAC officers.

Senator RHIANNON: How do you keep those records, please?

Ms Larkins: I am not sure of the form in which we keep them but we record all the decisions made in relation to each case.

Senator RHIANNON: So, it could be on a piece of paper in a manila folder?

Ms Larkins: No, in a file.

Senator RHIANNON: But it could be hard copy?

Ms Larkins: It could be hard copy, yes.

Senator RHIANNON: Do you keep records of reviews, as well?

Ms Larkins: Yes, there will be a complete record of decisions for each case.

Senator RHIANNON: Could you please take on notice whether it is kept on a database or hard copy or both and what the breakdown is?
Ms Larkins: Sure.

Senator RHIANNON: Have any of the detainees been screened out but moved to a mainland facility and then deported at a later date as a result of their screening outcome?

Mr Bowles: We would take that on notice, Senator. There are too many variables there to come up with an answer now, so we will take it on notice.

Senator RHIANNON: Thank you, and as part of taking that on notice, could you also take on notice whether any detainees have been screened out, moved to a community centre and then deported as a result of their screening outcome? It is pretty similar, but I want to cover all bases.

Mr Bowles: We will take it on notice. I do not understand that question, but we will analyse that.

Senator SINGH: I wanted to ask about community detention. We know that under the new government's policy, people on bridging visas will be moved on to temporary protection visas. Is that correct?

Mr Bowles: Yes, if found to be refugees.

Senator SINGH: What about the most vulnerable people?

Mr Bowles: Again, if they are on a bridging visa or in the community and they go through the refugee process and they are found to be a refugee, they will be granted a temporary protection visa. That is pretty much how it works. The same happened before with protection visas. Just because someone is vulnerable does not mean they do not get an outcome before they are processed. The outcome now is a temporary protection visa.

Senator SINGH: The protection visas weren't temporary protection visas in that they weren't stuck in this three-year loop, were they?

Mr Bowles: Obviously not, but a temporary protection visa has work rights and, if they are not working, they get access to the normal Centrelink arrangements. So, there is not a lot of difference, other than one is temporary and one is permanent—as far as that outcome goes, if I understand your question correctly.

Senator SINGH: Regarding people who in the last government were on protection visas and were vulnerable people, what access did they have thereafter for settlement in Australia?

Ms Pope: The answer is: to humanitarian settlement services.

Mr Bowles: We can take that on notice. Once they are granted a protection visa they would have access to the normal humanitarian support service arrangements and go from there. In the previous arrangements, they were on humanitarian support services. Under the TPV arrangements, they will have work rights but they will have access to the Centrelink benefit arrangements. That is the only difference between the two.

Senator SINGH: Will children of school age be schooled in the community—those that are in community detention?

Ms Pope: I can answer that question. Yes, all children in community detention have access to school.

Senator SINGH: Will young children have access to preschool?

Ms Pope: It is not a question of 'will' because they already do.
Senator SINGH: Basically, children that are released on community detention will have the same protections as Australian children?

Ms Pope: There are 3,300, roughly, people living in community detention at the moment and the program has been in place in the expanded form since 2010. All the children who have passed through that program while waiting for resolution of their status have had access to school and to medical care and so on.

Senator SINGH: Is community detention still going to happen under this government?

Ms Pope: Yes, it is continuing.

Senator SINGH: Will there be a cap on the numbers in community detention?

Ms Pope: There is a financial cap on the number currently, which is 3,500.

Mr Bowles: There is also a natural cap, because anyone who arrives in the country today is going to Manus or Nauru. So there will be nobody coming into the Australian environment and the issue is dealing with the 33,000 people in the category that we have been talking about.

Senator SINGH: Those people in community detention have work rights, do they?

Ms Pope: No. They are in detention.

Senator SINGH: Community detention.

Ms Pope: Yes, but it is still detention.

Senator SINGH: Do they have the right to Medicare? What is the healthcare arrangement?

Ms Pope: They have access to IHMS doctors, which are GPs in the community accredited by IHMS. So they do have access to community based health care.

Mr Bowles: For all intents and purposes, they are in detention. They just live in the community as opposed to in a held detention environment and are different to somebody who is on a bridging visa who has a lot more freedom in the community as opposed to someone in a community detention, who has to stay in the particular place that they are placed in.

Senator SINGH: What is the length of stay for people in community detention?

Ms Pope: It varies enormously. While they abide by the conditions of community detention, it can be an extended stay, and they leave community detention when they are granted either a temporary or permanent visa or choose to go home or any of the other ways that an unlawful status is resolved.

Senator SINGH: How many people were in community detention arrangements on 30 June this year?

Ms Pope: I would have to take that on notice.

Senator SINGH: Do you know how many people are currently in community detention?

Ms Pope: Yes, around 3,300.

Senator SINGH: How many of those are minors?

Ms Pope: It is about half. Around 1,500 are minors. I am sorry: 1,776 are minors.

Senator SINGH: That is still about half.

Ms Pope: Yes.
Senator SINGH: Does the department release any kind of publication regarding detention statistics?

Mr Bowles: Yes.

Senator SINGH: What is that publication?

Mr Bowles: It is something called the Immigration Detention and Community Statistics Summary. It is published about monthly. The end of October one is on the web now.

Senator SINGH: Does the new government intend to make any changes to the release of detention statistics into the future?

Mr Bowles: They have gone up as normal since the new government.

Senator SINGH: How many people are currently in onshore detention?

Mr Bowles: I said in my opening statement that there are approximately 5,800 at the moment in held detention, 3,300 in community detention and about 22,900 in the community on bridging visas at the moment.

Senator SINGH: How many of the detention centres are operational. All of them?

Mr Bowles: They are all technically operational. Pontville does not have any detainees in it at the moment. We have not made any final decisions on the final configuration of that. It is something we are looking at quite seriously at the moment and we will be discussing that further with government over time.

Senator SINGH: Other than Pontville, which just hangs there in the wings to reopen again for the third time, are there any plans to expand any other detention centres?

Mr Bowles: No, not in the onshore environment.

Senator SINGH: Or decommission any other detention centres?

Mr Bowles: As I said, we are discussing the future estate of immigration detention facilities with government, and decisions will be made in due course.

Senator SINGH: What are the staffing levels on each of the onshore facilities?

Mr Bowles: It depends. We have Serco, IHMS and MAXimusSolutions as contractors. I do not have the specific numbers of those, but I think our immigration staff are about 485 across the 20-odd facilities that we have.

Senator SINGH: How many children are in immigration detention? Did you answer that question earlier?

Mr Bowles: We already answered that, Senator. We have 485 immigration and border protection staff within the onshore network.

Senator SINGH: What was the rationale behind recent changes in policy to visitor hours at some of the onshore detention facilities such as Villawood?

Mr Bowles: I do not know. Do you Mr Cahill?

Mr M Cahill: No. I will take that on notice. There are some changes made for operational reasons at various times, but they are usually only temporary.

CHAIR: You mentioned the schooling of people in community detention. They are taught at state government schools, are they?

Ms Pope: In all states except Western Australia.
CHAIR: Who pays the cost of that?

Ms Pope: The department does.

CHAIR: You pay a fee to the state school for every child?

Ms Pope: To the state government, yes.

CHAIR: Has that been in place for a long time?

Ms Pope: Yes.

CHAIR: What happens in Western Australia?

Ms Pope: They attend private schools—Islamic and Catholic schools—because an agreement has not been reached with the Western Australian government for access to public schools yet.

CHAIR: The money you pay for the private Islamic and Catholic schools is the same as you pay state schools in other states?

Ms Pope: On average, yes.

CHAIR: Is the amount you pay to Catholic schools the same as that you pay to Islamic schools?

Ms Pope: All of the rates are broadly similar. There is some variation, but they are broadly the same.

CHAIR: Why is there variation?

Ms Pope: Different states charge different levels.

CHAIR: In Western Australia, where you say that some go to Catholic schools and some go to Islamic schools, are they all paid exactly the same fees?

Ms Pope: They are not exactly the same.

CHAIR: Why not?

Ms Pope: Because it is negotiated with the particular schools. I could take that on notice if you want more detail.

CHAIR: I would be interested to know what you pay per student at Catholic schools and if it is the same for every Catholic school, and what you pay for every student at every Islamic school and if it is the same for every Islamic school. If there are differences between this Catholic school and that Catholic school, could you identify that as well, within reason.

Ms Pope: I will certainly attempt to. I will take it on notice.

CHAIR: If there are a lot of differences, you might give me the ranges and a couple of examples in between.

Ms Pope: Certainly.

CHAIR: Thank you.

Mr Bowles: Just for completeness, when I answered Senator Singh about the detention numbers and I was talking about IMAs in held detention, I said 5,800. That is IMAs. There are probably about another 500, I think, non-IMAs in detention for various reasons. I know we were talking about IMAs, but I thought I would just give you a complete picture.

CHAIR: Thank you. We now go to outcome 5.
Senator SINGH: Can you outline some of the changes that have occurred with the transferral of Multicultural Affairs from the former Department of Immigration and Citizenship to the Department of Social Services, formerly FaHCSIA.

Mr Bowles: I spelt out some of that earlier on.

Senator SINGH: I can go into the specifics of it if you want.

Mr Bowles: Yes, if you have got specific questions. Basically, as I think I said earlier, there is a few over 200. There are 281 to DSS and the AMEP is 18, and there is, I think, 15 in the corporate space going into DSS.

Senator SINGH: Are these the jobs transfers?

Mr Bowles: These are transfers from my department to those two departments.

Senator SINGH: Is it transfers of positions?

Mr Bowles: It is jobs, positions, people.

Senator SINGH: What are the projected costs associated with the move to DSS?

Mr Bowles: Do you mean the cost of actually physically moving them, or the cost that will leave my budget to go to them? It is two separate issues.

Senator SINGH: Yes, I can see that. Both of those answers would be good.

Mr Bowles: It is probably a question best asked of Social Services and industry, as far as the cost of relocating people into their facilities. The cost to us is quite negligible, as far as the process costs of doing that, other than the time that we spend thinking about and doing it. There is not a huge cost for us—is there?—in doing that. But I think you should try Department of Social Services for what it might cost them to actually relocate and deal with people once they get over into the Social Services, because currently the Social Services people are sitting in our offices still. They will probably sit there until about February, we think at the moment. Eventually, once the Department of Social Services have sorted that out, they will move them into whatever the relevant accommodation is at that particular time.

Senator SINGH: You have public servants in other states, not just here in Canberra. How will that work in other states? Obviously, at the moment, they are still all in the one building.

Mr Bowles: No, part of our multicultural services is in our state and territory offices. It is a mixture of head office people and state and territory office people, and the Department of Social Services also has a large state based and territory based office regime.

Senator SINGH: That is what I am saying. It was DIAC, and when it was DIAC they were all in one building in a capital city in a state.

Mr Bowles: No.

Senator SINGH: Well, some of them. Now they are mixed up. Some of them are DSS and some of them are your department.

Mr Bowles: No.

Senator SINGH: Will you move them out?

Mr Bowles: Yes.
Senator SINGH: Do you know what I mean? Are they going to keep working from the same building?

Mr Bowles: No, they will eventually move. As I said—

Senator SINGH: They will move? In all of the states?

Mr Bowles: In all of the states they will move in with the Department of Social Services or whatever they call their state or territory offices. They will move in with those. The people who sit in Belconnen at the moment will move to wherever the relevant office is for social services. I do not specifically know exactly where everyone is going to go, but the move at this stage is proposed for around February.

Senator SINGH: So there will be a cost with the move?

Mr Bowles: Yes, there will be a cost.

Senator SINGH: I think you told me to go to DSS for the cost.

Mr Bowles: DSS will be the major—

Senator SINGH: But there will be a cost to your department as well, so I think you could take that on notice.

Mr Bowles: I would not really describe it as costs. We have to transfer the budget of salaries, supplier costs and all of those things to the new department. We can come back to you, on notice, on what that might be and the transfer arrangements. But the actual movement is not a big cost to us. It is a big cost for a receiving agency. I am talking about costs versus budget transfers.

Senator SINGH: Okay. We will talk about the budget costs. There are 281—

Mr Bowles: People, and whatever they are paid, plus the supplier—

Senator SINGH: Moving out of your budget—

Mr Bowles: That is out of my budget, and any of the supplier costs and the grant funds that go with settlement and multicultural affairs will also move with that. That means there will probably be quite a large dollar figure that will move, even though it is a small number of people who will move, because they are quite large settlement services and grant programs.

Senator SINGH: Are there any programs that were handled by DIAC that will be affected by this move to DSS?

Mr Bowles: Again, that is probably a question for DSS ultimately about how they integrate programs into their world. I have not heard. As far as we are aware, there is no change to the arrangements.

Senator SINGH: What is the current status of the National Anti-Racism Strategy, and who is currently responsible for its implementation?

Dr Southern: The Attorney-General's portfolio.

Senator SINGH: What is the current status of the Australian Multicultural Council?

Mr Bowles: It will move with multicultural affairs to DSS.

Senator SINGH: Can you provide a list of all the ongoing resettlement programs being undertaken as at 7 September?
Mr Bowles: That would be a question for DSS now because effectively from 7 November we transferred all of the financial arrangements and the staff into their—

Senator SINGH: There is no-one left in your department at all—

Mr Bowles: Not in our department at all.

Senator SINGH: with knowledge on ongoing resettlement of refugees?

Mr Bowles: We would possibly know some of the past activities, but the people who would know that actually do not work for me any more.

Senator SINGH: How many Adult Migrant English Program counsellors are currently employed?

Mr Bowles: I said there were 18 people who moved across.

Dr Southern: The counsellors were all contracted to our department when the program sat with us but will now be contracted to DSS.

Senator SINGH: Do you have detail on the AMEP in this department still?

Dr Southern: No. It is on our estimates, but—

Mr Bowles: I explained that earlier. They are our current outcomes that get picked up in an estimates context because they come from the PBS. That is what gets carried through. But, as I said earlier, outcomes 5 and 6—

Dr Southern: Outcome 5 we still have responsibility for—the settlement of unaccompanied humanitarian minors—but all the other programs were transferred to DSS.

Mr Bowles: Outcome 6 is citizenship and the rest has been transferred.

Senator SINGH: What amount of money is being set aside to continue the provision of services for settlement of refugees?

Mr Bowles: Again, it would be a question for Social Services now, because they have the responsibility for that.

Senator SINGH: There must have been a bucket of money that went with them for that as well.

Mr Bowles: There would have been, but I am not the accountable officer for that anymore, so it is a question best asked of Social Services.

Senator SINGH: But you must know how much money was transferred?

Mr Bowles: I do not have that. We do estimates on the basis of what the arrangements are, so I just do not have that with us. It would be a question best asked of Social Services.

Dr Southern: And they will have that detail.

Mr Bowles: They will.

Senator SINGH: What English-language training, if any, is provided to asylum seekers who arrive?

Dr Southern: For asylum seekers on bridging visas and in community detention there is access to an allocation of hours of English-language training, which is delivered I think by AMEP contractors, but it is a different part of the contract.

CHAIR: Who pays for that?
Dr Southern: Our department does.

Senator SINGH: Is it a compulsory or an elective thing?

Dr Southern: It is elective. It is a limited amount, available to adults in community detention and also on bridging visas.

CHAIR: Can you tell me, on notice, how much that is, the total amount?

Dr Southern: Yes. I may be able to find it for you right now, but I can certainly take it on notice.

Senator SINGH: What supervision is provided for unaccompanied humanitarian minors?

Dr Southern: Unaccompanied humanitarian minors are unaccompanied minors who have been granted visas and there are a range of placement arrangements. Some are cared for by state welfare authorities. Some live with their relatives but are still unaccompanied minors, in that sense, so those placements are supervised by state welfare authorities. We also have a contracted organisation that currently provides placements for unaccompanied humanitarian minors. Ordinarily, that is 24-hour live-in supervision in households of four or five unaccompanied minors.

Senator SINGH: What kinds of welfare services are provided for them?

Ms Pope: Previously, when granted visas, they had access to the Humanitarian Settlement Services program. It is still being worked out, the arrangements that will be in place when temporary protection visas are granted to accompanied minors, but it is likely that the program will continue the way it has up until now—the services that are provided through the contracted service providers and state welfare. They go to school, they have access to Medicare and all the other arrangements that permanent residents have, because they have full permanent visas.

CHAIR: How do they come to be unaccompanied? Clearly, tragically, some of them would have been survivors of shipwrecks where their parents were—

Ms Pope: Very few. Most of them have parents at home who have sent them to Australia on their own.

CHAIR: So they are sent by themselves, without any accompaniment and without any support, from their country—

Ms Pope: There may be distant relatives with them who do not qualify to exclude them from the definition of unaccompanied minor, because it is a legal definition.

CHAIR: So they are sent by their parents, by themselves, to face the world. They arrive in Australia and they are immediately looked after in a special category of unaccompanied minors.

Ms Pope: Yes.

Senator SINGH: Ms Pope, are guardians appointed.

Ms Pope: Yes. There are guardianship arrangements for unaccompanied minors and also for unaccompanied humanitarian minors. It is a reasonably complicated answer, so I would be happy to take that on notice, but yes, they all have a delegated guardian.

Senator SINGH: What measures are in place to ensure the appropriate provision of these services?
Ms Pope: We have a range of quality-assurance processes. For example, staff go and visit the households where unaccompanied minors are housed with the service provider, and make a detailed inventory of arrangements that are in place. And we talk to the children themselves about their attendance at school, their participation in household chores and so on, and just generally what their welfare is, in their view. And there are other contractual arrangements that provide quality-assurance measures as well.

Senator SINGH: And does that happen on a regular basis?

Ms Pope: On a rolling basis, Senator.

Senator SINGH: It does not just happen at the beginning of them moving in.

Ms Pope: No, no; that's right. And there are, of course, complaints mechanisms and so on, and contractual arrangements with the contractors around the services that they provide.

Senator SINGH: Have there ever been cases where services thought to have been provided were in fact not being received by the unaccompanied minors?

Ms Pope: Not in a large sense, like you might be suggesting, Senator. But there would certainly be small matters that we might discover when visiting a household and that we ask the providers to ameliorate. It might be something like insufficient clothing—needing a winter coat, for example, or something like that. They are usually quite small matters.

Senator SINGH: Okay. So a guardian has not ever been removed.

Ms Pope: Not that I can recall, Senator, no—and you wouldn't remove a guardian, but you mean: would a child be removed from an arrangement and placed elsewhere?

Senator SINGH: Yes; either/or.

Ms Pope: Not that I can immediately recall, Senator, no.

Senator SINGH: So who are considered as guardians?

Ms Pope: The guardians are either members of this department, or they are members of the state welfare agencies, or they are delegated custodians—which is another definition from the act in relation to the contracted service providers.

Senator SINGH: Do any guidelines assist in the guardianship arrangements, so that guardians know their role?

Ms Pope: Yes, Senator. We also hold workshops and those kinds of things to assist guardians to be aware of their obligations.

Senator SINGH: Okay. Just going back to—

CHAIR: Excuse me, Senator. Do you have many more questions?

Senator SINGH: No.

CHAIR: Good, because we only have another couple of minutes, and I have some questions on this area.

Senator SINGH: Okay. I know we talked about a section of the department—multicultural affairs—moving out into the Department of Social Services. Will the Building Multicultural Communities Program grants continue? Perhaps it is a question for the minister.

Senator Cash: I would need to take that question on notice, Senator Singh.

Senator SINGH: Right.
Mr Bowles: Again, Senator, you could ask social services for that, because that would be more of an issue for them now.

Senator SINGH: But we have placed it on notice, so that is okay.

Mr Bowles: We would have to transfer it to them.

Senator Cash: It would be transferred to the Department of Social Services.

Mr Bowles: Chair, again, can I just correct the record? I think it was Senator Singh, or it might have been Senator Carr, who asked me about the number of staff in the detention facilities and I said 485. That includes Manus and Nauru. Just to clarify that point: there are 458 in the onshore, and there are 27 on the two islands, of the immigration border protection staff.

CHAIR: Can I go back to unaccompanied minors again: is the normal thing for the parents to pay the people smuggler to meet them at the airport, convey the children to the transit camp, and get them on the boat? Is that how it is done?

Ms Pope: I am actually not aware, Senator.

CHAIR: Would anyone know that?

Ms Pope: There would be general stories about it.

Mr Bowles: Just general stories from interviews with people would suggest that could be the case. It depends on how old some of these unaccompanied minors are, because some of them are quite young, like some of the cases Ms Pope mentioned. Some of them are about 16 or 17, and they sort of make their own way through various routes.

CHAIR: The others—the younger ones—come with distant relatives. I am generalising.

Mr Bowles: There are all sorts of ways, potentially, that they come. We do not know specifically, other than what some of them tell us. Some of them will do it through a people smuggler in their own country, some of them will get themselves to Indonesia or Malaysia—there are all sorts of unfortunate arrangements that people make to see their kids get to Australia, unfortunately.

CHAIR: Do you have any intelligence on the actual charges made? Do people confess to you what they have actually paid?

Mr Bowles: Yes, Senator, they do. They do make some commentary, and there are different ways they are charged. Some are up-front, some are downstream payments. We have heard of fees coming down to try and make sure that more people go. This is something that, again, is a little sensitive, but it could be as low as a couple of thousand dollars in total, maybe, up to $15,000, depending on price signals at a point in time.

One of the issues that is a constant source of amazement, I suppose, is that it is quite a sophisticated arrangement. These people do have a pretty sophisticated way of doing this these days. They never used to work together, but they can collaborate now. That is why everyone is quite sensitive about information that is put out, particularly by us who actually deal with this stuff on a regular basis, because they do watch for signals and react to price signals; they do react to demand issues. It is really quite insidious.
CHAIR: Quite clearly, we are not dealing with poor people. We are dealing with people who have the money to pay. I will not pursue the amounts any further, for the reasons you mentioned. But quite clearly these are people with money, who are paying criminals—

Mr Bowles: In some cases you would say some of them are reasonably well off. In other cases they are exceptionally poor and they may pay an up-front payment and then have to pay it off for a long time. Different people will do different things. You will find certain groups who come will have money. You will have other groups—for example, the Rohingya—who are generally very poor but will do what they need to do to find somewhere else. And that is what we are combating.

CHAIR: Are you saying they come to Australia and then pay it off?

Mr Bowles: There have been cases where things like that can happen and, again, that is why we—

CHAIR: That is illegal—aiding and abetting criminal people.

Mr Bowles: Absolutely, and there have been a number of people in Australia charged. I think there were six people charged recently with people-smuggling-related offences. That has been only in the last little while. So this is active work that the AFP and we get involved in. The AFP obviously have the lead in this, but they work very closely with us on this. Between 29 August and 24 October six individuals involved in people smuggling have been arrested. Again, it is an insidious game for these people but, as you would be aware from some of the commentary, there is big money that these people make.

It is reasonably sophisticated these days. One of the things is that global technologies have really opened the world up. There is a range of movement patterns in the world today that have changed quite dramatically over the last 10 years, for instance. The numbers have grown. You would not think so, but things like the global financial crisis have had big impacts on travel patterns. So you get all sorts of perverse outcomes depending on world events, and that is the issue that we are combating and it is why we do get a little sensitive from time to time about information we put out there.

[22:33]

CHAIR: I accept that. We should move on to outcome 6.

Senator SINGH: I have questions on outcome 6 but I am concerned—

Mr Bowles: Pretty much citizenship is really all that is left in outcome 6.

Senator SINGH: So you have citizenship?

Mr Bowles: We have citizenship, and you can ask us about it. Garry Fleming has waited all day for this!

Senator SINGH: Come on down!

Mr Bowles: They have waited all day.

Senator SINGH: Sorry about my confusion, but confusion lies in the fact that citizenship is no longer in the title of your department, even though I tend to still call it DIAC.

Mr Bowles: We all still slip into that occasionally.

Senator SINGH: In fact, if you google 'Department of Immigration and Border Protection', the new department's website, it actually brings up DIAC.
Mr Bowles: It will bring up all linkages which have been there in history and that is the beauty of the web, I suppose—it picks up and traces the history of everything that has been there. If you dig deep enough you will probably find DIMIA and a few other acronyms as well.

Senator SINGH: What is the procedure to obtain Australian citizenship?

Mr Fleming: For most people, for migrants seeking citizenship by conferral they would lodge an application for Australian citizenship, sit the Australian citizenship test, have their application assessed and assuming it is approved because they meet the residence requirements, character and passing the test et cetera, then they would be approved and placed on the list to attend a ceremony for conferral of citizenship, which is the final step when they would get their citizenship.

Senator SINGH: What proof is required to obtain citizenship—proof of identity and so forth?

Mr Fleming: We do collect their biometrics and we have dealt with these individuals before on their pathway getting through their visa status.

Senator SINGH: See you pretty much have all you need by the time they—

Mr Fleming: Except for a lot of them we do biometrics collection and citizenship will be the first point at which that is done for some of them.

Senator SINGH: How long have we been collecting biometrics?

Mr Allen: That is a very good question.

Mr Bowles: I am sure Mr McCairns will be back in a second.

Senator SINGH: It just sounds very 21st century.

Mr McCairns: I forgot my folder. For quite a while. It has gone in waves. I will get my folder and give you the answer in a second, but we collect biometrics from people for a range of reasons. If you remember, I talked about identity and it was identity for a purpose. For example, if you are coming to Australia as a tourist on an electronic travel authority, essentially the passport is the document. If you are going to remove someone from Australia—if you cast your mind back to 2005—you will probably want to be pretty sure who it is you are removing. So it is identity for a purpose. So over the years we have been collecting biometrics from waves of people. It started off I think with the illegal foreign fishers, then it was people in detention, then it was people applying for protection visas. We now collect biometrics in 19 or so countries offshore from people who are applying for visas. The beauty of that is that once you have collected that biometric you might not use it for five, 10, 15 or 20 years but it is in the bank, as it were. If you get a match of that biometric against a criminal database or an international database for someone who should not be in Australia for various reasons, that is the beauty of it. That is the history of it. Over time we have gradually done it and the citizenship one was started by my boss, Mr Vardos, when the citizenship test was introduced in—

Mr Vardos: Late 2007.

Senator SINGH: So we currently do have a test in place for becoming an Australian citizen?

Mr Fleming: That is correct.
Senator SINGH: Just the one citizenship test?

Mr Fleming: There is the one test but there is obviously a bank of questions so that not everybody gets the same test.

Senator SINGH: Within, but it is still known as 'the citizenship test'. That would include language, communication, those kinds of things?

Mr Fleming: That is effectively the way by which we assess English language proficiency for the purposes of citizenship.

Senator SINGH: Is assistance with these tests offered to people wishing to apply for citizenship?

Mr Fleming: People are given multiple opportunities to sit the test. There is also an alternative way of meeting that requirement, which is a citizenship course that people can undertake. That is an alternative way that sort of helps them much more, primarily aimed at more vulnerable or disadvantaged clients.

Senator SINGH: Do you have to get 100 per cent? How does it work?

Mr Fleming: You have to demonstrate your knowledge as part of the course. I do not think it is quite 100 per cent, but there is a reasonably high pass rate of around 90 per cent for people who do the course.

Senator SINGH: High distinction?

Mr Fleming: That is the percentage of people who undertake the course who are assessed as passing, not that they have to score a high distinction.

Senator SINGH: They don't? Right. What do they have to score?

Mr Fleming: I am not sure. I will take on notice precisely how it is assessed. But it is not the same as sitting a test. It is through the course. It is a bit like e-learning. If you have ever done any e-learning, you will know that there are various ways of demonstrating that you have understood what has been taught.

Mr Allen: The only thing I would say is that both for the test and for the citizenship course test, the actual pass rate—that is, how many people pass them—is very high. The last full year we had for the citizenship test, which I will quote, is 2012-13. There was a pass rate of 98.3 per cent. Our figures for this year to date are a little bit lower: 96.6 per cent. But we have had a very short reporting period so that does, in some cases, limit applicants the opportunity to resit the test. For the course itself, in 2012-13 we had an 89.4 per cent pass rate. So, again, it is pretty high and, as Mr Fleming suggests, it is a kind of continuous assessment course.

Senator SINGH: I guess that shows that people wanting to become Australian citizens are taking it fairly seriously?

Mr Allen: Yes.

Senator SINGH: For what reasons would citizenship be revoked or delayed?

Mr Fleming: The provisions around revoking citizenship are primarily around if we discover something after you were granted citizenship that showed you should never have got it in the first place. It is generally based around a conviction for fraud in the migration or citizenship processes leading up to your acquiring Australian citizenship. I think there is also
a provision relating to when you are convicted after you got citizenship for something that you did—for example, a serious crime—before you got citizenship.

**Senator SINGH:** How long does the whole application process take, say, from applying to become an Australian citizen to becoming an Australian citizen?

**Mr Allen:** Certainly, our conferral application service standard is 80 per cent within 60 days of receipt. At the moment, we are achieving 67.1 per cent rather than the 80 per cent. That is partly due to the fact that our citizenship application figures are going up substantially. In terms of the average, we can probably give that to you as well.

**Mr Bowles:** That is how long it takes from the start of someone going through the process, but there are obviously the eligibility criteria. It is four years at the moment before you can actually apply.

**Mr Fleming:** It is before people apply that they need the four years—that is, four years lawful residence in Australia, usually including at least the final year as a permanent resident.

**Senator SINGH:** Four years, is it?

**Mr Fleming:** Four years for eligibility, then people apply.

**Senator SINGH:** Has it been four years for a while?

**Mr Fleming:** Yes, since about five years ago—actually 2007.

**Senator SINGH:** I should have asked some questions of the outset of outcome 6 about the actual numbers of people in the last year who have actually become citizens.

**Mr Bowles:** I put that in my opening statement.

**Senator SINGH:** Did you? That is all right; we have got those figures. And the countries of origin and things like that, nationalities?

**Mr Bowles:** No, I did not do that but, from memory, I think there were about 137 conferrals last year. It did not have the countries of origin, though.

**Mr Allen:** I can give you the top five nationalities for 2012-13. In order, they are the United Kingdom, India, China, the Philippines and South Africa.

**Senator SINGH:** Thank you. How many people have dual citizenship with Australia and another country?

**Mr Fleming:** I will take that on notice but I am not sure we can give a definitive answer to that question because it depends on the intricacies. So we will not necessarily know if somebody to whom we grant Australian citizenship as a result of that has lost the citizenship from their country of origin because we do not necessarily know that. So it is not something we can say with any great precision.

**Senator SINGH:** What other countries allow dual citizenship with Australia?

**Mr Fleming:** There are a number of countries but we would have to take on notice precisely the number of countries.

**Mr Allen:** I have also been advised that we do not have the figure for the average between application and conferral available. We will take that on notice and see if we can get that to you afterwards.
Mr Fleming: Just while we are going back to the time taken to process citizenship, Mr Allen has been giving figures from time of application to time of departmental decision. There is then, of course, the further period for a conferral ceremony which, depending on the local council and arrangements, can be some months.

Senator SINGH: Okay. What are the benefits of dual citizenship? Is that a bit of a grey question?

Mr Fleming: If your other citizenship is with an EU nation, it is very easy travel within the EU.

Mr McCairn: I can attest to that.

Senator SINGH: Thanks, Mr McCairn.

CHAIR: While the old colonials have to line up in a huge queue, the ones who saved to Britain back then.

Senator SINGH: Do people give up their Australian citizenship? Can they do it, and in what circumstances that they have to give up their Australian citizenship?

Mr Fleming: People will occasionally renounce for various reasons but for a number of years now it has no longer been the case that by acquiring another citizenship you automatically lose your Australian citizenship.

Senator SINGH: That is an ongoing thing.

Dr Southern: One thing we do need to look at with people seeking to announce citizenship is that they do not end up stateless as a consequence of renouncing their citizenship. I think we have had a couple of cases like that.

Senator SINGH: Do most people attend the council or government citizenship ceremonies?

Mr Fleming: The vast majority.

Senator SINGH: What happens with those that do not? You just put it in the mail? What happens?

Mr Fleming: They have to attend a ceremony at some point.

Senator SINGH: So that is a compulsory requirement for Australian citizenship. I just thought when I turn up to Australian citizenship ceremonies that they are there to be greeted by their local politicians.

CHAIR: They swear an oath of allegiance, don't they?

Mr Fleming: You are not actually formally an Australian citizen until you go through that process. As I said, the vast majority go through at their local council. Occasionally other arrangements will be made. In fact, in the secretary's opening statement he referred to a special ceremony that was done at the Arboretum recently. So there are some done outside the council process.

Senator SINGH: I understand that there are those requirements to swear the oath and so forth, but if someone could not attend one of those local government ceremonies, do you look at alternative arrangements in the department's offices or something?

Mr Allen: We can do that. For example, here in the ACT we will run small ceremonies in our ACT regional office and we can make other arrangements if there are difficulties, for
example, in the person actually physically reaching a place. But they do always have to go through that ceremony, it is set down by the act, and the form of the ceremony is also set down by the act. Until they have made that pledge or affirmation they are not citizens.

Senator SINGH: I have to say, and I am sure Senator Cash would agree with me, that they are very nice occasions to participate in. We often share the pledge again with our new citizens. That is all I have.

CHAIR: Thank you, Minister, Mr Bowles and your staff for the information and for the assistance to the committee. Thanks to Hansard for your efforts, and the committee secretariat. We look forward to the next estimates in February.

Senator Cash: Thank you very much, Chair.

Committee adjourned at 22:50