

**HOME AFFAIRS PORTFOLIO  
DEPARTMENT OF HOME AFFAIRS**

**PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE**

Joint Committee on the Australian Commission for Law Enforcement Integrity  
Inquiry into the Integrity of Australia's border arrangements

11 September 2020

**QoN Number: 01**

**Subject: Integrity of Australia's border arrangements**

**Asked by:** Catryna Bilyk

**Question:**

**Senator BILYK:** Yes. Your tabled opening statement with regard to the ACLEI report and Crown casino

says, 'The department has reviewed the circumstances surrounding the visa processing arrangements for Crown casino and, as a result, developed guidelines to address governance issues surrounding such stakeholder arrangements.' First of all, are guidelines mandatory or are they just guidelines? If they are just guidelines, what responsibility do staff have to follow them? That's the first question.

**Mr Kefford:** The particular element of that response relates to the creation and establishment of these sorts of arrangements, and in part reflects—and I endorse what the deputy commissioner was just saying in terms of ensuring that our administrative processes are as good as they can be to minimise the opportunities for there to be corruption in our business. The guidelines that are there have been established to ensure that there's a proper level of seniority and senior decision-making in the establishment of these arrangements, and I note at the moment there are only five such arrangements in existence. They are part of the broader governance framework in which we discharge the visa business. Up until COVID you'd be aware that that was a process that involved 8½, nine million decisions a year being made. We have layers of legal and procedural guidance and prescription that attach to all of those activities. But in this particular case, as I said, those guidelines are used by my staff in the event that we were to be asked to enter into one of these sorts of arrangements.

**Senator BILYK:** Are we able to get a copy of those guidelines?

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

**Answer:**

The Overseas Visa Processing Arrangements (Guidelines) are attached.



Australian Government  
Department of Home Affairs

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# **Overseas Visa Processing Arrangements (Guidelines)**

**May 2020**

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# 1. Overview

An Overseas Visa Processing Arrangement (OVPA) is an arrangement that may be negotiated by the Department's overseas posts with a third party such as a business, company or organisation that facilitates short-term travel to Australia.

An OVPA provides a framework which may be active for up to three (3) years for situations where it is determined to be:

- in Australia's national interest; and
- there are efficiencies in administration and/or timeliness of visa processing for the short-term entry to Australia for a number of, or groups of people, travelling to Australia for the same purpose.

Regardless of whether an OVPA has been implemented, all individuals applying within the OVPA must meet relevant legislative criteria to be granted a visa.

## 1.1. Exclusions

The following are excluded from the scope of the OVPA:

- events that are registered and supported by Border & Events Visas Section (BEVS) through either the International Events Coordination Network or Major Events team
- individual travellers
- travellers who would otherwise be eligible for a Special Purpose Visa
- concessions to visa eligibility requirements.

# 2. Roles and Responsibilities

## 2.1. Overseas Posts

The role of overseas posts is to sponsor the creation, variation and cessation of OVPAs that have been determined to be in the national interest.

The responsibilities of the overseas posts are to:

- determine whether the proposed arrangement is within the scope of the OVPA program
- request a caseload risk assessment from Caseload Risk & Integrity Section, Visa Business Optimisations Branch, Immigration Programs Division for all new and varied OVPAs. Caseload Risk & Integrity Section can be contacted at [IPD.RM@homeaffairs.gov.au](mailto:IPD.RM@homeaffairs.gov.au)
- obtain the support of the appropriate Regional Director for all new and varied OVPAs.
- complete an OVPA decision record to enter, decline, vary or cease an OVPA, ensuring that it contains all mandatory information, including details of relevant consultation and risk assessment
- provide the OVPA Unit with decision records
- monitor and report on any caseload integrity issues
- undertake annual reviews of each OVPA
- undertake a final review following the cessation of each arrangement

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- store all documentation and written communication in TRIM.

### 2.2. OVPA Unit

The OVPA Unit has been established onshore within BEVS in Temporary Visa Program Branch. The Unit supports OVPA governance, endorsement and review processes.

The OVPA Unit can be contacted at [OverseasVF.Arrangements@homeaffairs.gov.au](mailto:OverseasVF.Arrangements@homeaffairs.gov.au).

All documentation, including details of individual OVPAs, is stored in the TRIM container **OBJ2019/52437**.

The responsibilities of the OVPA Unit are to:

- Check all OVPA risk assessments and decision records for accuracy and completeness
- Seek the endorsement of the Assistant Secretary, TVPB, for new and varied OVPAs
- Maintain a central register of all OVPAs
- Ensure annual and final reviews of each OVPA are undertaken by the Overseas Post
- Analyse annual and final reviews, communicate findings and monitor any follow-up action
- Report annually on OVPAs.

### 2.3. Regional Directors

The role of Regional Directors (RD) is to either support or not support each new and varied OVPA. Their decision should be informed by the caseload risk assessment.

### 2.4. Assistant Secretary, Temporary Visa Program Branch

The role of the Assistant Secretary, Temporary Visa Program Branch (AS TVPB) is to either endorse or not endorse each new and varied OVPA following its support by a Regional Director.

### 2.5. Caseload Risk & Integrity Section

Caseload Risk & Integrity Section (CRIS) provides tactical risk support for visa programs. CRIS undertakes a caseload risk assessment prior to the creation and variation of each OVPA. As part of this assessment, CRIS consults with relevant departmental stakeholders, including Intelligence and Australian Border Force (ABF). The OVPA caseload risk assessment assists the RD and the AS TVPB to determine whether they should support/endorse the OVPA.

It is, however, the primary responsibility of the sponsoring overseas post to monitor caseload integrity throughout the life of the OVPA and to notify CRIS and the OVPA Unit should any issues arise.

## 3. Stakeholders

While some limited and targeted outreach to Government stakeholders may be appropriate, it is not the intention that this framework is broadly promoted. Rather, it provides a framework to support and monitor arrangements that meet the criteria as outlined in the overview.

Examples of stakeholders that could benefit from an OVPA could include:

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- Large Defence contractors or consortia
- Foreign governments

### 3.1. OVPA Case Study 1: Priority Consideration of Certain Visa Applications - requests

Regulations were amended on 15 March 2016 to create a priority consideration of visa application service (priority service) for specified kinds of visas and specified kinds of passport holders, and to specify the requirements for making a valid request for the priority service. Instrument IMMI1/052 outlines that the subclass 600 (Visitor) visa in the Tourist and Business Visitor streams may be considered for those who hold passports and are nationals of the People's Republic of China, Republic of India, or the United Arab Emirates.

### 3.2. OVPA Case Study 2: PNG Citizens

In January 2019, the Department decided to close visa-processing operations in Port Moresby and transfer the caseload to Suva. The Department assured the Papua New Guinea government that the high quality visa processing service provided by Home Affairs for their citizens would continue following the transfer. This included guaranteeing a 5-day turn around for visa decisions. This arrangement remains in place.

## 4. Process

### 4.1. Entering into an OVPA

- **Step 1:** Overseas Post determines whether the proposed arrangement is within the scope of an OVPA
- **Step 2:** Overseas Post obtains a caseload risk assessment from CRIS and provides results to RD
- **Step 3:** RD decides whether to endorse the OVPA
- **Step 4:** Overseas Post prepares decision record using OVPA Decision Record (TRIM ADD2020/1880376) and sends it to the OVPA Unit (if the RD declines the OVPA, the decision record is also prepared and sent for information to the OVPA Unit)
- **Step 5:** OVPA Unit reviews decision record for completeness and records it in OVPA Register
- **Step 6:** OVPA Unit refers OVPA decision record to the AS TVPB for consideration
- **Step 7:** AS TVPB considers OVPA endorsed by RD
- **Step 8:** The OVPA Unit notifies the Overseas Post of final of outcome.

### 4.2. Variation of an OVPA

- **Step 1:** Overseas Post obtains an updated caseload risk assessment from CRIS and provides results to RD
- **Step 2:** RD consider merits of OVPA variation
- **Step 3:** Overseas Post prepares decision record using OVPA Decision Template (attached) and sends it to the OVPA Unit

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- **Step 4:** OVPA Unit reviews decision record for completeness and records it in OVPA Register
- **Step 5:** The OVPA Unit refers OVPA decision record to the AS TVPB for consideration
- **Step 6:** AS TVPB considers OVPA variation endorsed by RD
- **Step 7:** The OVPA Unit notifies the Overseas Post of final outcome.

### 4.3. Annual Review of an OVPA

- **Step 1:** One month prior to each anniversary of the commencement of an OVPA, the Overseas Post will send a review of the OVPA to the OVPA Unit. The review will provide an overview of the functioning of the OVPA, highlighting utilisation rates and any other feedback.
- **Step 2:** The OVPA Unit reviews findings and advises the AS TVPB and CRIS of any relevant findings.

### 4.4. Ceasing an OVPA

- **Step 1:** The OVPA Unit monitors cessation dates and contacts an Overseas Post reminding them that their OVPA is about to cease
- **Step 2:** Overseas Post undertakes a final review following the cessation of an OVPA and sends it to the OVPA Unit
- **Step 3:** OVPA Unit assesses the final review and records the cessation in the OVPA Register.
- **Note:** AS TVPB may decide to cease an OVPA at any time following consultation with the relevant RD.

## 5. Decision Record

Part A (completed by the overseas post).

<b>Decision:</b>	Enter <input type="checkbox"/> Decline <input type="checkbox"/> Vary <input type="checkbox"/> Cease <input type="checkbox"/>
<b>TRIM Location:</b>	ADD2020/1880376
<b>Overseas Post:</b>	
<b>Business/Company/ Organisation:</b>	<p>Business/Company/Organisation Name:</p> <p>Contact Name:</p> <p>Contact Position:</p> <p>Contact Phone:</p> <p>Contact Address:</p> <p>Contact Email:</p> <p><i>If there are more than one business/company/organisation, provide each name.</i></p>
<b>Business/Company/ Organisation Description</b>	<i>Provide an overview of the company/organisation. If there is more than one company or organisation, provide details of each one.</i>
<b>Nature of Facilitation</b>	<i>Describe details of the facilitation being provided and how this facilitation will assist the company/organisation, including an estimate of the number of people who will be facilitated.</i>
<b>Processing Arrangements</b>	<i>Describe the details of general/additional internal processing arrangements/process including for example batching/allocation arrangements, dedicated decision makers, escalation procedures for complex cases or potential refusals.</i>
<b>Dates</b>	Estimated Start Date: _____ End Date: _____
<b>National Interest</b>	<i>Describe how this OVPA is in Australia's national interest</i>
<b>Caseload Risk Rating:</b>	Low/Medium/High <i>(Please attach details of CRIS Risk Assessment)</i>
<b>Caseload Risk Rating Date:</b>	<i>Date of risk assessment</i>
<b>Strategic Risk:</b>	<input type="checkbox"/> Is there a risk the OVPA will be controversial in Australia? If yes, provide details:



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	<input type="checkbox"/> Are there any bilateral sensitivities? If yes, provide details:
<b>Additional Information/ Background:</b>	<i>i.e. Affiliations overseas and in Australia</i> <i>Historical arrangements</i>
<b>Attachments:</b>	<i>List the TRIM reference numbers</i>
<b>Contact Officer (A-based officer at Post):</b>	Name: Position: Post location: Phone/ Email:
<b>Regional Director Endorsement</b>	Name: Region: Phone/ Email: <input type="checkbox"/> Endorse <input type="checkbox"/> Declined Date: Comments:

Part B (completed by the OVPA Unit).

<b>Checked by OVPA Unit Officer</b>	Name: <i>Name of OVPA Unit Officer who checked the OVPA Decision Record</i> Date:
<b>Assistant Secretary Temporary Visa Program Branch Decision</b>	Name: Region: Phone/ Email: <input type="checkbox"/> Endorse <input type="checkbox"/> Declined Date: Comments:

## 6. Glossary

<b>Term</b>	<b>Definition</b>
<b>AS TVPB</b>	Assistant Secretary, Temporary Visa Program Branch
<b>BEVS</b>	Border & Events Visa Section
<b>CRIS</b>	Caseload Risk & Integrity Section
<b>OVPA</b>	Overseas Visa Processing Arrangement
<b>RD</b>	Regional Director

## 7. Version control\*

Version number	Date	Author	Description
1	01/05/20	Brigitta Rudnicki	

\*Once the Decision Record is completed, the document's security classification must be upgraded to "Protected".

## 8. Approval

Approved by:	Jodie Bjerregaard
Approved on (date):	04/05/20