



# Legal and Constitutional Affairs References Committee

## Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

Department of Home Affairs responses to Questions on Notice.

### Index

QoN No.	Title
LCA/001	Budget Figures
LCA/002	Ministers Decisions - Cabinet
LCA/003	ATO Expression - 'Substandard Tax Record'
LCA/004	McGrathNicol - Meeting Dates
LCA/005	McGrathNicol - Meeting with PM or Immigration Minister
LCA/006	McGrathNicol - Meeting with Scott Briggs
LCA/007	Budget Process - Cabinet Meeting
LCA/008	Market-Testing Program
LCA/009	Procurement Methods
LCA/010	Visa Volumes
LCA/011	ACLEI - Student Visa Processing

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/001

**Subject:** Budget Figures

**Asked by:** Kim Carr

**Question:**

CHAIR: You can perhaps help me, then, because I have the figures in front of me here. Can you explain to me, perhaps, which particular programs are ceasing which would account for the reductions which are clearly specified on page 63 of the budget paper figures?

Ms Golightly: The information that I have—and I can try to get more for you—is that, indeed, the employee benefits are budgeted to increase by \$15 million between the 2018-19 actuals and the 2019-20 forward estimates.

CHAIR: That's not what it says in the budget paper on page 63.

Ms Golightly: I'm sorry; I don't have it in front of me. But I think it might be referring to the following year. I can try to get more detail for you. But CFO has advised us that that is the result of various other budget measures and estimates variations.

CHAIR: I understand that explanation that you've used before. But what I want, if you wouldn't mind, is to be given the detail. It's one of those generic, 'Yes, Minister,' answers, isn't it? It's saying, 'It's one of those things that happens; we've got these variations because of terminating programs and variations in estimates.' What we have here is a reduction in the forward estimates, with page 63 quite clearly specifying a reduction in employee benefits. I would like to know what those employee benefits are that would account for a reduction of that size. You say there are no job losses. How did we get a reduction of that size published in the budget?

Ms Golightly: I will take it on notice and get you the detailed break-up of that. But I can say that it is not related to the global digital platform.

**Answer:**

- The 2019-20 Portfolio Budget Statements (PBS) discloses a \$249 million reduction in total expenses from 2019-20 to 2020-21, of which \$150 million relates to employee expenditure.
- The figures published in the 2019-20 Portfolio Budget Statements across the forward years only reflect funding for the Department of Home Affairs (the Department) that the Government has agreed to at a point in time. However, these forward estimates will be

further updated based on the decisions taken by the Government in future budget rounds.

- Expense estimates for measures and variations are notionally allocated between supplier and employee expenses in the forward years based on costing agreements and historical splits.
- As we approach each budget year, decisions are formalised as to how the budget will be allocated internally between employee and supplier expenditure. These estimates are subsequently updated.
- Additionally, the forward estimates will be further updated based on the decisions taken by the Government in future budget rounds.
  - For instance, the Department's 2018-19 PBS estimated employee expenses to be \$1,465 billion in 2018-19 and \$1,460 billion in 2019-20.
  - In the 2019-20 PBS, this was updated to \$1,512 billion in 2018-19 and \$1,533 billion in 2019-20 – an increase of \$120 million in estimated employee expenses over two years to 2019-20.
- The key contributors to the overall reduction in total expenses include savings over a number of budgets from the 2014-15 PBS through to the 2019-20 PBS, in the following areas - Customs Reform, Smaller Government – consolidation of Australia's border protection services, Better Targeting Skilled Visas, Reforming the Visa and Migration Framework, Resolving the Onshore Illegal Maritime Arrival Legacy Caseload, Establishment of Home Affairs Portfolio Efficiencies, Operation Sovereign Borders and a number of Estimates Variations.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/002

**Subject: Ministers Decisions - Cabinet**

**Asked by:** Kim Carr

**Question:**

CHAIR: I am asking a more specific question. Is it correct that, at the cabinet level, Mr Dutton has become the decision-maker?

Ms Golightly: I understand the question and that is a decision for government.

CHAIR: So the decision has not been made?

Ms Golightly: I cannot speak for government. I can take that on notice.

CHAIR: Thank you. You can take that on notice. Has the decision being made and is it correct that Mr Dutton is the decision-making minister?

Ms Golightly: I will take that on notice.

**Answer:**

It is a longstanding practice not to disclose information about the operation and business of the Cabinet, as to do so could potentially reveal the deliberations of the Cabinet, which are confidential.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number: LCA/003**

**Subject: ATO Expression - 'Substandard Tax Record'**

**Asked by:** Kim Carr

**Question:**

CHAIR: Is that expression used—the ATO has to provide a statement that bidders do not have a 'substandard tax record'?

Mr Kefford: I'd have to check whether that exact form of words is in the document, noting that the tenders were released in April this year.

CHAIR: Could you take that on notice?

**Answer:**

Section 4.12.1.1(c) of the published RFT states that, "The Successful Tenderer must maintain an exemplary compliance record with the Australian Taxation Office in relation to the successful tendering entity (i.e., the SPV) and its other business affairs connected with Australia."

Clause 30.3 of the published Draft Agreement requires significant annual warranties from the Successful Tenderer in relation to the compliance with tax law, including that the Operator Group (i.e. the Operator and each of the Operator's Related Bodies Corporate):

- has complied with all obligations imposed on the Operator Group by any Tax Law
- has not in the last 5 years been the subject of any audit by, or in dispute with, any Tax Authority
- any contractors engaged by the Operator Group are not employees of the Operator Group for the purposes of any Law
- is not involved in any audit or investigation of any of its Tax returns or business operations or any dispute with any Tax Authority and the Operator Group is not aware of any circumstances or event which may give rise to any such audit, investigation or dispute

- has not entered into or been a party to any transaction which contravenes the anti-avoidance provisions, transfer pricing provisions or diverted profits tax provisions of any Tax Law
- is not currently the beneficiary of any extension of time within which to file, lodge or submit any Tax return or with respect to any Tax assessment or any Tax shortfall
- has not in the last 5 years been the subject of any audit by, or in dispute with, any Tax Authority.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/004

**Subject:** McGrathNicol - Meeting Dates

**Asked by:** Kim Carr

**Question:**

Mr Kefford: No. McGrathNicol were our probity advisers up until the end of the request for expressions of interest stage, as we have discussed with you in estimates committee. Subsequently, Maddocks have been our probity advisers through the tender stage of this procurement.

CHAIR: How many times have you met with them?

Mr Kefford: Several times a week. I don't have the—

CHAIR: Do you meet with them personally?

Mr Kefford: Yes, indeed, several times a week at different stages of the process. The probity adviser attends all of the evaluation committee meetings, for example. And then around those meetings I have ongoing interactions with the probity advisers on a very regular basis.

Ms Golightly: It's very regular contact.

CHAIR: I see. Can you provide me with the dates on which you've met with them?

Mr Kefford: I can see what we can provide, yes.

**Answer:**

The Department of Home Affairs (the Department) has met with Maddocks in person and by telephone on a regular basis. Dates of these meetings are outlined in the attached spreadsheet, up until 31 October 2019. In addition to these meetings, the Department communicates with Maddocks frequently via written correspondence.

Dates				
14/05/2018	01/08/2018	10/09/2018	29/11/2018	26/02/2019
14/05/2018	01/08/2018	10/09/2018	06/12/2018	28/02/2019
14/05/2018	01/08/2018	10/09/2018	06/12/2018	04/03/2019
14/05/2018	01/08/2018	10/09/2018	12/12/2018	05/03/2019
17/05/2018	01/08/2018	11/09/2018	13/12/2018	05/03/2019
29/05/2018	02/08/2018	11/09/2018	14/12/2018	07/03/2019
04/06/2018	03/08/2018	12/09/2019	17/12/2018	08/03/2019
05/06/2018	05/08/2018	13/09/2018	18/12/2018	12/03/2019
08/06/2018	13/08/2018	14/09/2018	19/12/2018	12/03/2019
12/06/2018	14/08/2018	19/09/2018	19/12/2018	12/03/2019
14/06/2018	16/08/2018	20/09/2018	20/12/2018	13/03/2019
19/06/2018	17/08/2018	20/09/2018	08/01/2019	13/03/2019
22/06/2018	20/08/2018	21/09/2018	10/01/2019	13/03/2019
22/06/2018	21/08/2018	26/09/2018	16/01/2019	15/03/2019
25/06/2018	22/08/2018	28/09/2018	17/01/2019	15/03/2019
28/06/2018	22/08/2018	03/10/2018	21/01/2019	15/03/2019
02/07/2018	23/08/2018	11/10/2018	23/01/2019	18/03/2019
04/07/2018	28/08/2018	18/10/2018	30/01/2019	18/03/2019
09/07/2018	31/08/2018	18/10/2018	31/01/2019	18/03/2019
09/07/2018	03/09/2018	19/10/2018	31/01/2019	19/03/2019
16/07/2018	03/09/2018	19/10/2018	31/01/2019	20/03/2019
16/07/2018	03/09/2018	31/10/2018	31/01/2019	21/03/2019
18/07/2018	03/09/2018	01/11/2018	31/01/2019	21/03/2019
19/07/2018	03/09/2018	06/11/2018	05/02/2019	21/03/2019
20/07/2018	03/09/2018	07/11/2018	06/02/2019	21/03/2019
20/07/2018	03/09/2018	07/11/2018	06/02/2019	22/03/2019
23/07/2018	04/09/2018	08/11/2018	08/02/2019	25/03/2019
23/07/2018	04/09/2018	08/11/2018	08/02/2019	25/03/2019
25/07/2018	04/09/2018	13/11/2018	08/02/2019	25/03/2019
26/07/2018	04/09/2018	13/11/2018	11/02/2019	25/03/2019
27/07/2018	05/09/2018	14/11/2018	14/02/2019	25/03/2019
31/07/2018	05/09/2018	15/11/2018	18/02/2019	25/03/2019
31/07/2018	05/09/2018	21/11/2018	21/02/2019	26/03/2019
31/07/2018	05/09/2018	22/11/2018	22/02/2019	26/03/2019
01/08/2018	05/09/2018	27/11/2018	25/02/2019	26/03/2019



27/03/2019	13/05/2019	14/06/2019	05/07/2019	05/08/2019
27/03/2019	14/05/2019	14/06/2019	08/07/2019	05/08/2019
28/03/2019	14/05/2019	17/06/2019	08/07/2019	05/08/2019
28/03/2019	15/05/2019	17/06/2019	09/07/2019	06/08/2019
28/03/2019	15/05/2019	18/06/2019	09/07/2019	07/08/2019
28/03/2019	16/05/2019	18/06/2019	10/07/2019	07/08/2019
29/03/2019	16/05/2019	19/06/2019	10/07/2019	07/08/2019
29/03/2019	16/05/2019	19/06/2019	10/07/2019	08/08/2019
03/04/2019	16/05/2019	20/06/2019	11/07/2019	08/08/2019
04/04/2019	20/05/2019	20/06/2019	11/07/2019	08/08/2019
05/04/2019	21/05/2019	20/06/2019	11/07/2019	08/08/2019
05/04/2019	21/05/2019	21/06/2019	11/07/2019	09/08/2019
08/04/2019	21/05/2019	21/06/2019	12/07/2019	09/08/2019
09/04/2019	24/05/2019	21/06/2019	12/07/2019	14/08/2019
09/04/2019	24/05/2019	21/06/2019	15/07/2019	15/08/2019
10/04/2019	28/05/2019	21/06/2019	22/07/2019	15/08/2019
11/04/2019	28/05/2019	21/06/2019	22/07/2019	16/08/2019
12/04/2019	29/05/2019	21/06/2019	22/07/2019	16/08/2019
15/04/2019	29/05/2019	24/06/2019	23/07/2019	19/08/2019
15/04/2019	30/05/2019	25/06/2019	26/07/2019	19/08/2019
17/04/2019	30/05/2019	25/06/2019	26/07/2019	20/08/2019
17/04/2019	30/05/2019	26/06/2019	26/07/2019	20/08/2019
18/04/2019	30/05/2019	26/06/2019	26/07/2019	21/08/2019
24/04/2019	31/05/2019	26/06/2019	29/07/2019	21/08/2019
30/04/2019	03/06/2019	27/06/2019	30/07/2019	22/08/2019
01/05/2019	05/06/2019	27/06/2019	30/07/2019	23/08/2019
01/05/2019	06/06/2019	28/06/2019	31/07/2019	23/08/2019
02/05/2019	06/06/2019	28/06/2019	31/07/2019	23/08/2019
06/05/2019	07/06/2019	28/06/2019	01/08/2019	26/08/2019
06/05/2019	11/06/2019	01/07/2019	02/08/2019	28/08/2019
07/05/2019	12/06/2019	02/07/2019	02/08/2019	30/08/2019
07/05/2019	12/06/2019	02/07/2019	02/08/2019	30/08/2019
07/05/2019	13/06/2019	02/07/2019	02/08/2019	30/08/2019
08/05/2019	13/06/2019	02/07/2019	03/08/2019	30/08/2019
08/05/2019	14/06/2019	03/07/2019	03/08/2019	30/08/2019
10/05/2019	14/06/2019	04/07/2019	05/08/2019	02/09/2019

03/09/2019	27/09/2019	28/10/2019
04/09/2019	27/09/2019	29/10/2019
04/09/2019	30/09/2019	29/10/2019
04/09/2019	30/09/2019	
04/09/2019	30/09/2019	
04/09/2019	01/10/2019	
05/09/2019	01/10/2019	
06/09/2019	01/10/2019	
06/09/2019	02/10/2019	
06/09/2019	02/10/2019	
06/09/2019	02/10/2019	
06/09/2019	02/10/2019	
06/09/2019	03/10/2019	
06/09/2019	04/10/2019	
09/09/2019	04/10/2019	
09/09/2019	08/10/2019	
09/09/2019	08/10/2019	
11/09/2019	08/10/2019	
11/09/2019	09/10/2019	
11/09/2019	10/10/2019	
11/09/2019	11/10/2019	
12/09/2019	11/10/2019	
12/09/2019	14/10/2019	
12/09/2019	14/10/2019	
13/09/2019	14/10/2019	
16/09/2019	16/10/2019	
17/09/2019	15/10/2019	
17/09/2019	15/10/2019	
18/09/2019	17/10/2019	
19/09/2019	17/10/2019	
19/09/2019	18/10/2019	
20/09/2019	18/10/2019	
24/09/2019	21/10/2019	
24/09/2019	23/10/2019	
25/09/2019	25/10/2019	
25/09/2019	28/10/2019	

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/005

**Subject:** McGrathNicol - Meeting with PM or Immigration Minister

**Asked by:** Kim Carr

**Question:**

CHAIR: Did McGrathNichol meet with the Prime Minister or the immigration minister?  
Ms Golightly: I'd have to check, because this process has been going for two years.  
I'll take that on notice.

**Answer:**

This is a matter for the Prime Minister and the Immigration Minister.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/006

**Subject:** McGrathNicol - Meeting with Scott Briggs

**Asked by:** Kim Carr

**Question:**

CHAIR: If you wouldn't mind, thank you. That's very nice of you. Did McGrathNichol meet with Scott Briggs?

Ms Golightly: I couldn't tell you that.

CHAIR: Could you take that on notice?

Ms Golightly: I will.

**Answer:**

McGrathNichol was the probity adviser during the Request for Expression of Interest stage. Personnel involved in the procurement process are subject to probity and confidentiality obligations and receive a briefing about the probity and confidentiality requirements. The procurement process is still underway. It would therefore be inappropriate to publicly identify participants in the process.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/007

**Subject:** Budget Process - Cabinet Meeting

**Asked by:** Kim Carr

**Question:**

CHAIR: And what was the form and manner of the authority to actually test the market?

Mr Kefford: As Ms Golightly said, there was consideration in the cabinet process as part of the budget.

CHAIR: What was the date of the cabinet meeting?

Mr Kefford: I'll have to take that on notice, Senator.

Ms Golightly: It was part of the budget process leading up to the 2017-18 budget.

CHAIR: So you'll be able to tell me the date of the cabinet meeting—as you know, that's entirely consistent with the standing orders.

Ms Golightly: We'll take that on notice. There may have been several.

**Answer:**

The Cabinet meeting was held on 2 May 2017.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/008

**Subject:** Market-Testing Program

**Asked by:** Kim Carr

**Question:**

CHAIR: When was the public sector comparator developed as a baseline for that market-testing program?

Ms Golightly: I'm not sure I entirely understand the question.

CHAIR: Well, normally you do that when you do something like this, particularly when you're building your business case—which you've said you already have, because of the cabinet process. Was there a public sector comparator developed as a baseline for the market test?

Ms Golightly: To the extent that that perhaps goes to what was in the business case and in the cabinet documents, I'll take that on notice.

**Answer:**

The Business Case forms part of a Cabinet Submission which was considered by the Cabinet.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/009

**Subject: Procurement Methods**

**Asked by:** Kim Carr

**Question:**

CHAIR: Were normal, traditional procurement methods—construct only; design and construct; design, construct and maintain; or manage and construct, and their alliances and approaches—considered as part of that business case?

Ms Golightly: Certainly, the various methods of addressing the very serious issues facing us were part of the business case. Yes.

CHAIR: Were they? So what about these procurement options?

Ms Golightly: Different procurement options, variations of procurement, were considered by government.

CHAIR: Has the government considered releasing the business case?

Ms Golightly: I'd have to take that on notice.

**Answer:**

The Business Case forms part of a Cabinet Submission which was considered by the Cabinet.

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number:** LCA/010

**Subject: Visa Volumes**

**Asked by:** Kim Carr

**Question:**

CHAIR: In your original request for an expression of interest, back in 2017, you released some figures on the delivery of visa services. You've estimated in detail what the visa volumes would be. How have you calculated the visa volumes?

Mr Kefford: The volumes that we've been using for the purpose of the procurement are, obviously, the historical actuals as well as the published forecasts that form part of the budget process on an annual basis.

CHAIR: Can you provide me with the details of the subclasses you used to estimate the visa volumes?

Mr Kefford: We'd have to take that on notice.

**Answer:**

The REOI, released on 22 September 2017, provided visa application volumes for the following visa categories:

- Crew and Transit
- Other temporary
- Special Category (New Zealand)
- Student
- Temporary Resident (Other)
- Temporary Resident (Skilled)
- Visitor
- Working Holiday Maker



**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**Parliamentary Inquiry  
Question taken on Notice**

**Legal and Constitutional Affairs References Committee**

Inquiry into the impact of changes to service delivery models on the administration and running of Government programs

01 November 2019

**QoN Number: LCA/011**

**Subject: ACLEI - Student Visa Processing**

**Asked by:** Kim Carr

**Question:**

CHAIR: Okay. Perhaps you can tell me about the statements that have been made by the Australian Commissioner for Law Enforcement Integrity about the dismissal of locally employed officers involved in the processing of student visas. Can you tell me about that?

Ms Golightly: No, I'm not sure I could talk about anything to do with ACLEI in any case.

CHAIR: Would you like to take that on notice?

Ms Golightly: I can take that on notice, yes.

**Answer:**

Two non-Australian citizens were terminated from their employment at the Australian High Commission in Pretoria, South Africa, in 2017 following internal investigations.

Questions relating to statements by the Australian Commission for Law Enforcement Integrity or the Integrity Commissioner should be directed to the Australian Commission for Law Enforcement Integrity.