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SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

Estimates

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SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

Friday, 22 March 2019

Members in attendance: Senators Kitching, Ian Macdonald, McKim, Pratt.
HOME AFFAIRS PORTFOLIO

In Attendance

Senator Seselja, Assistant Minister for Treasury and Finance

Department of Home Affairs

Mr Michael Pezzullo, Secretary, Department of Home Affairs
Ms Rachel Noble PSM, Deputy Secretary, Executive
Ms Cheryl-anne Moy, Deputy Secretary, Corporate and Enabling, Chief Operating Officer
Ms Maria Fernandez PSM, Deputy Secretary, Intelligence and Capability
Mr Luke Mansfield, Acting Deputy Secretary, Immigration and Citizenship Services
Mr Paul Grigson, Deputy Secretary, Infrastructure Transport Security and Customs Deputy Comptroller-General
Mr Scott Lee, Acting Deputy Commissioner, Commonwealth Transnational Serious and Organised Crime Coordinator

Ms Stephanie Cargill, First Assistant Secretary, Finance, Chief Finance Officer
Ms Pip de Veau, First Assistant Secretary, Legal, General Counsel
Dr Richard Johnson, First Assistant Secretary, Immigration, Citizenship and Multiculturalism Policy
Mr Hamish Hansford, First Assistant Secretary, National Security and Law Enforcement Policy
Mr David Wilden, First Assistant Secretary, International Policy
Mr Murali Venugopal, First Assistant Secretary, People
Mr Ben Wright, First Assistant Secretary, Productivity and Compliance
Mr David Nockels, First Assistant Secretary, Immigration and Visa Services
Ms Frances Finney, Acting First Assistant Secretary, Refugee, Citizenship and Multicultural Programs
Ms Justine Jones, Acting First Assistant Secretary, Immigration Integrity and Community Protection
Ms Tania Wilson, Acting First Assistant Secretary, Visa Delivery Transformation
Dr Parbodh Gogna, Chief Medical Officer and Surgeon General
Mr Michael Milford AM, First Assistant Secretary, Information and Communication Technology, Chief Information Officer

Mr Radi Kovacevic, First Assistant Secretary, Major Capability
Mr Paul Cross, Acting First Assistant Secretary, Identity and Biometrics Division
Mr Steven Davies, First Assistant Secretary, Data Division, Chief Data Officer
Ms Peta Dunn, First Assistant Secretary, Immigration and Visa Services
Ms Sarah Finney, Acting First Assistant Secretary, Refugee, Citizenship and Multicultural Programs
Ms Justine Jones, Acting First Assistant Secretary, Immigration Integrity and Community Protection
Ms Tania Wilson, Acting First Assistant Secretary, Visa Delivery Transformation
Dr Bradley Armstrong PSM, First Assistant Secretary, Trade and Customs
Mr Michael Rendina, Deputy Commonwealth Counter-Terrorism Coordinator
Mr Cameron Ashe, Deputy Counter Foreign Interference Coordinator
Mr Anthony Coles, First Assistant Secretary, Commonwealth Transnational, Serious and Organised Crime Centre

Australian Border Force

Mr Michael Outram APM, Commissioner
Mr Kingsley Woodford-Smith, Acting Deputy Commissioner, Support
Mr Tony Smith, Acting Assistant Commissioner, Strategic Border Command
Ms Rachel Houghton, Assistant Commissioner, Operational Practices Command
Mr Chris Collingwood, Acting Assistant Commissioner, Close Support Command
Mr Stephen Hayward, Assistant Commissioner, ABF Business Services
Ms Vanessa Holben, Assistant Commissioner, Detention and Offshore Operations Command
Ms Mandy Newton APM, Deputy Commissioner, Operations
Mr Luke Morrish, Acting Assistant Commissioner, Border Patrol Coordination Command  
Ms Sharon Huey, Assistant Commissioner, Enforcement Command  
Ms Erin Dale, Assistant Commissioner, Port Operations Command  
Commodore Malcolm Wise OAM, RAN, Acting Maritime Border Commander  
Major General Craig Furini AM, CSC, Operation Sovereign Borders Joint Agency Taskforce Commander

Committee met at 09:07

CHAIR (Senator Ian Macdonald): I declare open this public hearing of the Senate Legal and Constitutional Affairs Legislation Committee. The Senate has referred to the committee particular proposed expenditure for the current financial year in the portfolio of Home Affairs. We dealt with Attorney-General's, and there's no request for a spillover in Attorney-General's—nor should there be, seeing as we finished an hour early—but there was a request for a spillover in Home Affairs. We've agreed that any questions taken on notice, for obvious reasons, should be responded to by today week, which is 29 March, and the committee has asked that any questions to be put on notice be lodged with the secretariat by 5 pm on the 27th. You all know about parliamentary privilege, taking evidence in public and the protection of witnesses. If anyone has any queries about those, they should let the secretariat know. I think most of the officers have been to enough Senate hearings for me not to have to go through all of the procedures, which we'll deal with as we come to them, should that be necessary, but I think everyone knows the rules. Officers are aware, of course, that they're not to be asked to give opinions on matters of policy and can refer matters to superior officers or to ministers, but that relates only to questions asking for opinions on matters of policy and does not preclude questions about policies or factual questions about how and when policies were adopted. Claims for the public interest—I think everyone's well aware of that: it's not just sufficient to claim it; you have to explain why, and then the committee will determine whether that's sufficient. The media have asked permission to film the proceedings, and the committee has agreed to this, subject to the normal rules, which the media are aware of. I particularly mention that there's not to be any filming during adjournment or suspensions of proceedings. If any witness objects to filming, they should let us know.

Department of Home Affairs

[09:10]

CHAIR: I now welcome Senator Seselja, representing the Minister for Home Affairs and the Minister for Immigration, Citizenship and Multicultural Affairs. Minister, do you or Mr Pezzullo or Commissioner Outram—

Senator Seselja: Mr Pezzullo has an opening statement.

CHAIR: I remind people: today we're dealing with the Department of Home Affairs outcomes 2 and 3 only.

Senator KITCHING: Before Mr Pezzullo begins: as you would be aware, Chair, there was a letter sent to the committee from Commissioner Outram that related to some evidence given at estimates in February, particularly in relation to ABF and the deployability of its Cape class vessels, and I would like to have an opportunity to examine that, given that that evidence was corrected from the estimates period in February.

CHAIR: Let's hear Mr Pezzullo. We'll try to find that letter. I'm not familiar with what you're talking about.

Senator KITCHING: I do have a copy, but it's not a clean copy.

CHAIR: I'm sure the secretariat will be able to find it.

Senator KITCHING: It was a letter addressed to Dr Turner of the secretariat.

CHAIR: Let's just find it before we deal with that. I do remind senators that we have a hard deadline of 11.30, so we want to keep moving as quickly as we can.

Mr Pezzullo: I'll be brief. This opening statement should take me only three or four minutes to read. Thank you for the opportunity to address the committee. This morning I add the department's voice to the global expressions of shock and grief at the horrific slaughter of Muslims at prayer which took place a week ago in Christchurch, New Zealand. The department has since been working ceaselessly with our colleagues in ASIO, the AFP and other agencies to assist our New Zealand comrades with the investigation into this unspeakable act and with other elements of the New Zealand government's response. During this week, Harmony Week, the department has rededicated itself to standing resolutely against the extremist ideology of white supremacy and its adherents, to whom I say: you are on our radar and you will not be able to incite the racial strife that you seek. The scrutiny and pressure that you are under will only intensify. For the information of the committee, I table the department's Harmony Day message, which was issued yesterday to all staff.

Moving on to the immigration program: in order to assist with public discussion about immigration, this morning the department will publish an information paper on its website, entitled The administration of the
immigration program. Should it be the wish of the committee, I can table that paper for the information of members. Under Australia’s non-discriminatory visa system, applications are assessed on a case-by-case basis regardless of the applicant’s nationality, gender or religion. The department makes decisions about who comes to Australia on the basis of what they can contribute and not where they come from. Applications are considered against the individual’s risk profile and not their country of origin.

This was not always the case. Technology is now playing an increasingly important role in our business. For instance, the Electronic Travel Authority, introduced in 1996, originally allowed people from 33 different countries considered at the time to be low-risk to enter Australia. It collected very little information about the traveller in its early days. Since then, the department has deployed new technologies and techniques to improve visa decision-making grants and travel facilitation. Such systems range from electronic and online visa applications through to automated passenger SmartGates at our airports. As at 28 February this year, 95 per cent of all visa applications were lodged electronically.

In the last financial year, 2017-18, the department granted 8.7 million temporary visas. We expect to receive over 9.7 million visa applications in 2018-19. In addition, demand for Australian citizenship has continued to grow, with citizenship applications increasing by 177 per cent between the financial years 2010-11 and 2017-18. As volumes escalate, the source countries of travellers coming to Australia continue to evolve. In 2007-08, for example, around 51 per cent of visitor grants came from the UK, Japan, the US, South Korea and Germany. Today these countries represent 36 per cent of visitors to Australia, and there has since been a significant increase in visitors from China, India and Indonesia.

Over the past five years, the department has moved away from broad and coarse nationality based risk profiles to more nuanced targeted risk assessments of individual visa applications. It undertakes significantly more rigorous security checks compared to the checks that were done when I became secretary in October 2014. Since then, the department has completely overhauled and modernised its national security capabilities by applying the latest technology, analytical tools and intelligence techniques to support decision-making.

As a result of enhanced scrutiny of applications, visa refusal rates have increased. For example, there was a 46 per cent increase in visa refusals for the permanent migration program in 2017-18 compared to the previous year. These factors, combined with inconsistent application quality and increasing complexity of the case load, contributed to the lower migration program outcome evidenced last financial year, and we anticipate a similar number of finalisations this year, an outcome which will be similarly driven by enhanced scrutiny and vetting. I thank the committee.

CHAIR: Thanks very much, and thank you for mentioning the outrage in New Zealand. I know that leaders from all parties have expressed similar comments, so I won’t repeat them here, but thank you for raising it with the department. We appreciate that the department would have been very much involved with New Zealand authorities in doing what could be done in the aftermath and for the future. Go on to 2.1, Senator Kitching. We're still trying to find this other thing.

Senator KITCHING: I think the secretariat has found the letter.

CHAIR: Do you have any questions on 2.1?

Senator PRATT: Yes, I do.

CHAIR: We can waste time while we have a look at this. Some notice might have been appropriate.

Senator PRATT: We're quite aware that these questions do go back to what was dealt with in cross-portfolio, but seeing as Mr Pezzullo is here and he's very good at answering these questions—

Senator KITCHING: Mr Outram is also.

CHAIR: We are dealing with programs 2.1 and 2.2. As always, these are not my decisions—

Senator PRATT: No, they've been decisions of the committee.

CHAIR: they are decisions of the committee.

Senator KITCHING: What I would put to you, though, is that, given there was a correction of the evidence given in estimates, it is proper to revisit that as soon as is practicable to ask questions in relation to the correction.

Senator PRATT: Yes.

CHAIR: As I said, we have limited time. I thought people wanted to pursue 2.1 and 2.2, but it's a matter for the committee. If you want to go into this, do you want to set a time limit? Once we start, under the rules of the Senate, we can spend the whole day on this, and senators who have other questions to ask on the topic for which the estimates committee was set will miss out, including me, and I have a couple of questions—not many.
Senator KITCHING: I try to always be efficient in my asking of questions.

CHAIR: Do you want to put a time limit? I'm in the hands of the committee.

Senator KITCHING: I don't really need a time limit, but I won't be that long. I am aware that perhaps Senator McKim and certainly Senator Pratt also have questions, and I have other questions.

CHAIR: Okay. It's your 10 minutes. If the committee are happy with that, we can deal with that in your time.

Senator KITCHING: Thank you, Chair. Thank you for your letter, Commissioner Outram. In relation to that, how often are Maritime Border Command meetings held?

Mr Outram: I don't know.

Senator KITCHING: Can you take it on notice?

Mr Outram: Yes.

Mr Pezzullo: Sorry, when you say Border Protection command meetings—

Senator KITCHING: No, Maritime Border Command.

Mr Pezzullo: Sorry, maritime. It's a command. It exists in perpetuity. It's a command—

Senator KITCHING: But does it meet regularly?

Mr Outram: There's a rear admiral who heads up that command, and he would no doubt have regular meetings with various elements of his command.

Mr Pezzullo: To be clear, it's not a committee; it's a command.

Senator KITCHING: And that's a rear admiral?

Mr Outram: The rear admiral is the commander of Maritime Border Command.

Senator KITCHING: And what's his name?

Mr Outram: Rear Admiral Lee Goddard.

Senator KITCHING: Does the Minister for Home Affairs ever attend that command?

Mr Outram: I'd have to take on notice the last time he visited. He's visited the command to speak with the command team and the officers, and to have a look at the facilities there—we recently moved to new headquarters. He has visited from time to time.

Senator KITCHING: But he's briefed on the matters raised?

Mr Outram: Yes.

Senator KITCHING: When the command meets, Home Affairs is present; is that correct? Commissioner Outram, would you be present?

Mr Outram: Well, Australian Border Force would. Maritime Border Command is a multiagency taskforce that sits within the Australian Border Force. The rear admiral reports to a deputy commissioner from the ABF who reports to me. That's the command line. But, of course, you have Defence, Australian Border Force and officers from, for example, Federal Police, Fisheries, AMSA—there are a whole range of agencies involved in Maritime Border Command. The rear admiral is the commander.

Mr Pezzullo: It might be worth, Commissioner, emphasising the fact that it is not a committee that meets occasionally.

Senator KITCHING: I understand.

Mr Pezzullo: It's a 24/7 operation.

Senator KITCHING: So it may meet more regularly if there is—

Mr Outram: When you say 'the command meet', it's like any command. If you're running it, as you can imagine, you have people who report to you, you have different lines of effort, you have different elements of your command and you have different capabilities. There would be a battle rhythm of daily, weekly, monthly meetings and so on and so forth.

Senator KITCHING: Yes, I understand.

Mr Outram: And then there would be further, probably impromptu, meetings, as and when needed, because something crops up.
Senator KITCHING: Has the ADF raised concerns about ABF deficiencies compromising Operation Sovereign Borders?

Mr Outram: No, and I dealt with this in comments that were recently made public, Senator, that I would draw your attention to. I don't have them in front of me. In fact, I wasn't prepared for this line of questioning today, as has been made clear. I could take on notice—

Senator KITCHING: I'm happy for you to take it on notice. How many roles does the ABF currently have for seagoing operations?

Mr Pezzullo: Do you mean positions?

Senator KITCHING: Yes.

Mr Pezzullo: Workforce numbers?

Senator KITCHING: Yes.

Mr Outram: I'll take that on notice. It's sitting at the moment somewhere between 400 and 500.

Senator KITCHING: Are all of the roles filled?

Mr Outram: We have a certain number at the moment, and we're increasing our numbers of maritime crew at the moment. We're training more people, so we're increasing the number.

Senator KITCHING: How many people are being trained currently?

Mr Outram: I'd have to take on notice how many we put through each particular training course.

Senator KITCHING: Let's say 400 or 500, and you'll come back to me with more—

Mr Outram: With exactly where the number is today.

Senator KITCHING: I guess my first question is: is that sufficient for the operation?

Mr Outram: Yes.

Senator KITCHING: What's the number of maritime patrol days the ABF has undertaken for the past five years?

Mr Outram: I would have to take that on notice. I don't have that detail with me.

Senator KITCHING: In your letter, you talked about a more risk based approach being taken and you mentioned intelligence, radar sighting and visual sighting. Is there anything else that comprises the risk based approach?

Mr Outram: I might clarify this issue—

Senator KITCHING: Yes, please.

Mr Outram: because I think it's been taken entirely out of context within the media and other areas. The term 'active patrolling' was a term that was used and brought into being by the Commander Maritime Border Command, Rear Admiral Peter Laver. Had I known at the time that that term was brought into play, I would probably have asked him to remove it. I'll pose some questions to you. If you put your vessels on the water in a patrol zone and you patrol in squares, triangles or circles, at four, eight or 12 knots, which is more active? Or, if you position yourself somewhere within the patrol zone and stay stationary, in the absence of intelligence or surveillance information, which one increases your percentage of accidentally stumbling upon a SIEV? In the absence of information from surveillance above, by flights and satellites, and intelligence, it's actually not active at all. The issue here is that we've got ships at sea moving around within patrol zones, burning fuel. Can we get the same outcome for some more efficient use of our fuel? It's as simple as that.

Senator KITCHING: You said on 18 February when we were discussing active patrolling:

'It's a question of how much fuel you burn to get the same effect. Then you said:

I don't want to go into too much detail on our patrolling patterns for obvious reasons.

I understand and accept that this isn't a forum for that.
Mr Outram: My point is that the term 'active patrolling' actually comes from, as I understand it, the Army. It's a term they use, when they take ground, for how they make sure that that ground isn't retaken by the opposition, and they actively patrol it. That term is, therefore, actually inapplicable and wrongly applied in the context of the maritime domain.

Senator KITCHING: Is there another term that you would use?

Mr Outram: We don't use that one anymore at all. Really, our patrolling patterns are dictated by threat and by intelligence and by risk. Of course, the vessels on the ocean are not really put there to conduct surveillance. They're response assets, primarily, driven by surveillance and intelligence that comes from our aerial assets, from our satellite assets and from intelligence.

Senator KITCHING: Who is providing what's falling under the risk based approach?

Mr Outram: Intelligence?

Senator KITCHING: The intelligence, the radar sighting and the visual sighting—is that coming out of the ADF? Is it coming out of the security agencies? Who's providing it?

Mr Outram: A combination of all of the above. There is an embedded intelligence team, and there has been since it was established in Maritime Border Command, that the rear admiral draws upon for advice about threat and risk. That team, obviously, is a multidisciplinary or multiagency team, so it's drawing intelligence from Defence, from law enforcement, from foreign partners and from historical events.

Senator KITCHING: What about the assets that are providing the visual sighting? Are they coming from Defence?

Mr Outram: It is a combination. We have a series of Dash 8 aircraft. Defence provides surveillance aircraft too—

Senator KITCHING: It what proportion are they providing those assets and has it increased recently?

Mr Outram: I'd have to take those proportions on notice, but, in our contract, we go up to a ceiling of 15,000 hours, I think, per year for the Dash 8s.

Senator KITCHING: We've had a discussion about Maritime Border Command and the fact that they might be responding to a threat at some point and, therefore, there might be increased activity, let's say, at particular times. Who is providing the bulk of that intelligence, as described in the risk based approach in your letter—

Mr Outram: It depends on—

Senator KITCHING: and the assets in order to counter the threat?

CHAIR: Commissioner, you don't need me to remind you that certain information that you have is gold to people smugglers. For that reason, you and your predecessors have long refused to answer any questions in detail.

Senator KITCHING: I am not asking. In fact I said, when we were discussing earlier—

CHAIR: Well, you're wanting to know which assets are there and what intelligence sources they are using.

Senator KITCHING: No, I'm asking: what is the proportion—

CHAIR: The people smugglers would love to hear this!

Senator KITCHING: between Border Force and the ADF, and who is providing the assets that provide the intelligence and the response to the risks? Just so we are all clear in this room: I am very aware—and, Chair, I did not ask for—

CHAIR: You asked about intelligence and where it was coming from, which is gold to the people smugglers.

Mr Outram: Thank you for your caution, Chair; I won't go into any areas of sensitivity. It would be impossible to measure or put a ratio on the percentage of intelligence that comes from somewhere. Intelligence is drawn from a range of sources.

Senator KITCHING: Just so you're aware, Commissioner, I will ask Defence these questions on 5 April.

Senator PRATT: What about the proportion of resources, then, rather than the proportion of intelligence?

Mr Outram: The rear admiral in Maritime Border Command has at his or her disposal a range of assets that are shopped in from Border Force and the Australian Defence Force. Those assets can be maritime assets, aerial assets and satellite based assets. In addition, we have a range of feeds of intelligence from a plethora of different organisations, depending on the threat you're looking at; for example, fisheries or people smuggling or narcotics smuggling. There is a range of areas of intelligence feeds that come in. That's why we have a significant intelligence component embedded within Maritime Border Command to inform the rear admiral, the commander, how and where he should deploy his assets.
CHAIR: We might leave that there and come back to you later, Senator Kitching. I have some questions on outcome 2, which is what we're here for. Thank you for your opening statement, Mr Pezzullo, which answered some of my questions. Do I understand that, with migrants coming to Australia, there was a substantial increase in citizenship applications finalised in the last six months of last year compared with the previous year? Can you just give us the statistics on that?

Mr Pezzullo: Yes. Mr Mansfield has the data. We distinguish, just in terms of nomenclature, finalisation which may or may not result in a grant, because it could also result in a denial through our scrutiny and checking processes, and then there are grants and then there are denials. Mr Mansfield might care to speak to all of those issues.

Mr Mansfield: Your question was around the number of citizenship applications we've decided this year compared to last year?

CHAIR: Yes.

Mr Mansfield: I can give you that.

CHAIR: Yes, please: how many have been finalised, whether positively or negatively? Perhaps that's the next question: how many were positive and how many were negative?

Mr Mansfield: For 2018-19, up to 10 March, 102,759 applications for citizenship by conferral were finalised. That is more than the total number of applications for citizenship by conferral that were finalised last financial year, 2017-18. Last year it was 101,422 for the full year. So we're already exceeding that, and, obviously, there are a few months left to go in this financial year.

CHAIR: How many of those were what I might loosely term positive and how many were not successful?

Mr Mansfield: In relation to conferral applications for this year, 92,045 have been approved and 5,335 have been refused. The balance of that number was either invalid or had other circumstances that were individual to the case.

CHAIR: Without going into specifics for individual cases but broadly speaking, what were the refusals about?

Mr Mansfield: There is a range of reasons why an application might be refused. One of the significant reasons in this particular caseload tends to be that the applicants haven't met the residency requirement. However, there may be a whole range of other reasons why we refuse an application. They need to be of good character for the application to be approved. Some are refused in relation to their character and conduct, such as past criminal convictions. They need to be confirmed that they are who they say they are. There have been quite a number of cases that we've identified where they've claimed to have one identity but we've found information that indicates that they are not who they say they are, and we've refused on those grounds. I would say that those three reasons would be the primary reasons for refusal.

CHAIR: Regarding the people who claim that they're someone but you have information or evidence that they are not who they claim to be, are they currently here on some form of temporary visa?

Mr Mansfield: They would be on permanent visas, applying for citizenship. In those cases, where we have—

Mr Pezzullo: Sorry, Mr Mansfield: just to be clear, you can't apply for citizenship off a temporary residency; they are permanent residents. In some cases, just to be clear, they might have been here for some decades and decided to take up citizenship. As our checking systems have become better, in particular in the last four years, it might be that we go back to their original status and it might be that, at the time the checks—this is a function of technology, not a lack of professionalism or capability or commitment on the part of the staff. As your tools get better and as all forms of technology get better, your ability to check things becomes better. It might be that we go back to the original identity and we say, 'It was sufficient to meet the requirement to become a permanent resident 10, 20 or 30 years ago'—maybe more recently—but it's not sufficient for you to be granted the privilege of citizenship, because there are serious questions about your identity.' That would be one of the factors.

Mr Mansfield: If I could add to the secretary's remarks: one of the key areas here is in relation to former humanitarian entrants—people who came through the humanitarian program or former boat arrivals who subsequently gained permanent residency under former arrangements. Many of them, particularly the boat arrivals, come with little documentation, so verification of identity is a really significant and complex task. In some cases, with the information that was available at the time when original decisions were being made with respect to permanent residency, we obviously had a certain amount of information at that time. But time has passed since they applied for citizenship and, during that time, they've got a larger footprint of information in relation to their identity that we can take into account for their citizenship application. It may be that they claimed
a certain thing at the permanent residency stage but we now have other information that suggests they are not who they claimed to be at that time, and we make decisions on that.

Chair, I think you asked about the implications of those decisions. The implications are: if we refuse someone because we don't think they are who they say they are, that obviously triggers us to consider whether the grounds that existed for the grant of their permanent visa have been enlivened.

CHAIR: They're fraudulent.

Mr Mansfield: Fraudulent—correct. So there are a number of applications that are now flowing from the citizenship program back into the cancellation program for consideration as to whether circumstances exist for the cancellation of their permanent visa.

CHAIR: That was my next question. If you find, in the course of an application for citizenship, that someone was fraudulent or had lied to you some years ago to get a permanent visa, what action can be taken?

Mr Mansfield: The process is that the information flows through to our cancellation area and they look at all of the various different cancellation provisions that we have available to see whether any of them are enlivened. There are obviously various different natural justice and other processes associated with that for testing the information and for engaging with the relevant applicant, and they're all considered on a case-by-case basis.

CHAIR: Those decisions are primarily made by departmental officials—

Mr Mansfield: They're departmental officials. Yes, in all cases in relation to cancellation—except, of course, like all decisions under the Migration Act, should the minister wish to take a particular decision then obviously the minister can. We're all delegates of the minister.

CHAIR: The cancellations by the department are appellable to the AAT?

Mr Mansfield: That's correct. The only thing that I'll say is that there are some grounds in relation to cancellation that are not appellable. But I understand that they're all ministerial decisions that are not appellable. Departmental decisions are appellable.

CHAIR: Do you have any statistics of the 5,335 who were refused? How many or what percentage of those were on the basis of misinformation, fraud or other inappropriate—

Mr Mansfield: I don't have it specifically in relation to that time period, but what I can give you is that refusals increased significantly from 3.4 per cent in 2014-15 to 5.4 per cent in 2018-19 to 10 March. One hundred and forty-four individuals have been detected who didn't disclose serious criminal conduct. On their application form they're required to declare previous criminal conduct, and they didn't. That was identified through the more rigorous checks that, as the secretary mentioned in his opening statement, we've been applying to the citizenship program. In addition, 1,440 instances of potential identity fraud have been detected over the period that I mentioned.

CHAIR: By 'identity fraud', do you mean someone who claims to be someone they're not?

Mr Mansfield: Potential identity fraud—that is, instances where either we have positively identified that they are someone else, other than who they claim to be in their application, or there are significant indicators that they may not be who they say they are. There are lots of discrepancies in the identity information that's been provided. In relation to citizenship, there is a high test. The department is required to be satisfied that a person's identity is verified. In relation to permanent visas and temporary visas, the threshold is lower, so that does lead to some circumstances where there are some discrepancies that need to be resolved. So it doesn't meet the test for citizenship. That doesn't necessarily mean their permanent visa would be cancelled, but it means that there needs to be further interrogation of identity information to be satisfied that they are who they say they are.

CHAIR: Thanks, Mr Mansfield. I have some more questions on that, but my time's finished. Senator Kitching.

Senator KITCHING: Commissioner Outram, I don't have any more questions on this other than: was the period between 3 and 11 December, as referred to in your letter, the only period the risk based approach was taken?

Mr Outram: That was the period in which, after I gave my evidence at the last hearing, I thought it was a proposal. I subsequently learnt when I got back that there was an email that was sent, not out of Maritime Border Command but out of an area of the Border Force, in the air and marine unit, to our Cape class vessels saying 'Do not continue with active patrolling.' That meant that we were cued by aerial surveillance and intelligence. It didn't mean that we withdrew patrols, withdrew vessels, pulled people back from the ocean or didn't have as much coverage. It goes back to that issue that I talked about earlier on—this entire term 'active patrolling' is a total furphy. It simply means people are burning fuel without purpose. That was the intention here, and so that term is
no longer in use. I had to clarify my evidence because an email, I learnt, did go out instructing a Cape class vessel to cease active patrolling, and I had said to this committee that it was a proposal—which I thought it was.

**Senator KITCHING:** There has been a decrease in the number of patrolling days, hasn't there?

**Mr Outram:** No, they have increased every year up until and including last financial year.

**Senator KITCHING:** I did look at that. Let's take the 2016-17 year. There were 2,626 patrol days of the target of 3,320 patrol days, due to ongoing work to rectify defects with the Cape class patrol boats.

**Mr Outram:** There are a couple of things I would say. Our total days at sea—and I'll provide you, on notice, the number of days—have increased year on year, for four years up to and including the 2017-18 financial year. That's the first thing I would say. Bear in mind that we have large-hull vessels, we have Cape class vessels and we have Bay class vessels. We're not just talking about Capes here. We're talking about a range—

**Senator KITCHING:** You're talking about the cutters?

**Mr Outram:** Yes. We have different types of cutters. I'll give you, on notice, the actual number of days. I've put it out there in the public at a press conference I did not long ago, but I don't have that information to hand. You'll get that very soon.

**Senator KITCHING:** But the cutters didn't patrol at all in 2016-17?

**Mr Outram:** I'm sorry?

**Senator KITCHING:** The cutters didn't patrol at all in 2016-17. That's what the ANAO report says.

**Mr Outram:** All of our vessels are called cutters, including the large-hull vessels, so I don't understand the question.

**Senator KITCHING:** You've just given me three different types of vessels and I said, 'You mean the cutters?' So the large ones—I think you mentioned Cape—

**Mr Outram:** We have Cape class, we have Bay class and we have the large-hull vessels. They are all cutters.

**Senator KITCHING:** In the ANAO report, it states that they didn't patrol at all?

**Mr Outram:** I'm not aware of that in the ANAO report. To say we didn't patrol at all in an entire year is incorrect.

**Senator KITCHING:** Maybe you can take it on notice, but in the ANAO report—and I think we can all assume that there will have been some work that's gone into that to make it accurate—it states that the cutters didn't patrol at all.

**Mr Outram:** I read that report and I don't know where in that report it says that the cutters didn't patrol at all. We may just take that on notice, and, if you can clarify where in the report you're referring to, we can deal with that.

**Senator KITCHING:** Mr Pezzullo, I read your speech on the seven gathering storms, which I thought was very thoughtful.

**Mr Pezzullo:** Thank you.

**Senator KITCHING:** In that, on the seventh storm, you discuss the incidence of trafficking and smuggling of people.

**Mr Pezzullo:** And transnational serious and organised crime.

**Senator KITCHING:** Yes. It's a very interesting speech. Given you've identified that as a gathering storm for national security in the 2020s for Australia, how does that tally with the fact that there has been a decrease in patrolling for national security and, really, for people smuggling?

**Mr Pezzullo:** As Mr Outram said, he'll provide you with patrolling data. I don't agree with the assessment or the observation that it has decreased. Every year, from memory—

**CHAIR:** Didn't Mr Outram say it has increased?

**Senator PRATT:** Is the confusion the ANAO report?

**Mr Pezzullo:** Possibly.

**Senator PRATT:** Because that shows patrol days reduced but—

**Senator KITCHING:** From 2016-17 to 2017-18 there was a decrease in the patrol days.

**Mr Pezzullo:** If you're referring to the ANAO report into the Cape class, that is a particular class of vessel that the commissioner has in his fleet. What the commissioner has said he'll come back to you on—and I think perhaps
there's a nomenclature issue and we're comparing apples and oranges and perhaps some other type of fruit—is that the fleet—

Senator PRATT: What fruit would that be?

Mr Pezzullo: It could be a cumquat; it could be a mandarin.

CHAIR: This would all be unnecessary if we watched more of Sea Patrol!

Mr Pezzullo: I think we've been here before, Mr Chairman! But we'll set that to one side. The commissioner has within his fleet—the funding for which I am the accountable authority for, but the commissioner and I discuss the funding levels and I don't make any decisions without his concurrence. The funding has also increased over time. The number of patrol—

Senator KITCHING: Can I clarify the funding? Is that funding to purchase new vehicles or is that an increase in funding for maintenance?

Mr Pezzullo: For operations, which by definition includes sustainment. In order to achieve the effect of having a patrol day, you've got to have a crew, fuel and all those things. As I recall, and the commissioner will give you the accurate data on notice, the days in the last four or five years have oscillated between 2,600 and 2,700 or thereabouts. The numbers then provided by the Capes as opposed to the Bays as opposed to the very large vessels known as the Oceans would vary from year to year. So the composition of the aggregate patrolling outcome is a function of year-on-year effects—so whether it's the very large vessels, the medium size vessels or the small vessels. The budget has been sustained and has been increased. I've had to find money in other parts of my department.

Senator KITCHING: We started to discuss this, and Ms Cargill nearly made it to the table because—

Mr Pezzullo: She did. I thought she actually reached the table.

Senator KITCHING: I think she did; I think the chair might have cut me off at my 10-minute mark.

Mr Pezzullo: The funding has remained stable, if not increased. The workforce has been reinforced, and Mr Outram has agreed to come back to you as to what level of the high 400s or the low 500s the workforce is at, and the patrol days have been sustained and, in some years, have been supplemented and increased.

Senator KITCHING: But you've had to find funding from other areas of your budget?

Mr Pezzullo: It's an integrated budget; it's a global budget. The commissioner and I sit down; I am the accountable authority; I sign off the budget; I sign off the financial statements. But the commissioner and I make decisions about funding and workforce allocation jointly.

Senator KITCHING: I'm happy for you to take this on notice: in 2017-18—

Mr Pezzullo: Sorry to interrupt. Would any departmental secretary or agency head like more money? I have been a statutory officer or an agency head under a number of governments, going back to the Gillard government. In every single year I would have loved to have had much more money than I was ever granted. I work with the money that I'm given and we maximise the outputs within that budgetary provision.

Senator KITCHING: In 2017-18, the number of patrol days by the Cape class dropped to just 61 per cent of the 3,320-day target, and it did 2,036 patrol days.

Mr Outram: I would need to be clear about which target you're talking about: the target for the patrol for the Capes or the target overall?

Senator KITCHING: Generally they will come very close to those 300 days. In terms of the Ocean class, they can patrol 300 days a year—is that correct?

Mr Outram: I think that's right—300 days each.

Senator KITCHING: For the Cape class patrol boats?

Mr Outram: I'll take that on notice. I don't have the annual report with me.

Senator KITCHING: I'm happy for you to take it on notice. In terms of the Ocean class, they can patrol 300 days a year—is that correct?

Mr Outram: I think that's right—300 days each.

Senator KITCHING: Do they meet that 300 days a year capability?

Mr Woodford-Smith: In answer to your question, generally they will come very close to those 300 days. I don't have the full set of figures here, but very close. We can pick that up on notice if required.

Senator KITCHING: Would you be able to give me the number of days for financial years going back to 2014—

Mr Outram: I don't think we've had them since then, but we'll go back as far as we've had them.

Senator KITCHING: That's fine. If you knew that there was someone working—
Senator PRATT: It's relevant to Mr Pezzullo's opening statement.

Senator KITCHING: If you knew that working for the department there was someone associated with known right-wing extremists, would that trigger a review of that person's security clearances?

Mr Pezzullo: Yes. It would trigger two things: a review of suitability to hold a clearance, which is a national security clearance granted by the defence department, and then there's an overlay on top of that called an employment suitability clearance, an ESC, which is granted on my authority within the home affairs department. So there'll be a dual review of any officer associated with any form of extremist ideology.

Senator KITCHING: So how do you—

CHAIR: Your time's finished. We can come back to that. Senator McKim—

Senator KITCHING: Sure. Thank you.

CHAIR: Well, I'm not sure that it's relevant—

Senator PRATT: It was relevant to Mr Pezzullo's opening statement.

CHAIR: if I could finish, perhaps, before you interject—to the correction to the agenda, which we generously allowed discussion on, or to 2.1 or outcome 3, which is what this hearing's about.

Senator KITCHING: But I thought that you made a decision before, Chair, that, if the committee was open to it, discussion that related to items outside of those—because we've just discussed outcome 1, obviously, and that was a correction of evidence that had been given. Mr Pezzullo has now given an opening statement that contains matters that I would like to go to.

CHAIR: Senator Kitching, you do understand why we have a program and why we all come prepared, because otherwise you ask questions, as you found out last time, and the appropriate officers are not here. So we waste time taking questions on notice—

Senator KITCHING: Mr Pezzullo is the appropriate officer.

CHAIR: You could put them on notice, in any case. If you have other questions about any part of the estimates, you can put them on notice, and then we won't have—

Senator PRATT: I think Mr Pezzullo's opening statement is relevant.

CHAIR: I'm sorry; are we going to have a debate? If we are, let's have the debate properly and let someone finish speaking before another person enters the debate. If we want to spend the next hour and a half having a debate, that's fine by me. As you know, I always run these estimates the way the committee wants to, and I always allow the Labor Party and the Greens political party to set the agenda, because I appreciate that. We've set the agenda. We have the officers here for outcomes 2 and 3. My ruling would be: no, we allowed you, Senator Kitching, the generosity of going to another matter, hoping that you would treat that appropriately, but it seems now that having been given an inch you expect to take a mile. It's Senator McKim's go at the moment, and we'll deal with other things as they arise.

Senator KITCHING: Sure. Thank you.

CHAIR: Senator McKim.

Senator McKIM: Thanks, Chair. Mr Pezzullo, good morning. When we last convened, you told the committee you were investigating allegations that visas were being granted for cash payments.

Mr Pezzullo: Sorry, I stumbled there. There were so many hours of evidence and so many questions taken on notice, but I do recall that—integrity in our visa-granting process, yes.

Senator McKIM: Yes—we did go to that, yes.

Mr Pezzullo: Yes, we did.

Senator McKIM: That was in relation to a question I asked about an allegation that had been made, which, in short, was that a payment had been made and, as a result of that payment, Mr Betham had been released from immigration detention and allowed back into the community. You told the committee that you were investigating those claims. Could I ask for an update on that investigation.

Mr Pezzullo: I haven't seen a report come to me. I was concerned about the reporting in the media. It could be an inaccurate report, or it could have some substance to it. That's the whole point of doing an investigation. I will see if either Mr Mansfield or Ms Noble has an update on when that report might be to hand.

Senator McKIM: Thank you.

Mr Pezzullo: If I recall it—
CHAIR: None of them are rushing forward, so I suspect that means they haven't.

Mr Pezzullo: That's most regrettable, Mr Chairman! But, Senator McKim, as I recall, the specific allegation, largely circulating on social media, was to the effect that if you paid the right person the right amount of money through some form of intermediary you could get a visa decision reversed. In that case it was that he was able to not be deported, basically, as I recall it. Mr Mansfield? The chairman thought that you didn't move forward with alacrity, but I'm sure you were just considering the question.

CHAIR: It wasn't a reflection on the officers. I was just trying to—

Mr Pezzullo: No, indeed. I should say that Mr Mansfield runs our visa program and that Ms Noble, amongst her many other onerous duties, is responsible for security and professional standards.

Mr Mansfield: Since the initial allegation was raised, all of the information that we had in relation to that particular case was referred through our internal processes for review. We also undertook a look at all of the facts and circumstances in the background of the case and in the decision record to make sure that there was nothing in particular that stood out of concern. The examination of all that material is ongoing.

Senator McKIM: When you say it was referred for review, Mr Mansfield, who was it referred to?

Ms Noble: In terms of the process by which we deal with allegations or concerns around integrity writ large but particularly actions of members of our staff in relation to visa issuance, what basically happens is that, if it's identified, say, in Luke's area, who are the people who actually issue the visas, it gets referred internally to our integrity and professional standards function that sits under my group. What we will do is pull together an initial view, working with the line area and gathering as much information as we can. Then, if we suspect or find enough information that it meets the relevant threshold, we'll refer it to ACLEI, which is the Australian Commission for Law Enforcement Integrity, and so—

Mr Pezzullo: Which we're required to do under law.

Ms Noble: Yes.

Senator McKIM: Has the department reached what you've described as an initial view?

Ms Noble: I'll need to take that on notice. I would just like to check my facts.

Senator McKIM: Mr Pezzullo, you haven't seen anything—

Mr Pezzullo: Once that initial assessment's concluded, the referral to the commissioner for law enforcement integrity would go through me. I don't recall signing off such a referral.

Senator McKIM: This was an allegation in regard to a specific case, which, as I said earlier, was Mr William Betham. I'm not after a name here, but can you inform the committee at what level in the department the decision was made to grant Mr Betham a visa?

Mr Pezzullo: Until I had a report furnished to me, I'd prefer not to speculate about such matters. You are absolutely correct in intimating that, given that the allegation pertained to, effectively, a corrupt payment for the grant of a specific visa to a named person, it's not an amorphous allegation. It's able to be resolved down to individual case officers. That process has commenced. In order to ensure procedural fairness and, of course, having full regard and respect for the privileges of the Senate to ask me anything it so wishes within its privilege—because those officers would know who they are, so they would know that they're under scrutiny—I prefer to reflect on your question pending the receipt of Ms Noble's report from the Integrity and Professional Standards team. Then, if it meets the test for a corruption referral to ACLEI, it will be referred.

Senator McKIM: If the allegations were true, they would constitute a crime, wouldn't they?

Mr Pezzullo: It would be corrupt conduct. It's not for me to speculate, but, applying lay language and common sense, were the commissioner for law enforcement and integrity—because these are matters out of my hands because we've got a full-time integrity oversight body that has extensive, coercive powers to examine persons and the rest of it; it's effectively an anticorruption commission that sits above the department, the AFP, the Border Force and other similar entities—to come to a view that not only had there been misconduct in public office, but there had been a crime probably committed—and it's not for him to determine that—that would be referred to the DPP and, of course, they would make a judgement about whether the matter was prosecutable and it would go before a court. That's the process. I don't want to speculate or suggest that that's occurred in this case, of course, out of respect for the natural justice and the procedural fairness that should be afforded to the officers in question.

Senator McKIM: Thanks, Mr Pezzullo. Ms Noble, do you have an estimated date when you would expect the review to be completed by?
Ms Noble: We'll do our internal thing, so, no, I don't have a date. As I said before, I'll take that on notice, because we may have already referred it to ACLEI. Like the secretary, I don't recall that having occurred yet, but we do try to deal with these matters as expeditiously as we can. And the bar, if you like, or the threshold, to refer things to ACLEI is quite low. So I can take it on notice to the extent of our process and where it is in terms of time. But, once it's referred to ACLEI, that is absolutely a matter for them.

Senator McKIM: I understand that, Ms Noble, thank you. I do understand that.

Mr Pezzullo: Senator, the officers will either be listening to this evidence or will have a chance to read reports of it. There is nothing in my mind—and I'm the secretary of the department, who ultimately is responsible for who's employed in my department—and there's nothing before me to suggest that any wrongdoing has occurred. That said, there is a serious, particularised, quite specific allegation. It could be someone just talking through their hat, but, equally, there could be something more sinister at play. There is a serious allegation that's been made public through social media and its promulgation through social media. It would be irresponsible of me and, of course, it would be an unacceptable failure by me in doing my duties under the law not to examine that matter.

But I just want to stress I have nothing before me to suggest that any officer of the department has engaged in misconduct or has been engaged in corrupt dealings. Through this committee, I just want to say that to those officers. But, because we all sign up to the values, we all sign up to the integrity obligations, that are required of us as public officials, they would fully understand that I am absolutely required to check the allegation to the nth degree that I can within my powers, and, should the matter warrant a referral to ACLEI, it will be referred without fear or favour. I want to make that absolutely clear. We're not going to predetermine an outcome, but equally we're not going to sweep anything like this under the carpet.

Senator McKIM: Thanks. Ms Noble foreshadowed my next question on this. Ms Noble, you said that the bar was quite low for a referral. It might be fairer to ask Mr Pezzullo about this, given that it would be your decision ultimately—

Mr Pezzullo: Yes.

Senator McKIM: as I understand it, Mr Pezzullo. So what is the bar for you to refer it to ACLEI? Is it balance of probabilities, comfortable satisfaction?

Mr Pezzullo: No. Indeed, I have to be satisfied that it appears as though corrupt activity or misconduct might have occurred. The bar is quite low, because it affords the ACLEI commissioner the opportunity then to come to a view. As for whether it's going to be a referral ultimately to the DPP, there would obviously have to be a satisfaction that we could get a court to convict beyond reasonable doubt. If it's a civil or employment discipline—that is, a referral back to me to deal with the matter under disciplinary provisions—then that is a reasonable test on the balance of probabilities, because I don't have to prove that to a criminal standard, obviously. But I just want to stress that, at that point, it becomes the ACLEI commissioner's determination as to whether the wrongdoing has occurred, and then he has to be satisfied. Depending on the level of proof, criminal or civil, one goes through the DPP before the criminal courts; one is then referred back to me for termination consideration, demotion or other forms of disciplinary action.

Senator McKIM: Understood, but in the first instance—this is my last question on this issue, thank you, Chair—Mr Pezzullo, the bar is simply that the alleged conduct may have or might have occurred?

Mr Pezzullo: Correct. There might be suspicious transactions. There might be suspicious behaviour. There might be an oddity, an abnormality, in the decision-making process. I want to stress that I don't have any suggestion before me that that's occurred here. But, essentially, it's a very low bar: if there's something anomalous, it's referred.

CHAIR: Mr Mansfield, don't go, because I want to continue my line of questioning from before. But, just on the serious matter that Senator McKim raised—I must say that I've overlooked this discussion in previous estimates—has any formal complaint been made to anyone, or has this just all arisen from social media comment?

Senator McKIM: And mainstream media, it's worth pointing out.

Mr Pezzullo: Just to be clear, it did start on social media, but then it was reported. The mere report of someone who claims to have firsthand knowledge—in other words, they were the beneficiary; why they would out themselves in that way is for someone else to determine—that you can achieve certain outcomes, in terms of a variation to a visa decision, by making a corrupt payment is an allegation that I've got to look at very specifically, because it's made with alleged firsthand knowledge.

CHAIR: My question was: what has instituted the allegation?

Mr Pezzullo: We detected it on social media.
CHAIR: On social media?
Mr Pezzullo: Yes.
CHAIR: I can say anything about anyone on social media.
Mr Pezzullo: Regrettably, some of the things you find on social media are true and some of the things you find on social media are completely false, and trying to work your way through that cesspit is one of the burdens and challenges that we have in dealing with social media. But to rule it out completely simply because it's on a website or it's been tweeted would be irresponsible of me.
CHAIR: I appreciate that. But my original question was: has anyone made a formal complaint to you or to the police or to anyone in authority?
Mr Pezzullo: Other than Senator McKim raising it, I can't recall a referral otherwise. Ms Noble, can I just check with you? We obviously saw the public reports. Senator McKim, did you ask me on notice or did you ask a question?
Senator McKIM: No, I asked you on 17 February.
Mr Pezzullo: My apologies for asking you a question. Have we otherwise seen any referrals from an investigative body, police or an internal whistleblower, or did we pick up the public reporting of this matter?
Ms Noble: My recollection is that it was through the public reporting, and I just want to confirm that the matter was referred to ACLEI on 6 March.
Mr Pezzullo: So it has been referred.
Senator McKIM: It has been referred—sorry, did you say on the sixth?
Ms Noble: Of March.
Senator McKIM: Chair, that prompts a couple more questions from me, but I'm aware that it's not my—
CHAIR: I'll certainly come back to you later, Senator McKim. Do your officers regularly receive threats? Well, perhaps not 'regularly'. Do your officers receive threats? I would imagine that when people apply for some concession from the department, be it a visa or an extension or something, people who are refused would get very angry and might then say, 'I'm going to say on social media that you're a child molester,' knowing that on social media you can say anything and that, once the mud is thrown, some of it always sticks. Is that something that your officers are constantly concerned about? I add to that by saying that I remember that, at the time when you were dealing with 50,000 boat arrivals, your officers were working day and night, and I could tell from just sitting here at estimates committees that many of them were very, very stressed from the work they were doing.
Mr Pezzullo: Thank you, Mr Chairman. Ms Noble can answer the detail of this. We have a very active security program that deals particularly with protective and personal security, which is our highest priority to keep our officers safe. Yes, it is the case—I don't know that I'd want to quantify it as being 'constant', but it is the case—that officers are trolled; officers, sometimes by name, regrettably, receive threats. More generally, it's as a function of being an officer either in the Border Force or in the department. We take all allegations very seriously.
Again, under Ms Noble, in addition to the integrity and professional standards function that we've just been speaking of, there's a security function. I don't know if you've got any data, Ms Noble, about whether there have been any particular trends, but vilification and trolling of our officers do occur. Sometimes it's very abstract and generalised, such as—if I may, Commissioner—'Border Force engages in certain activities or behaviours,' and they're described in particularly odious and reprehensible terms.
CHAIR: We're politicians. We understand that sort of allegation.
Mr Pezzullo: Indeed. Sometimes it's personal and attached to me or the commissioner because we're highly public figures, I suppose. I wouldn't want to talk in any great detail about specific, more worrisome threats where there are threats to life or threats of occasioning violence, but we have had, on occasions, threats of that nature.
CHAIR: But threats to lose your job through improper activities?
Mr Pezzullo: Possibly, and, I think, if I understand the burden of your question, false allegations made about officers do occur as well. That is still reviewed because it might well be that it's a truthful allegation, for obvious reasons. Ms Noble, can you add anything in terms of specifics or data on this question?
Ms Noble: I haven't got any particular data in front of me, but we do have very close relationships with our law enforcement colleagues. It's one of the fantastic benefits of being all part of the one portfolio. We'll get a range of inputs through anything from the National Security Hotline, with threats against our premises, to reporting from our officers—and I'm sure Mr Mansfield might want to add to this—where a live event is occurring, where someone's threatening to set themselves on fire in a visa-issuing office, for example. We also
have a range of policies, sadly, and direction and advice to our staff—for example, in ABF, covering up your uniform when you leave the office, so to speak. It's the same for our Immigration officials—removing their name tags and so forth to try to minimise their profile as targets when they're out in the public community. It's an unfortunate reality of the times that we live in.

**CHAIR:** Thanks for that. I'll move back, in my remaining three minutes, to where I was before. Mr Mansfield, you might recall we were talking about those with a fake identity. Do we have statistics on where those people come from? I'm not particularly interested about their nationality. What I'm more interested in is those who got to Indonesia by means of an aeroplane, which means that, clearly, to come through customs in Indonesia, they would have needed proper passports, proper documents. Do we have any statistics on that?

**Mr Mansfield:** No, Chair. The short answer is no. We certainly capture, for people who arrive by boat, all of the documents and other information that they have on their person at the time, and then that feeds into our future considerations around questions of identity. But we don't—

**CHAIR:** As I understand it, a lot of people didn't have documents.

**Mr Mansfield:** That's correct.

**CHAIR:** They lost them at sea or something. Do you have records that show how many of those people must have had documents to get to Indonesia? For example, if they're Indonesian nationals or if they lived in Singapore, they could have come across by boat.

**Mr Mansfield:** We don't have statistics on that question. Obviously we know, at the point they were being interviewed, what they claimed, in terms of the route they may have claimed to have taken or what have you, but we don't capture reportable statistics in that sense. We capture that information for the purposes of understanding their journey, for the purposes of informing intelligence and also for the purposes of assessing identity through the course of our engagement with the client in relation to the resolution of their status. So, the short answer is no, we don't have that in a reportable way.

**CHAIR:** Mr Pezzullo and Mr Mansfield, you both indicated previously the checks that are made for people seeking visas initially and then citizenship. Clearly, the department, on behalf of the Australian people through the government, put a lot of effort into that. Why?

**Mr Pezzullo:** The integrity of the managed migration program is central to its public acceptance. I think that's been the longstanding position of governments of all persuasions—certainly for as long as I have been associated with the function or, indeed, been a public servant. If the public at large, the government or parliamentary representatives are not able to have confidence that we are managing the entry of persons into Australia who are known to us—their identity is known, their purpose of travel here is known, as is the fact that they are who they say they are; for instance, they are applying for permanent migration, their life story stacks up and the documents associated with their application are true and valid—and if we can't give confidence to our minister, to the parliament and through the parliament to the people of Australia, regrettably, it would be the case that, as you see in other parts of the world, confidence in immigration planning, management and administration would start to diminish. Were that to occur—and I will ask the minister to perhaps reflect on this as an elected representative, as opposed to me, who was appointed—it just makes the immigration debate and challenge that much harder. It tends to polarise opinion. Whereas if you can say that we've got a very clear idea of who's coming to our country, why they're coming and that they are who they say they are, I think there's a greater level of acceptance of whatever the level is—because in the end it's a matter for the government to set levels, not for the bureaucracy. Whatever the level is, there's greater confidence in that program. But, Minister, perhaps I might defer to you.

**Senator Seselja:** Thank you, Mr Pezzullo. I wouldn't add too much to that except to say that it has been the longstanding position of our government that a migration program should be conducted in a way that is in the interests of the Australian people and in a way that the Australian people can have confidence in its integrity. That goes to border security, but it goes through all aspects of the process, ensuring that we have a very good idea of who's coming to Australia. If there are those who would wish to do us harm, or indeed those who might misrepresent their qualifications and the like, the Australian people want to know that we're on top of that. We've put a lot of resources into that. It's been a strong focus of our government, and I think it's one of the reasons why, whilst there are always debates about the exact amount of immigration—there's no perfect number—broadly there is pretty strong support in the community for a strong immigration program. People will debate what the exact right number is at any given time. That's a very legitimate debate to have, but there is strong support for migration in Australia. Many of us here are the sons and daughters of migrants, and that's been a big part of our story. So it's a balance we seek to constantly protect.
Senator KITCHING: Mr Pezzullo, we were discussing before about someone who might be working in the department associating with known right-wing extremists and whether that would trigger the security clearances. I think that you were saying that there were two processes that would be triggered.

Mr Pezzullo: Yes, there would.

Senator KITCHING: Are you concerned about the influence of or the potential for right-wing extremism in the Department of Home Affairs?

Mr Pezzullo: No.

Senator KITCHING: What steps have you undertaken in an attempt to ensure those views don't gain a foothold amongst departmental staff?

Mr Pezzullo: Well, it's less the engagement with the views themselves. It's ensuring that every officer of the department abides by its values and the larger public service values, which include, amongst other things, respect for the policy of the government of the day, as well as observance of our laws. Intrinsic to our laws, since changes were made in the 1960s and 1970s, is to ensure that we have a universal, non-discriminatory immigration program. Touching on some of the matters that the minister spoke of earlier, it would be entirely inconsistent with employment in our department for you not to be able to comply with, conform with, observe and respect the law of the land, which is that we do not discriminate in our immigration program.

For instance, if you associated with—however you want to define the term 'association', whether it's loose or tight, whether you're a member of such an abhorrent group or whether you associate in another form—if intrinsic to your world view, however evidenced, whether it's through social media or your associations otherwise, that you can't abide by a universal and non-discriminatory immigration program, you have no place in the department. It's as simple as that. If evidence or information comes to light—always subject, of course, to procedural fairness and natural justice, because, as the chairman reflected earlier, lots of things circulate both in the traditional media and in social media, and you've got to check everything to a reasonable degree of satisfaction, whether it's a criminal or civil matter. But, subject to always affording our officers procedural fairness and natural justice, if you can't explain the associations in a way that is satisfactory, you'll be dismissed from the department.

Senator KITCHING: I refer to reports in today's Fairfax papers which state that the author of Senator Anning's speech, in which he used the words 'final solution' in relation to Muslim immigration, is in fact on unpaid leave from the Department of Home Affairs. Are these reports of concern to you?

Mr Pezzullo: They are of concern. Reaching back to the commentary I provided in my evidence to Senator McKim, I'm conscious that these proceedings are broadcast and I don't want people to draw an inference either way as to whether there's any factual basis to those reports. If someone is going to be subjected to a disciplinary and/or security checking process, I want to respect their rights. The very thing that we're trying to respect is the rule of law and the rejection of abhorrent, in this case, fascist ideologies. So the things that we fight for, inclusive of those things, are liberty and due process. Everyone is entitled to due process. But, similar to what I said to Senator McKim, which was a different matter about corrupt payments being made to an officer, the reports are of concern, and that's why they're being checked, for the same sorts of reasons. I don't jump to the conclusion that they're true, but, as with the corrupt payment allegation, it would be negligent of me not to investigate that matter.

Senator KITCHING: Is this the only case where someone has taken unpaid leave from the department, a department that's responsible for Australia's immigration program, and has gone to work for a senator who has espoused far-right views—

Senator PRATT: Racist views.

Senator KITCHING: and wrote a speech calling for the banning of Muslim immigration?

CHAIR: What's the question? Is the secretary aware of anyone else who has done this? You're not serious.

Senator PRATT: Their views shouldn't influence the practices within the department.

CHAIR: Are you seriously wanting the secretary to say what people do when they leave his employ?

Senator KITCHING: If he's on unpaid leave, of course he may well come back to the department. So I'm going to explore this: if he were to return to the department, would the views that he espoused in the speech he wrote, which was delivered, be appropriate for a department that deals with immigration?

CHAIR: All of the questions are hypothetical. Mr Pezzullo would be wise not to speculate about what someone might or might not have said, or if he did say this—

Senator PRATT: It is not hypothetical.

Senator KITCHING: The instance is not hypothetical.
CHAIR: Has it been proved, or do you say that Fairfax reporting is absolute proof? We can forget about the courts.

Senator PRATT: We're inquiring about the reports. It's not hypothetical.

Senator KITCHING: Chair, I'm going to ask for more time if you keep taking my time.

CHAIR: I haven't turned the clock on. The secretary is more efficient than me.

Senator KITCHING: Mr Pezzullo, are you aware of any other officers?

Mr Pezzullo: When you say any 'other' officers, that presupposes that there's one. As I said, I'm not commenting on the reports in substantive terms. The fact that the report has emerged on the public record is of concern. As I said to Senator McKim before, it would be negligent of me not to take reports seriously, so of course we will. I'm not going to simply say that that one is correct and now I'll move on to other officers. What I can do is give you this assurance: subject to the powers that I have—acknowledging that someone who is working for the department, which may or may not be the case here, and I neither confirm nor deny whether it is the case that that report is accurate—subject to me being able to look into what someone has done whilst in the employ of a parliamentarian, which creates a whole different set of issues—I am very aware of the resolution passed by the Senate, which the President has put to all agency heads and secretaries, about how we need to tread carefully; and I thank the senators for reminding me of the importance of privilege—if it's the case that I can't look into a matter that has been undertaken in a privileged fashion—that is to say by a member of staff working for a senator—I will do everything within my power to look at ancillary associations that I can look into.

Privilege cuts both ways it has to be said. If it comes to this, whether in this or any other matter—I'm not going to speculate—I'll set the standard. No-one will work in my department who holds those views, I can assure you.

Senator KITCHING: Thank you. That is good to hear.

Mr Pezzullo: I draw attention specifically to the message I put to all staff yesterday in recognition of yesterday being Harmony Day. There's a powerful message that the commissioner and I and other senior leaders wanted to make in relation to extremist right-wing views. That gives you a frame of reference that I'll be operating in, I can assure you.

Senator KITCHING: Given that we have a non-discriminatory immigration policy, are you going to initiate an investigation or a process in terms of this report?

Mr Pezzullo: I don't think I can be any clearer, but I've failed thus far, so I do apologise. I use the direct comparison with the question that Senator McKim asked me. Senator McKim has drawn to my attention a report that someone is saying—bragging, if we want to use that term—that you can get certain visa outcomes by way of making corrupt payments to officers. I can't ignore that, because that's quite a specific allegation. In the same way as I can't ignore that, I can't ignore a report that someone who is on leave from my department working under the Members of Parliament (Staff) Act, potentially undertaking actions that are covered by privilege, has undertaken the activities described in that report. I can't ignore that. Now, what action I take—out of respect for privacy, due process and the natural justice that should be afforded to all—I'm not willing to particularise at this point. But I think I've set the standard and I've set the benchmark—and I'm sure the commissioner would agree that the same would apply in the Australian Border Force—

Mr Outram: Absolutely.

Mr Pezzullo: that we will not tolerate extremists of any description. I don't care with whom they're associating; any form of extremism is repugnant. Any association with groups that vilify minorities and either normalise or incentivise violence is completely abhorrent. Our duty is to uphold the law, and that includes laws in relation to violence—murder and the like. You will not be working in my department if you hold those views.

Senator KITCHING: Given the person in question who is on unpaid leave was dealing—

Mr Pezzullo: I can't assume that.

Senator KITCHING: Given the person who is on unpaid leave was dealing with constituent inquiries—that's what the report in Fairfax says—are you going to go back to look at his file as part of the process to see if he has expressed any views in terms of dealing with constituent inquiries that may indicate that he has held those views since he was working for the department?

Mr Pezzullo: All I can do is repeat what I said earlier. I suspect there are going to be limitations placed upon me in terms of how far I can look into work—I'm speaking in general terms here, out of respect for privacy and due process. I think, as the President has reminded all officers, there are going to be limits on what we can look at in terms of privileged activities. I would really urge the Senate to perhaps reflect on that. I say that very respectfully, because it will bind us in terms of what we can do in such circumstances. That's really commentary
in passing. I'm very respectful of the ancient privileges of this house that derive from privileges that go back to the 17th century. I'm fully seized of those privileges. But it is going to create—

_Senator Pratt interjecting—_

**Mr Pezzullo:** Beg your pardon?

**Senator PRATT:** That's fine. I was interjecting on myself.

**Mr Pezzullo:** Within those limitations, whether or not they're applicable here, I don't want to particularise what we may or may not do. Just speaking in general terms, it's hard to see how the secretary of a department can look into the activities of someone who is on leave from that department who's working in the service of a senator. I want to give you a very general answer: as I said earlier, if there's other ancillary information that isn't potentially affected by such questions of privilege that might have a bearing on any officer's employment such as would void their clearance or void their employment suitability—those are the two tools that I have available to me—I can assure you that it would not be the case that the department would be tardy in turving them out. I can give you absolute assurance, subject to due process and natural justice. The extremists that we are speaking of are the ones who don't want there to be natural justice for all, who do not respect the dignity of the individual and who run roughshod over due process. The values that we fight for will be applied in this case should that be necessary. But, again, I need to look at it very carefully because of the question of the privilege that attaches itself to someone who is working in the service of a senator.

**CHAIR:** Thanks. You mentioned due process very appropriately, but the due process that I'm in charge of at the moment is the agenda before the committee, which is outcome 2 and outcome 3. I allowed Senator McKim's questions on the matter he raised because they were, I thought, related to program 2.3, visas, and I guess in an extended way they were. I ask senators to respect the program that the committee has set—not me—and return to outcome 2 or outcome 3. If nobody is going to ask questions of outcome 3, perhaps we could let the officers from

**Senator Pratt interjecting—_

**Mr Pezzullo:** It must have been.

**Senator McKIM:** Yes, thank you. So you've now formed a view that corruption may have occurred in your department in the form of cash payments being received by a departmental official—

**Mr Pezzullo:** Not quite, Senator.

**Senator McKIM:** in order to get a certain visa decision made?

**Mr Pezzullo:** I'm satisfied that there's a matter that should be referred to the ACLEI commissioner—and the act is quite particular in terms of misconduct in office and corrupt dealings in order to secure a benefit. But, as I said, it's a very low threshold, because we're not the investigating authority—subject to, if I can use shorthand, our triaging a matter to ensure that it's not just completely vexatious, completely without merit. But, all things being equal, if someone that you named earlier in your question has made the serious allegation—albeit, as the chairman reminds us, through social media initially—that by paying moneys you can achieve certain visa outcomes, it would be remiss of me not to draw that to the commissioner's attention. I place no more weight on it, so you shouldn't think that an initial investigation has almost proven it or—

**Senator McKIM:** No, I'm not suggesting that. I thought I was pretty careful in the words I used—they were the ones that you used.

**Mr Pezzullo:** You were, Senator. In effect, I've referred an allegation to the commissioner.

**Senator McKIM:** You've referred an allegation, but in order to do that you had to form a view that either corruption or misconduct may have occurred in respect of the specific allegation that cash was paid in order to get a certain visa outcome.

**Mr Pezzullo:** The person putting this view about—intrinsic to what they're saying is that, if you pay enough money, you can get a visa.

**Senator McKIM:** This may be one for Ms Noble. Is it the allegation that's referred, or is it a departmental officer or officers that are referred?
Mr Pezzullo: I think it's best in the circumstance to proceed cautiously, Ms Noble. The allegation certainly has to be referred and the extent to which we have information about the grant or the non-grant of the visa in that circumstance, if you like, the file is made available. I don't know if there's anything more we can add.

Ms Noble: We follow very strictly section 19 of the Law Enforcement Integrity Commissioner Act. That act requires that an agency head, such as a secretary, on becoming aware of an allegation that raises a corruption issue, must refer that to ACLEI. As I said, that's quite a low bar and our awareness of that allegation came through the media reporting.

Senator McKIM: So it's the allegation that's referred rather than an officer or officers of the department—is that correct?

Ms Noble: That's right.

Senator McKIM: I wanted to ask some questions about the backlog on citizenship applications.

Mr Pezzullo: Mr Mansfield will assist.

Senator McKIM: Mr Mansfield, firstly, could you provide the committee with the latest figures you have around the backlog of citizenship applications that have not yet been determined by the department.

Mr Mansfield: The number of applications on hand as at 10 March 2019 for citizenship by conferral was 230,869. That represents a decline from some of the previous estimates, so that—

Mr Pezzullo: What was that number again?

Mr Mansfield: 230,869.

Mr Pezzullo: So, in round terms, 230,000?

Mr Mansfield: Yes.

Mr Pezzullo: What's that a decline from?

Mr Mansfield: I think it was around 250,000. I don't have the detail.

Senator McKIM: Thank you for your assistance. So that's a decrease of about 20,000. Mr Mansfield, is that because more resources have been allocated into this area by the department?

Mr Mansfield: It is a function of multiple things. We have put more resources into citizenship processing. We've also set up specific internal task forces to focus on some of our most complex identity and other cases within the case load. We've implemented some changes to the way that we triage cases to different case officers. We've centralised case loads in various different locations to make them more efficient. So it's a range of factors that have led to those outcomes.

Senator McKIM: Do you have the figures on the average wait times, then, for citizenship, and how those are tracking compared to previous periods?

Mr Mansfield: It's on our website but I'll find it. The percentile processing times for conferral applications from lodgement to acquisition are: 75 per cent of applications processed in 20 months; and 90 per cent of applications processed in 23 months. One thing I would say, looking at the processing time, is as we've sought over the last six months to focus on some of the oldest cases, once they are decided, they effectively fall into those processing statistics. In one sense, they have a perverse effect on the processing statistics because we're finalising some of the oldest cases, and so, once they're finalised, they show up in those statistics.

Senator McKIM: The department previously had a target of processing 80 per cent of citizenship applications within 80 days. Why was that target dropped?

Mr Mansfield: That figure hasn't been used by the department for quite some time. That was a historical figure that was used internally as a measure of performance. However, we don't believe that it reflects the current circumstances in terms of the complexity of the case load and the number of applications on hand, so we no longer use that. We believe that there are other measures that you can use to more effectively ensure that you're not only driving internal performance—finalising cases in an efficient way—but also not compromising on integrity, so you're also ensuring quality decision-making.
Mr Pezzullo: I'm not partial to such targets. They are cookie-cutter targets. It drives perverse behaviour whereby officers, in order to meet their target towards the end of a program year—you're starting to get grants, sometimes, frankly, out of a cereal box. It's not appropriate. It drives poor behaviour.

Senator PRATT: Why have targets on citizenship ceremonies at the moment then?

Mr Pezzullo: Sorry, Senator?

Senator PRATT: Sorry, I shouldn't interrupt Senator McKim's time. I will ask my questions later, if there's time.

Mr Pezzullo: I'd much prefer that—yes, of course we want to be responsive, because if someone's got an application in they should be able to get some information as to where they are in the queue and all the rest of it. But my higher duty is, through the minister and the government, to this parliament and to the people to ensure that the law is being applied and standards are being applied, and that there's no diminution for all the sorts of reasons that minister spoke about earlier when speaking about migration visa grants—that we don't dilute standards and quality. Frankly, as our systems are getting checked better, the search beams are getting more powerful. Regrettably it's the case, especially for citizenship, which is an even higher standard than PR, that documentation ambiguities and identity ambiguities—when Ms Fernandez and her intelligence group bring on a new biometric database, a fingerprint database, flags arise that were previously unknown to us. We will set that application aside until we can resolve it, and we make no apology about that. In that context, I'm not going to have my officers rushing towards the end of a program year—

Senator McKIM: I do understand the point you're making.

Mr Pezzullo: I appreciate that.

Senator McKIM: I'd characterise the ANAO report as pretty scathing. You may have a different view.

Mr Pezzullo: It's critical.

Senator McKIM: It was very critical.

Mr Pezzullo: I just dialled it down from scathing!

Senator McKIM: Has the department put in place any of the reforms that Mr Mansfield alluded to, in terms of the way that citizenship applications are processed, post the ANAO report? Or were they already in place during the period that the ANAO reported on?

Mr Mansfield: They were in train over the last, I would say, 12 months. We've been working on a whole range of different reforms to improve the way that we process and decide citizenship applications. That was happening during the period that the ANAO were looking into citizenship by conferral, but the period that they focused on didn't cover the most recent decision-making.

Senator McKIM: All right, thanks. That's clear. We've talked about targets, Mr Pezzullo, and, as I said, I do understand the point that you're making. But parliament's got a responsibility here as well—

Mr Pezzullo: Of course.

Senator McKIM: and the ANAO found that the department had not set key performance indicators to show parliament and other stakeholders how it was going in this area. What performance indicators are in place that would allow parliament to understand how the department's going in this area?

Mr Mansfield: Obviously, we publish the overall processing times on the department's website. We also, through the Senate estimates processes, make available information about the number of decisions that we've taken in relevant periods, and breakdowns of those decisions, depending on the questions asked.

Mr Pezzullo: What's the standard, though, that we've put into the portfolio? I think the senator's question goes to—

Senator McKIM: I can probably help you a little bit here. With regard to the department's response to the ANAO report, the department did not accept the recommendation to reintroduce key performance indicators for parliament—

Mr Pezzullo: That's correct. And this is where we did differ in view. We absolutely respect the Auditor's independence and his obligation to report to this parliament; it doesn't mean that they're infallible. If you focus on client satisfaction—and I understand the heat that gets into this and I understand that all of your offices receive lots of calls saying, 'I lodged my application.' But the clients probably often don't tell you that the department's concerned about their identity, that the department's concerned about the merit of their application, and they don't tell you that they've used, in some cases—not in all cases; I don't want to besmirch whole classes of people—dodgy documents. They probably don't draw that to your attention. So, yes, I understand the pressure that
members of the House of Representatives and members of the Senate are under when so-called client satisfaction issues arise. But, equally, this parliament would be just as seized if someone who was granted citizenship on the sort of flaky—I’ll withdraw that—on the thinner scrutiny and checking that we did prior to 2014 subsequently engaged in violent crimes or a mass-murder terrorist attack. I’d be sitting before you being absolutely flayed for other reasons.

So, yes, we did contest that. It doesn't mean the Auditor-General hasn't got a right to put a view; he does. It doesn't mean that I've don't have a right to respond and say, 'I'm not inclined to put in place KPIs on what I'd call input measures’—that is, how many widgets are going along a conveyor belt of citizenship processing. If there's a different way to speak to the outcomes whereby we can quantify security and integrity outcomes along with processing times and client satisfaction—if someone can write that algorithm for me—I’d be delighted to put that KPI in place. My higher duty is to ensure that no-one who's going to be a threat to our country gets a visa or citizenship.

**Senator McKIM:** What key performance indicators are available for the parliament, then?

**Mr Pezzullo:** As Mr Mansfield said, we track processing times, which are in flux, up and down, on our website. If people feel that the processing times aren't what they should be, well, they can volunteer to pay more taxes and I can be funded to punch more widgets down the conveyor belt. But, otherwise, the processing times are what they are.

**Mr Mansfield:** The other thing that we are doing in relation to processing times is splitting out processing times from lodgement to department decision, and from the decision to attending a ceremony, so that there's a greater level of granularity for the parliament and other interested parties around the difference between those processing times.

**Senator McKIM:** Okay. You mentioned citizenship ceremonies there. Can I ask what arrangements have been put in place for the councils from which the government's removed the right to conduct citizenship ceremonies—that is, Darebin and Yarra councils?

**Mr Pezzullo:** The minister's signed relevant instruments, hasn't he? Yes; sorry, go on.

**Mr Mansfield:** The department is conducting ceremonies in the areas covered by those two council areas and ensuring that individuals who are eligible for citizenship and have been approved for citizenship are not disadvantaged by the actions of the councils.

**Senator McKIM:** Has there been any delay in any citizenship ceremonies as a result of the government's decision to remove the authority of those two councils to conduct citizenship ceremonies?

**Mr Mansfield:** No. We've been continuing to make arrangements for citizenship ceremonies to be conducted in those two areas. We've had the highest number of people becoming citizens in both the Australia Day week and subsequently. There's a significant amount of effort going into increasing the number of ceremonies that are conducted right across the country.

**CHAIR:** Thanks, Senator McKim. We can come back to you later.

**Senator PRATT:** There's a report in today's *Sydney Morning Herald* that home affairs minister Peter Dutton had been lobbied by Alan Jones and Pauline Hanson regarding a visa for Milo Yiannopoulos. Have you spoken with the home affairs minister about Mr Yiannopoulos's visa application?

**Mr Pezzullo:** No.

**Senator PRATT:** Did you provide any advice to Mr Dutton about granting a visa to Mr Yiannopoulos for his tour in December 2017?

**Mr Pezzullo:** No. Information, advice and, in the end, a decision to support submissions are given to the immigration minister, who exercises powers under the Migration Act—that is, Mr Coleman.

**Senator PRATT:** Was that the case in December 2017?

**Mr Pezzullo:** I've just got to remember the split of ministerial responsibilities. Mr Dutton had a number of decision-making powers under the Migration Act, as did—am I right in remembering?—Mr Tudge, who was the minister for—

**Senator PRATT:** Can I ask what advice was given for Mr Yiannopoulos's visa application for his tour in December 2017?

**Mr Mansfield:** We'll take that on notice.

**Senator PRATT:** You don't know?
Mr Mansfield: We'll take on notice the particulars of which particular office that advice was provided to—I can run through the process.

Senator PRATT: Are you able to tell us what advice might have been given the year before last, compared to this year?

Mr Pezzullo: Sorry; can I just get clarity. You're referring to an earlier tour or visit, when he previously came here?

Senator PRATT: Yes.

Mr Pezzullo: When was that?

Senator PRATT: In 2017.

Mr Pezzullo: We'll come back to you on notice. To the extent you're asking about ministerial decision-making, we'll put it to the relevant minister. In 2017—

CHAIR: That's something that Senator Seselja would provide.

Mr Pezzullo: I'll put it through the minister. In 2017, until December of that year, we were the Department of Immigration and Border Protection. Then, obviously, with the advent of the Department of Home Affairs, Minister Dutton was joined by Mr Tudge, who also exercised immigration powers. We just want to clarify which minister had the relevant sections of the act under their authority; we'll take that on notice. We'll also—through you, Minister—go back to Minister Dutton and see if he wishes to add anything to our answer.

Senator PRATT: About the advice he was provided for Mr Yiannopoulos's visit in December 2017.

Mr Pezzullo: Again, I want to stress, we need to check which minister had the delegation under the act. We'll come back to you on that.

Senator PRATT: Was Mr Yiannopoulos ever granted a visa for his proposed tour of Australia this year?

Mr Pezzullo: Yes.

Senator PRATT: Was the relevant minister David Coleman?

Mr Pezzullo: Yes.

Senator PRATT: Are you aware of any lobbying that led this visa grant to take place?

Mr Pezzullo: Lobbying of whom? No-one lobbies me.

Senator PRATT: Minister Coleman.

Mr Pezzullo: You'd need to ask the minister.

Senator PRATT: Did Minister Coleman receive any letters or phone calls regarding this visa application?

Mr Pezzullo: I'd have to refer that to the minister. I've got no idea.

Senator PRATT: Does anyone else in the department have an idea?

Mr Pezzullo: I doubt that very much. We provide advice to the minister's office. With whom they speak is a matter for them.

Senator PRATT: You say you doubt very much, but other people might have an answer.

Mr Pezzullo: I think, if I doubt very much, they all doubt very much as well.

Senator PRATT: They might know otherwise; that's all I'm asking.

Mr Pezzullo: Mr Mansfield, do you doubt very much as well?

Mr Mansfield: I'll take that on notice.

Senator PRATT: No, Mr Mansfield; do you know the answer?

Mr Mansfield: I don't have the information before me as to all of the information that was provided to the minister and what was included in that information pack.

Senator PRATT: Do you know if that information to the minister included letters or correspondence from other members of parliament?

Mr Pezzullo: We'd need to check, wouldn't we?

Mr Mansfield: I know that there's been public reporting of that. We would need to check.

Senator PRATT: But do you know?

Mr Mansfield: I've taken that on notice.

Senator PRATT: No, it sounds like you do know, Mr Mansfield. You've taken it on notice—
CHAIR: Yes, he's taken it on notice.

Senator PRATT: but it actually sounds like—Mr Pezzullo, would you like to ask Mr Mansfield if he actually knows what correspondence—

Senator Seselja: I don't think it's appropriate for Mr Pezzullo to be interrogating Mr Mansfield.

Mr Pezzullo: I'm not a member of your committee.

Senator PRATT: No, Mr Pezzullo, you are entitled—

CHAIR: Order! Senator Pratt, it's not for senators to tell the department how they should answer or who they should talk to. You've asked the question and it's been taken on notice.

Mr Pezzullo: I thought I was being made an honorary member of the committee!

Senator PRATT: Mr Pezzullo, you're entitled, of course, to answer the question on Mr Mansfield's behalf. Before you do that, though, might you check with him if he has any personal knowledge of whether that correspondence includes letters from members of parliament?

Mr Pezzullo: I've listened closely to Mr Mansfield's evidence. He has said (a) he's going to check and (b) ministers do receive representations. Whether that's occurred in this case, we don't know.

Senator PRATT: It sounds like he knows whether that's occurred in this case.

Mr Pezzullo: I don't know whether it sounds like that.

Mr Mansfield: If I can speak for myself—

Mr Pezzullo: You should do that, Mr Mansfield!

Senator PRATT: It's a simple yes or no answer. You can say 'yes', 'no' or 'I don't know'.

Mr Mansfield: Or we can take it on notice.

CHAIR: Senator Pratt, Mr Mansfield started to answer the question, as a result of your badgering, but the moment he opens his mouth you interrupt him again.

Senator PRATT: All right; I'll wait for the answer.

CHAIR: If you want to hear the answer—and who answers questions is a matter for the minister and the secretary. Mr Mansfield's happy to answer. Mr Mansfield, go ahead.

Mr Mansfield: The process is that controversial visitors, including hate preachers, are referred to our character and cancellation area for consideration as to whether their visa should be refused under section 501 of the act. Once all of that information is gathered, it goes to the character delegate for views on refusal consideration. The views of the character delegate are then provided by way of a package of information to the minister's office, and the minister's office indicates to the department whether or not the minister may be minded to individually decide a matter. If the minister is minded to individually decide a matter, then a submission is prepared for the minister with all of the background material and particulars in relation to the case. Your question was: did the submission to the minister include representations that were made to his office or to other members of parliament? I'm saying that I don't have all of that information before me, and I've agreed to take it on notice.

Senator PRATT: Was the decision to grant Mr Yiannopoulos a visa contrary to the advice provided by the Department of Home Affairs? You've outlined that, in the normal process, you will make a recommendation to the minister and then he will decide whether he's otherwise minded to change the decision. Was the department comfortable with granting a visa to someone who falls foul of the character test in this way?

CHAIR: That question offends Senate standing orders. You're asking the officer for an opinion—in your case, a corporate opinion from the department. That's not an appropriate question.

Senator PRATT: Was the decision to grant the visa contrary to the advice provided by the department?

Mr Mansfield: The department provides advice on all of the risk factors, all of the information about the client, mitigating circumstances and other information. It does not, in its submissions, purport a view as to whether a decision should be made one way or the other.

Senator PRATT: Was there information within that submission to the minister that fell foul or would have raised concerns in relation to the character test?

Mr Mansfield: It was a comprehensive submission. Without going into the nature of advice we put to ministers, it contained all of the information that we had available about the actions of the individual client and how that relates to the individual provisions within section 501 of the Migration Act.

Senator PRATT: So you put forward information relevant to that part of the Migration Act.
Mr Mansfield: Correct.
Senator PRATT: Did that information meet the policy threshold to fail that test within it?
Mr Pezzullo: It's not a policy threshold; it's a matter of law.
Mr Mansfield: It's a matter for individual decision by whoever is making that decision. In this case, it's the minister. If it were a departmental delegate, it would be that delegate.
Senator PRATT: In this case, did that information meet that test as a matter of law, in the eyes of the department's delegate?
Mr Mansfield: The department doesn't posit views on individual decisions taken by delegates. Indeed, I can't, for example, direct a delegate within my own area to make a particular decision. They form a view based on all of the facts before them.
Senator PRATT: In this case, a decision can be made by the department's delegate or the minister—
Mr Mansfield: Correct.
Senator PRATT: because it was referred to the minister. Had a decision been made by the department's delegate in this case?
Mr Mansfield: No, it hadn't.
Senator PRATT: So what was that decision?
Mr Pezzullo: Perhaps to simplify this matter, in this case the applicant chose to self-disclose certain matters. You can find correspondence sent to him on the internet. I don't particularly want to go into the details. He's chosen to waive his own privacy. I think it's a matter of record that there are three steps at play. A departmental delegate who works for but is not directed by Mr Mansfield had come to a view that a visa in this case perhaps ought to be denied, subject to natural justice. What's the notice called?
Mr Mansfield: A notice of intention to consider refusal of a visa application.
Mr Pezzullo: We wouldn't ordinarily talk about this publicly, simply out of regard for the privacy provisions under the Migration Act, but Mr Yiannopoulos, or someone purporting to act on his behalf, or one of his agents, decided to—I think it's fair to say, Mr Mansfield—draw prominent attention to this. This fellow seems to be in the business of drawing attention to himself. A decision had not been made, but a notice of an intention to deny had gone to this fellow or lawyers or agents acting on his behalf, I suppose—as is a matter of public record, because the minister himself has said something about this. I'll otherwise refer through this minister at the table any further commentary or advice to the minister, but the minister has made clear that, on reflection, he felt, in relation to freedom of political communication and other factors, that in this case a visa ought not to be denied, but then, after the reprehensible, abhorrent comments by this fellow in relation to the events in Christchurch, the minister took the view that he was not a fit and proper person to visit our—
Senator PRATT: I don't think his views have changed.
Mr Pezzullo: I'm just laying out the facts, Senator. You can provide whatever commentary, I suppose—
CHAIR: Not in estimates, she can't.
Senator PRATT: in due course.
Mr Pezzullo: Given his association with or his attempt to legitimise—I'm paraphrasing here—the abhorrent actions last Friday, the minister decided he wasn't a fit and proper person within the meaning of the Migration Act and has denied him that visa.
Senator PRATT: On what date was the visa officially cancelled?
Mr Mansfield: On 16 March 2019.
Mr Pezzullo: Have I got that sequence pretty much right, Mr Mansfield?
Mr Mansfield: Correct.
Senator PRATT: It sounds right to me. I will move on to some other questions. Mr Pezzullo, I wrote to you last week asking the department to prepare answers about off-terminal clearances and VET student visas. Do you have that information?
Mr Pezzullo: The latter point raised in your letter, which relates to off-terminal clearances, is a customs issue, so Commissioner Outram, as the comptroller-general, can deal with that if he—
Senator PRATT: I'm happy for you to take those on notice, provided you've actually got the answers.
Mr Pezzullo: I think he's ready to go.
Senator PRATT: In the interests of time—
Mr Pezzullo: The other one was vocational training—
Senator PRATT: Vocational education and training visas.
Mr Pezzullo: Mr Mansfield will handle that.
Senator PRATT: I'm also happy for you to take those on notice, but they might come up relevant to some other questions I've got to ask. How many citizenship applications has the department processed since Australia Day?
Mr Mansfield: I'd have to take that on notice. I don't have the detail—
Senator PRATT: I think your own website says about 7½ thousand.
Senator Seselja: So why are you asking the question?
Senator PRATT: Because it's contextual.
Mr Mansfield: Did you say since Australia Day?
Senator PRATT: How does that number compare to the number of ceremonies conducted by local councils, and has the proportion of those ceremonies changed?
Mr Mansfield: Could you repeat the question, sorry.
Senator PRATT: How many of its own citizenship ceremonies has the department conducted this financial year?
Mr Mansfield: I'll take that on notice. I don't have the number of ceremonies we've conducted. I know that, because it was the 70th anniversary of Australian citizenship, we had an increased number of ceremonies to help celebrate the 70th anniversary.
Mr Pezzullo: Senator, are you asking about the conduct of all ceremonies?
Senator PRATT: Ceremonies held by the department. I'm not specifically interested in the ones where you've stepped in, in place of the local government, but it seems to me that you've got McDonald's drive-through-style citizenship ceremonies going on around the country at the moment.
Senator Seselja: Sorry, what is that meant to mean? I'm not really clear on the McDonald's drive-through reference.
CHAIR: Perhaps Senator Pratt—
Senator Seselja: Is seeking to denigrate the citizenship ceremonies.
CHAIR: can explain.
Senator PRATT: I'm happy to. Has the department been asked by the minister to rush through and accelerate the number of ceremonies before March this year?
Mr Mansfield: I wouldn't characterise any request by the minister in that way.
Senator PRATT: But there has been a request by the minister?
Mr Mansfield: The minister has indicated to the department that he would like us to work with councils and other organisations to maximise the number of people—or, rather, minimise the amount of time between when they are approved to become a citizen and when they ultimately have a citizenship ceremony. The code stipulates that, generally, it should happen within six months. From the point of view of the client, they would like to become a citizen as quickly as possible. So we have been working with councils to try and maximise the number of ceremonies. We have had, in relation to the 70th anniversary of Australian citizenship, a number of high-profile ceremonies in relation to that celebration.
Senator PRATT: Has each state been given a target? What's the target in each state?
Mr Mansfield: Target for?
Senator PRATT: More citizenship ceremonies.
Mr Mansfield: No. We have certainly engaged with the ceremonies team in each state to encourage them to reach out to councils and try and increase the number of ceremonies.
Senator PRATT: Yes. But I'm interested in how many ceremonies the department itself has been conducting, because I hear on the ground—
Mr Mansfield: I've taken that on notice.
Senator KITCHING: Could I ask a question that is a variation on that. Are you encouraging communities to organise the citizenship ceremonies themselves?

Mr Mansfield: We are certainly open-minded to that occurring. Certainly in some areas there is greater evidence of that. I believe in Queensland there is a longstanding practice of Rotary and Lions clubs and others conducting a number of ceremonies. Is that what you mean?

Senator KITCHING: Communities as in communities of particular ethnicities.

Mr Mansfield: Not as a matter of practice. I'm aware that there was a citizenship ceremony conducted to acknowledge a particular anniversary of the Bhutanese community in Australia, and we had quite a number of citizenship applications.

Senator KITCHING: I went to that.

Mr Mansfield: So we certainly had one that coincided with that, but not as a matter of practice.

Mr Pezzullo: I should be asking you about it. I had no idea.

Senator KITCHING: Sorry?

Mr Mansfield: I didn't know that you had attended that, Senator Kitching.

Mr Pezzullo: You're the subject matter expert, Senator.

Senator KITCHING: I get around!

Mr Mansfield: There you go!

Senator KITCHING: It was in Cairns.

Senator PRATT: So you've highlighted that you want the gap between the ceremony and the—

Mr Pezzullo: The conferral. The approval of the application and then the conferral at the ceremony—we'd like to reduce that, partly, to go back to the questions asked by Senator McKim—

Senator PRATT: Did you provide extra resources to do this extra ceremony-related work? My understanding is that ceremonies have been prioritised over the actual processing of other applications.

Mr Mansfield: That's not accurate.

Senator PRATT: That's what I hear on the ground.

CHAIR: You're being told what the truth is.

Mr Pezzullo: We run the program. You don't know who you're speaking to, but you're now speaking to the people who run the program.

CHAIR: I can guess.

Senator PRATT: Well, it might be—there are people all over the country who do this work.

Mr Pezzullo: We run the program. You've got an opportunity to ask us about numbers and ceremonies.

Senator PRATT: All right. Would you provide on notice for me, please, the progress that you've made in processing citizenship applications versus the conferral process since January and for the three months prior to that, proportionate to each other. I want to see if this process has actually impacted on the citizenship approval process, not the conferral process.

Mr Pezzullo: There might be a fallacy of correlation as opposed to causation because it might be that resources have gone into both sides of that equation. I'm not sure if Ms Finney has some illuminating insight.

Ms Finney: I think what we can say is that there have been improvements in both the processing and the conferrals.

Mr Pezzullo: So it's not a zero sum. In other words, just because you improve your activities in the ceremony space doesn't mean that you're taking resources in a zero-sum way. That's why I said be careful when you've got your ear to the ground—

Senator PRATT: I guess people's individual workloads might be affected in that way—

Mr Pezzullo: Possibly, but I'd caution against collapsing correlation with causation because it might be that both sides of the equation have been improved.

Senator PRATT: You'll give me the documentary evidence to prove your statement, I'm sure.

Mr Pezzullo: Correct.
CHAIR: I've been remiss in allowing you double the time for questions, Senator Pratt—most remiss. I only did that because Senator Pratt suggested to me that I'd given Senator McKim more time. It must be about my time.

Mr Pezzullo: Thank you, Ms Finney, for your excellent answer and for indicating what your role is in the department!

Senator McKIM: I have a couple of follow-up questions on that, so perhaps Ms Finney might like to stay at the table.

Mr Pezzullo: That's good notice. He normally doesn't give notice like that; that's very charming!

CHAIR: I understand that grants have been given to particular groups to foster integration around Australia. I wonder if you could tell me about that.

Mr Pezzullo: Mr Mansfield—and, indeed, Ms Finney—it's in your division as well, is it not?

Ms Finney: Yes, it is. There was an announcement for Fostering Integration Grants totalling $9,310,867 that were awarded to 226 organisations nationwide.

CHAIR: Do you have the details there? I'm particularly interested in any grants—I'm always a bit parochial at estimates—in the Townsville and western Queensland region.

Ms Finney: I can certainly give you the state based breakdown. I don't have it by actual towns and cities because there are quite a number of them, but in Queensland there were 43 grants awarded totalling $1,792,115. For Townsville, we can certainly take that on notice.

CHAIR: I look after the Townsville region and north-western Queensland. Perhaps it would be easier just to give me the list of the Queensland grants. What are they actually for? What types of groups get them? Who can apply?

Ms Finney: Community organisations receive them, and the idea is to fund a broad range of community organisations such as sporting clubs, local communities and organisations that do outreach to communities. So there's quite a broad range. There's quite a focus on outreach to women and youth. The idea is to promote integration. It's to encourage people to try new things, whether they be employment focused, social, such as I mentioned through sport, or assisting with education in terms of a particular outcome. Really, they're quite diverse.

CHAIR: Okay. I won't ask the obvious—

Mr Mansfield: The program, in terms of what it is seeking to achieve, has a number of different objectives. One is around encouraging social and economic participation of migrants, so helping them to build skills and cultural competencies to integrate into the Australian community and improve community resilience. Another objective is around promoting and encouraging the uptake of Australian values and liberal democracy and amplifying the values of Australian citizenship. Another objective is addressing issues within Australian communities that showed potential or early signs of lower levels of integration, so people that might be falling through the cracks, if you like. Another is also promoting a greater understanding and tolerance of racial, religious and cultural diversity. So they were the main objectives. In terms of where the program is focused, it is particularly focused on women and youth as two large groups targeted through the grant round.

Mr Pezzullo: Mr Mansfield, to assist the chairman, without particularising it to a group and against the criteria and the objectives that you have just laid out, could you give us an example of a grant—the quantum and what it's designed to achieve? An example would be helping various diverse communities have a better appreciation of the great game of Rugby League, for instance, to mirror the excellent work that's been done by the AFL in terms of diverse participation in the AFL. I'm conscious of the great game that's played in Northern Queensland. Is that the kind of example of grant activity that's undertaken?

CHAIR: We don't really need grants to encourage support for the Cowboys—100 per cent of the people in the north, no matter what—

Mr Pezzullo: Across all diverse communities? That's tremendous. There's a saving for me there, so I won't have to fund that then! Mr Mansfield?

Mr Mansfield: I can't comment on the NRL; it's not my area of speciality!

Mr Pezzullo: Give us a couple of examples just to particularise those broad and high-level objectives of which you just spoke?

Mr Mansfield: The kinds of examples might be things like English language classes for women's groups, which integrate things like lifestyle skills with classes or these kinds of activities. It could activities for youth to...
get them more engaged, and that could be in sport or it could be in other things that help with their integration and help with intercultural connection between different groups within the Australian community. Things like that.

CHAIR: That's $9.3 million, you said, for the fostering integration grants. There's another package of money, as I understand, for programs to bring Australians together. Is that the one we've just been talking about or is there another program that we do?

Mr Mansfield: That's a different set of programs.

CHAIR: Can you tell us about that?

Ms Noble: There are a couple of other initiatives underway, including what we call the enhanced voice accelerator project. What that does is help to bring a variety of community voices together and leaders, say in the Muslim community, who might not under their own expertise be able to get positive messages out there to as broad an audience as possible. What we do through that funding is assist those people to reach more people—say through our social media platforms and so on. Another example is the annual DIGI Engage event, which is a youth summit that we'll organise this year, which is actually about trying to reach out to youth and help equip them in being able to deal better with diverse or hateful online messaging and that sort of thing. So that's a couple of other—

CHAIR: I'm asking these questions because you rarely hear about them. You hear the noisy minority in the migration area and the cultural area, but you just never hear about these things. So does that program have a name?

Ms Noble: It's called DIGI Engage.

CHAIR: Is that part of a bigger program?

Ms Noble: It's actually been a rolling annual event, so what was recently announced was the continuation of that event.

CHAIR: What money is attached to that?

Ms Noble: This year it's $387,000.

CHAIR: Earlier this month there was a $71 million package announced that aimed to bring Australians together. Can you elaborate on that?

Ms Noble: I'm not sure about that total. I'd probably be better to relate it to the Prime Minister's recent Press Club speech, where he announced a $45 million package in programs that are generally aimed at countering radicalisation. As to the breakdown of the three of those that are the responsibility of the Department of Home Affairs, between Luke and I, we have mentioned the ones that we're accountable for.

CHAIR: The others would be in what area? If it's not Home Affairs?

Dr Johnson: The broader package also involved some programs that the Department of Social Services will be managing. So the $71 million figure that you mentioned includes the totality of the items that Ms Noble went through plus the DSS measures.

CHAIR: I appreciate it's not your department, but do you know broadly what the DSS measures are?

Dr Johnson: I have some broad details which were announced by the government recently. There was $20 million to expand and enhance the national Community Hubs program, which is about helping migrants with school-aged children connect with their community. It's basically an expanded program. There's also $2.2 million for the national youth hubs program; again, that is building on the successful approach from the national Community Hubs program, which is managed by DSS, again to support migrant refugee women and children. We can certainly, on notice, give information to you which itemises the whole package.

CHAIR: I appreciate it's not your department, but do you know broadly what the DSS measures are?

Dr Johnson: Yes.

CHAIR: Thank you.

Senator McKIM: To follow up on the questions from Senator Pratt around the time between decisions being made inside the department to grant citizenship and the ceremonies to provide for that citizenship: are those times coming down?

Ms Finney: Yes. At the moment, we have 44,167 clients who are eligible to attend a citizenship ceremony. That is at 28 February this year. Of those, 70 per cent have been waiting less than three months to attend—from the time of approval to being scheduled.

Senator McKIM: How does that stack up to previous periods?
Ms Finney: I think it's an improvement. It's definitely an improvement, because we've had, for example, around 44,400 people who have become citizens in the first three months of this year, and that includes the big ceremonies and events we have on Australia Day. Plus we've had around 6,400 people this week for Harmony Week. So there have been a lot of ceremonies to celebrate Harmony Week as well.

Senator McKIM: If I could ask you to take on notice the average waiting times between the decision being made and the ceremonies occurring—perhaps in three-month blocks going back for 12 months, if that's possible? If you have the data. You can take that on notice.

Ms Finney: We'll certainly see what we can get for you.

Senator McKIM: Mr Pezzullo, I want return to the matter we were discussing earlier about the referral to ACLEI or the allegations that prompted, ultimately, that referral to ACLEI. You and I had a discussion about that, as we commented on earlier. I think it was on 17 February. There was a news report that night on Ten News Sydney by Hugh Riminton which resulted in a media release being put out by Minister Dutton, and it was a pretty frothy media release, I have to say. In that release he said, 'These allegations are entirely false.' Did the department advise him that the allegations were entirely false?

Mr Pezzullo: I'll need to refresh my memory both as to our exchange—just so I'm being very precise, our exchange. Is that the fellow who self disclosed?

Senator McKIM: Is that the fellow who self disclosed?

Mr Pezzullo: Which is now under his jurisdiction and it severely restrains my ability to further discuss that matter until he resolves his inquiry.

Senator McKIM: When you're doing that, could I also ask you to consider and, on notice, provide any information you're able to in regard to this—which is, that Mr Dutton's release goes into a—

Mr Pezzullo: The frothy one?

Senator McKIM: Yes, the frothy one.

Mr Pezzullo: That's your term.

Senator McKIM: That is my description of it. It's extremely frothy. He has a minor froth at me, a fairly serious froth at Mr Anees and an intergalactic froth at Mr Riminton. I'd describe that as extremely frothy. The point I want to make is; in that release he provided a lot of detail about Mr Anees and his situation. I believe that Mr Anees is still in detention somewhere in the onshore immigration detention system.

Mr Pezzullo: I believe so but I'll need to check.

Senator McKIM: My question to you is: could you please advise as to whether the minister was relying on departmental advice in regard to the detail of the circumstances of Mr Anees—

Mr Pezzullo: I'll take that on notice.

Senator McKIM: and also whether or not he asked the department, and, if so, how the department responded in regard to whether it was appropriate to put all of that information in regard to Mr Anees on the public record in the way that he did. Usually when we ask about individual cases, quite understandably the department says, 'We're not going to comment on individual circumstances,' but it appears that the minister has.

Mr Pezzullo: Is that the fellow who self-disclosed?

Senator McKIM: I'm not aware of exactly what Mr Anees has self-disclosed. I don't think he has made any secret of the fact that he's in immigration detention, but Mr Dutton has spent quite some time in his release outlining the reasons that Mr Anees is in immigration detention. I'll ask you to take it on notice.
Mr Pezzullo: I'll take on notice the question you have asked me, which is about the advice that we provided, and I'll see if the minister has anything further to add.

Senator McKIM: Thank you. I appreciate it.

CHAIR: I've just been advised that Parliament House is going to stop at 11.32 for the Christchurch thing.

Senator McKIM: I'm happy to cede the rest of my time.

CHAIR: Thank you for giving up your time. Senator Pratt, can you do anything in three minutes?

Senator KITCHING: I can do something in three minutes—and then we'll come back?

CHAIR: I'm happy to stay for another five minutes after that has finished if you want to.

Senator PRATT: I would like to.

Senator KITCHING: I'll just quickly ask some questions.

CHAIR: Had you finished, Senator McKim? Yes. Okay, over to you, Senator Kitching, but when the bells ring we'll all stop.

Mr Pezzullo: The bells will ring?

CHAIR: There will be a two-minute silence at 11.32. I understand that it will be broadcast internally.

Mr Pezzullo: I would ask the officers of the department to stand to show their respect.

CHAIR: Yes, I think we all will.

Mr Mansfield: The basis of the refusal decision, if you like—the ground under section 501 of the act—was a different ground to the ground upon which the minister ultimately cancelled the visa. I think if you're going make a judgement on one ground—

Senator KITCHING: Could he use another ground to backflip again?

Mr Mansfield: That's hypothetical. I'm just saying, based on the information before him—

Senator KITCHING: One might think that, in the exercise of a discretion, one might use that and not then use another ground on the same application.

CHAIR: This sort of name-calling is very inappropriate to what we're going to do in one minute's time.

Senator KITCHING: It's a legal question and it goes to whether—can I ask, also, would a senior minister be able to change the decision?

CHAIR: That's a hypothetical.

Mr Mansfield: No.

Senator KITCHING: Because the minister used the discretion?

Mr Pezzullo: Because of the assignments of responsibilities. Under the ministerial division of responsibilities, the Migration Act is solely under Mr Coleman except insofar as some cancellation powers might attach to other ministers. At this stage, it's all under Mr Coleman.

Mr Mansfield: And the visa has been cancelled, so there is no active application before the department.

Senator KITCHING: So he would have to make it de novo?

Mr Mansfield: Yes.

Senator KITCHING: I'm going to put some other questions on notice about the relative priorities of the CFI task force and Border Force, including employment numbers—so how many staff in those areas—

To acknowledge the victims of the Christchurch terror attack at 1.32 pm New Zealand time last Friday, occupants of Australia's Parliament House observed two minutes silence—
Senator KITCHING: Chair, just one further thing: I am going to ask some questions on notice, Commissioner Outram, that will generally juxtapose comments given by Mr Dutton at a press conference in the period, on 12 December—

CHAIR: Just put them on notice.

Senator KITCHING: with your letter that you furnished to the committee.

CHAIR: Senator Pratt, did you have questions?

Senator PRATT: Yes, I do.

CHAIR: You've got five minutes.

Senator PRATT: I've got a few quick questions about designated area migration agreements. Do state and territory governments have to agree to DAMAs?

Dr Johnson: There's no requirement.

Senator PRATT: When did this condition change under the DAMA system?

Dr Johnson: It's never been a condition.

Senator PRATT: When did you stop consulting with state governments about DAMAs? Was the Western Australian state government consulted about the Kalgoorlie-Boulder DAMA?

Dr Johnson: I'll refer that to my colleague, Mr Mansfield.

Mr Mansfield: I'll take on notice any engagement that happened with a state government.

Senator PRATT: Are you aware of any?

Mr Mansfield: I'm not aware of any.

Senator PRATT: Are there any salary concessions under each of the DAMAs, the designated area migration agreements, that have been approved?

Mr Mansfield: I'll take that on notice.

Senator PRATT: Do you happen to know the answer?

Mr Mansfield: I don't know the answer.

Senator PRATT: Can you take this on notice: are the salaries paid under this agreement less than the temporary skill threshold, and are the occupations in these DAMAs limited to the jobs that are in the skills shortage list?

Mr Mansfield: I'll take that on notice.

Senator PRATT: So you don't know the answer to that either?

Mr Mansfield: No.

Dr Johnson: As a general proposition, the way they operate is similar to the TSS stream generally, which does require that an occupation is listed as one where we have a skills shortage.

Senator PRATT: Were there any requirements in these DAMAs to train local Australian workers to fill those occupations in the future?

Dr Johnson: The entity that would bring a migrant in through a DAMA would also make a contribution through the SAF, the Skilling Australians Fund.

Senator PRATT: But how would you know that that was targeted to the local area and there was a strategy to address that local labour shortage, if you weren't talking to the state government that's responsible for the training programs?

Dr Johnson: We collect the SAF. The way that they manage that particular program is another portfolio's responsibility.

Mr Pezzullo: Our department doesn't—

Senator PRATT: This goes back to the original question and the problem about the fact that, in the case of Western Australia, you're no longer talking to state governments who you would otherwise be working with to—

Mr Pezzullo: Sorry, Senator: I don't think you can draw that conclusion because there might be a fallacy of composition there. What our colleagues in the education and training department do—so, we don't deliver education and training. We don't deliver employment support to Australian workers. We're the Department of Home Affairs discharging the immigration function. What Dr Johnson has said to you is that, as part of the government's policy architecture in this space, we collect a fee—what's it called?
Dr Johnson: Skilling Australians Fund.

Mr Pezzullo: That money then goes to the—

Dr Johnson: Department of Education and Training.

Mr Pezzullo: They have their own links through our federal system.

Senator PRATT: I quizzed them about their links, and there was no follow-up between your decisions to give a DAMA and any transparency around filling the skills gap locally, particularly if you don't talk to the state government.

Mr Pezzullo: All I can say is that local skills shortages, as they relate to the training of Australian workers, are a matter for another department and you'll need to ask them.

Senator PRATT: So how do you match up where you've needed to give visas out, in your view, and making sure that that skills gap gets addressed? If you can take on notice what the process is for telling them where the numbers are, that would be great.

Mr Pezzullo: We'll take that on notice.

Senator PRATT: Can the department please make public each of these agreements. Can you please provide a copy of each new DAMA on notice.

Mr Pezzullo: We'll have a look at that. Are they confidential agreements, Dr Johnson?

Senator PRATT: Why would they be?

Dr Johnson: We'll take that on notice, because it is the deed of an agreement between the Commonwealth and a particular entity in a region.

Senator PRATT: How can you work with local training providers—to have the numbers for who's coming in—to work out what the skills gap is, if it's not transparent?

Dr Johnson: As part of the process, the regional area has to go through due diligence, so to speak, about the skills requirements, and that is assessed. So that is part of the routine process of forming a DAMA. The other point I'd make is the government recently renewed what was, for a reasonable period of time, the only DAMA. So, by definition, there was very close consultation with the Territory government in that instance.

Senator PRATT: I've now got some very quick questions about the migration-population announcement. The ceiling in 2017-18 was 162,000. It's now been lowered to 160,000.

Mr Pezzullo: No, that's not right, if I might. The government's mandated ceiling, up until the announcement made during this week, was 190,000. I think what—

Senator PRATT: Yes, but weren't the actual figures in 2017-18—

Mr Pezzullo: you might be referring to is the actual achievement.

Senator PRATT: Yes. So, in that sense, it's not a real cut, if you're really just cutting it back to what you're otherwise delivering.

Mr Pezzullo: The Prime Minister and the immigration minister dealt with that during the course of their announcements the other day. As the Prime Minister and Mr Coleman made clear, this sets the 160,000 level into the forward estimates, which is something which has been announced publicly and doesn't create a fiscal impact because we're already tracking to that level; that's true. But the declared ceiling of 190,000 has been varied.

Senator PRATT: Has it been locked in for the next four years?

Mr Pezzullo: The government's announcement extends over the forward estimates period, yes.

Senator PRATT: What's the economic impact? What modelling was completed? You said there was no economic impact.

Mr Pezzullo: I said fiscal impact—

Senator PRATT: Fiscal impact.

Mr Pezzullo: which is a concept to do with the budget.

Senator PRATT: What's that modelled on? It's fiscal in terms of the revenue attached to those visas.

Mr Pezzullo: In terms of the impact on the Commonwealth budget, those are figures that we agree with the Treasury and the finance department. We're limited to that. In terms of the—

Senator PRATT: And what are the factors inside that?
Mr Pezzullo: It's a combination of the revenue that skilled migrants, particularly, bring—their work readiness, their payment of taxation and other revenue-related factors—offset against the draw on social security and other entitlements. There are a complex set of equations that relate to payments and revenue that's collected either by the ATO in the latter case or payments made by other departments, particularly the Department of Human Services. We work with them. Finance and Treasury have to sign off on the figures so that the government's got a clear view of the fiscal impact. Your question about economic modelling and broader—

Senator PRATT: No, that's fine. I'm happy with that part of it.

Mr Pezzullo: So we're on fiscal?

Senator PRATT: Yes.

Mr Pezzullo: Sorry, you asked about economic.

Senator PRATT: I know. Are you able to provide a copy of that fiscal modelling?

Mr Pezzullo: Well, it's advice that's confidential to the government as part of cabinet deliberations. I'd have to take that on notice.

Senator PRATT: If it's just a budget analysis, why should that be confidential?

Mr Pezzullo: It's part of the ERC process, so I'd have to refer that to the government. It's not solely owned by this department in any event, because the finance minister and the Treasurer have to sign off on those figures as well; it's a multiagency effort. So I'll need to take that on notice and refer it to a number of ministers.

Senator PRATT: Can the government say there's no economic impact from this policy decision if what you are saying is that you've only assessed the fiscal impact?

Mr Pezzullo: There are two different things at play. The economic impact, which is a matter for the Treasury, relates to the demographic and other factors that they have regard to when they look at the general state of the Australian economy in terms of how many people are in that economy, how many people are in the workforce, how many people are participating, how many people have got skills and where those people come from. Those are matters that the Treasury models, so if you want to ask—

Senator PRATT: Do you happen to know if they modelled that in this case?

Mr Pezzullo: You'll need to ask the Treasury.

Senator Seselja: Chair, can I just clarify: we had a deadline of 11.30, and you indicated a short extension—

Senator PRATT: I've got two more minutes.

Senator Seselja: so I just wanted to get an idea of how far past the hard deadline you were planning on taking this.

CHAIR: Senator Pratt, you've now had about 10 minutes of your five minutes, so make this the last question, perhaps.

Senator PRATT: The government announced two new visas for regional Australia. What would the economic impact be if fewer than the allocated number of the 23,000 visa holders settle in regional Australia each year?

Mr Pezzullo: The fiscal impact, which is a concept to do with the budget, or the economic impact, which relates to GDP and the broader economy?

Senator PRATT: Apparently I can only ask you about the fiscal impact, not the economic impact. So you can give me the answer that you're able to.

Mr Pezzullo: The government's confident, as is the department, that the regional allocation will be met.

CHAIR: That's good news. And it's good news to finish on—more people in regional Australia.

Senator PRATT: If you can please answer for us the grounds on which Mr Milo—

Senator Seselja: Was that one extra, Chair? I thought that there was just one extra question, Senator Pratt.

CHAIR: You're giving it on notice, are you?

Senator PRATT: Can you take on notice: what were the grounds in both instances on which Mr Milo Yiannopoulos was refused a visa? And did he just forum shop for a new ground? That's probably not the best way to ask it.

Senator KITCHING: In the second instance, who suggested the second ground? Was it the department? And, if so, was that to ensure that he was functus officio, making that decision?

Mr Mansfield: We'll take it on notice.
CHAIR: If you know what it means, you're better than me! Thanks very much for coming along. This is an additional estimates, so we appreciate your time, Minister, and yours, Secretary. We appreciate our secretariat, who, as always, do a wonderful job trying to keep us in line, and I thank Hansard as well for this day. The estimates have now finalised.

Committee adjourned at 11:45