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**SECRETARY**

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**Opening Statement  
Legal and Constitutional Affairs Legislation Committee**

**Estimates Hearing**

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I would like to thank the Chair and Committee for the opportunity to provide, and table, a written opening statement.

#### **THE DEPARTMENT – ALMOST ONE YEAR SINCE INTEGRATION**

The new Department of Immigration and Border Protection—and within it, the Australian Border Force as its operational arm—has been operating for almost one year. As we stand today, we are an organisation with a clear mission and purpose: to protect Australia’s border and manage the movement of people and goods across it. In our endeavour to manage the challenges and capitalise on the opportunities as they pertain to our border, our mission is commensurate with conditions at the global level, namely, escalating volumes of people and goods moving internationally borne from increasing global interconnectedness. And of course with that comes those who seek to exploit and circumnavigate border controls in an illicit manner for self-serving and opportunistic ends.

As the Department charged with overseeing the flow of people and goods to and from our nation, we hold a privileged place at the border. Our work supports Australia’s economic prosperity, social cohesion and national security. We are Australia’s trusted gateway to the world, and the world’s gateway to Australia. Our daily operating mode is to facilitate an open conduit with the world for trade, travel

and migration. We strive to provide a less intrusive, more seamless and faster process for the bulk of travellers and traders—that is, the legitimate, law-abiding majority. In this respect, our border and immigration systems play a major role in fostering Australia's economic development while making significant contributions to our nation's social objectives. Of course, on occasions, we will be the gatekeepers—detecting, identifying and intercepting the non-compliant minority.

The role we are performing today was little more than a vision two years ago when the integration of the former Australian Customs and Border Protection Service and the Department of Immigration and Border Protection was first announced. The regeneration of our bureaucratic machinery for the management of borders has been one of the most significant changes to the Australian Public Service in its recent history. The process has been challenging and complex; and reform remains ongoing.

Nevertheless, we have come a long way in a short time and achieved so much thanks to the dedication, professionalism, resilience and diligence of our staff. We have new policy, service delivery and law enforcement roles. And a new leadership team—which combines significant experience from the former Immigration Department and Australian Customs and Border Protection Service, supplemented by newly appointed policy and intelligence experts—to oversee our expanded remit. Blended teams of Australian Border Force officers and departmental staff are working in a highly integrated way. We continue to build our capabilities by: investing in our staff and their professional development; embracing technology and digital reform to improve our services for clients and to ensure our systems serve the nation's economic and social agenda; and building trusted partnerships with state and federal law enforcement and national security agencies, our international counterparts and industry to manage the border in a collaborative manner. We have introduced new integrity and assurance measures, and have bolstered our investigation and compliance functions to allow for a more intelligence-led and risk-based approach to managing border threats.

And importantly, we've we have been able to do all this things while maintaining the integrity of our maritime border; continuing to deal with growing trade and traveller

volumes; detecting record numbers of illicit substances; ensuring the quality of our permanent migration and humanitarian programmes; conferring new citizenships; and improving our detention operations.

Let me touch on a number of specific matters.

## **ILLEGAL MARITIME ARRIVALS AND OFFSHORE COMMUNICATIONS**

The conditions inherent in our contemporary world mean that people migrate for a combination of protection and non-protection factors, seeking a better life for themselves and their families. Regrettably, many have sought to do so through the use of people smugglers. Despite the success of Operation Sovereign Borders to date, people from across the globe still desire, and will try to reach Australia by boat. Seeking to reach Australia in this manner evidently puts lives at risk. Moreover, allowing people smugglers and criminal groups to determine who enters a country—including the manner and method in which this occurs—undermines national, regional and global efforts to manage migration in an orderly manner, including for the purposes of providing humanitarian assistance to those who are most in need of it.

Importantly, demand for people smuggling services continues to persist. We know there are at least 14,000 people in Indonesia ready to get onto boats today. We need to remain vigilant and continue to review all elements of the layered approach that forms Operation Sovereign Borders, including our surveillance and response posture, and our anti-people smuggling communications campaign. Sustained communication activity is required to counter the marketing techniques used by people smugglers. We cannot allow these campaigns to lapse, as people smugglers will use the opportunity to falsely promote the perception of relaxed, changed or weakened Government policies. Moreover, it is imperative we also monitor, evaluate and continually improve our communication campaigns to ensure their effectiveness.

## **PNG SUPREME COURT RULING**

The Papua New Guinea Supreme Court's decision on 26 April in the matter brought by Belden Namah found the detention of those at Manus Island to be unconstitutional. Minister Dutton has stated—and I would reiterate—that we are committed to assisting the Papua New Guinea Government in responding to the court's ruling. A delegation of senior officials has been in Papua New Guinea this week, working through arrangements with Papua New Guinea officials, including to resolve the situation for those people accommodated there. A joint statement was issued on 3 May 2016 as follows:

### **[Joint Statement: Papua New Guinea-Australia Senior Officials Meeting \(3 May 2016\)](#)**

*Senior officials from the Governments of Papua New Guinea and Australia have met today to discuss the Regional Resettlement Arrangements (RRA), following the 26 April 2016 ruling by the Supreme Court of Papua New Guinea and ongoing cooperation to counter people smuggling within the region.*

*Australia and Papua New Guinea undertook to work cooperatively to ensure the Papua New Guinea Government was compliant with the 26 April 2016 decision of the Supreme Court. To that end, the two Governments agreed to continue to work together on a roadmap that would ensure the Papua New Guinea Government's compliance with the Court's orders.*

*The Governments of Papua New Guinea and Australia will continue to work closely together and meet regularly in the coming weeks in support of achieving these outcomes.*

*Regional cooperation remains vital to combating the scourge of people smuggling and the resulting tragic loss of life of people at sea. Papua New Guinea and Australia have a long history of cooperation on many fronts and the current discussions are continuing in this spirit.*

Minister Dutton has reiterated to me, and publicly, that the Australian Government's current policy position will not change: that those who have attempted to come to Australia illegally by boat—and those who may currently be considering journeying in this manner using a people smuggler—will never be settled in Australia. As such, the Department continues to implement the government's policy.

### **THIRD COUNTRY RESETTLEMENT**

The Department, and indeed Australia, is committed to supporting Nauru to find permanent settlement options for those found to be in need of protection. Refugees in Nauru can volunteer to permanently settle in Cambodia. In Papua New Guinea too, refugees can choose to settle there permanently.

We continue to seek other third country options for those people determined to be in need of protection in Nauru and Papua New Guinea. The complexities and sensitivities of these negotiations are not to be taken lightly. As the Minister has said, there have been discussions with the Philippines and a number of other countries. But the countries approached, and the details of those discussions, must remain confidential, as we continue to negotiate for lasting settlement options. We also appreciate the New Zealand Government's offer to resettle refugees. As the Prime Minister and the Minister have stated, we have not taken up that offer—Australia's border protection policies are working and people smugglers should be given no encouragement to market opportunities to place more people at life-threatening risk.

Additionally, the Department continues to support refugees settling in Cambodia, including through the provision of accommodation, employment and education links, Khmer language training, health and income support. Actual expenditure has been proportionate to the number of refugees who have settled there. To date, only a small part (\$2.71 million) of the full financial commitment for settlement services has been paid to support those who have settled. In September 2014, the Minister for Foreign Affairs and Trade announced a commitment of \$40 million in development assistance. As I understand, less than \$5 million (\$4.95 million) of that was disbursed in 2014-15. We will not know the disbursement for 2015-16 until the end of the financial year.

### **MEDICAL SERVICES**

The Department currently provides medical support in the form of health and mental health services at the regional processing centres on Manus Island and Nauru. This is delivered by the Department's health care providers. With regards to Nauru

specifically, this consists of 61 health professionals (including 26 mental health staff) delivering services. This effort has been augmented by an investment of \$11 million for the medical clinic at the Regional Processing Centre and \$26 million to upgrade the Nauru hospital. The Australian Government also continues to support the Government of Nauru to enhance its community policing, law enforcement and investigative capabilities.

Additionally—and in response to recent circumstances—the Department has stood up Management Incident Rooms which are monitoring the situation on both islands, while Emergency Control Organisations have been stood up on both Manus and Nauru to direct operational activities at the instruction of the Governments of Papua New Guinea and Nauru.

This week, additional International Health and Medical Services (IHMS) professionals have been deployed to Nauru to provide further nursing, counselling and psychological service support, with more staff being deployed in coming days. The Department has also deployed extra medical support to the Republic of Nauru Hospital. Such arrangements have enhanced the medical and mental health capabilities available on Nauru to support the some 700 refugees in the Nauru community. Importantly, in cooperation with the Government of Nauru, we are actively encouraging refugees and transferees to seek mental health support should they require it.

## **CHILD PROTECTION PANEL**

I would like to provide the Committee with an update on the work of the Child Protection Panel, whose report I expect to receive in the near future.

The Panel was established in March 2015 to provide independent advice on issues pertaining to the well-being and protection of children in immigration detention and in regional processing centres. The Panel reviewed the Department's response to reported incidents of child abuse, neglect and exploitation, which occurred in these environments between 1 January 2008 and 30 June 2015.

In the course of this review, the Panel has been engaging with the Department on various systemic issues, and we have been working in tandem to address the Panel's concerns. The Panel has also assisted the Department to deliver advice around the management of child protection incidents to the detention management superintendent induction programme.

While the report is still being finalised, I would like to highlight what I am advised are some of its key findings:

- The Panel has welcomed the development of the Department's Child Safeguarding Framework and encouraged corresponding revisions to policies, operational procedures and governance mechanisms to enhance child protection and well-being arrangements.
- The Panel has suggested the Department strengthen its capacity to report and holistically manage incidents of child abuse; to monitor progress of investigations; and to improve information sharing and partnerships with the Government of Nauru and State and Territory child welfare authorities.
- To mitigate the risk of child abuse and ensure the delivery of adequate support to children and families—particularly, people with vulnerabilities and unaccompanied minors—the Panel has recommended that the Department continues to work with service providers to review current operational practices and adopt a risk-based approach to case management and community placements.

The Department recognises and accepts there is a need to continually improve our policies and practices around the reporting, management and response to incidents of child abuse, and to provide appropriate training and leadership to staff and service providers. The Department will prioritise implementation of an action plan to respond to the findings of the Panel, which will contain clear milestones and accountabilities.

## **CHILDREN OUT OF DETENTION**

I might also note that on 1 April, the Department reduced the number of IMA children held in onshore detention to zero. Those who were—including their families—have been moved into either community detention arrangements or been granted a

Bridging visa E, with care, welfare and support arrangements in place. This is a significant achievement considering there were 1,992 children in held detention in July 2013. Of course, there may be occasions where children will temporarily transit through immigration detention. This could be as a result of airport turnarounds, people who are in the final stages of removal from Australia, or due to criminal or security issues. Releasing children from onshore held immigration facilities has been a key priority for the Department.

## **VISA AND CITIZENSHIP REFORM**

For the Department, visa and citizenship reform is a high priority, particularly given the challenges we face in terms of escalating traveller volumes, increasingly complex border threats, a more constrained fiscal environment, and a need to support Government, stakeholder and client expectations around travel.

A crucial part of our delivery of visa and citizenship services is ensuring we have the capabilities to continue to advance the economic and social benefits of mobility, while protecting the Australian community. As a Department, we are striving to consolidate and integrate existing immigration and border information data holdings. We are seeking to improve the way we assess national security, criminality and immigration risks to enhance our decision-making. The current environment necessitates that we move beyond traditional, transaction-based risk assessments. We are looking towards a system where we have the ability to undertake broad ranging, intelligence-led, automated and recurring assessments of visa holders—both on and offshore—leading to earlier identification of threats.

Commensurate with the importance the Department affords to reform in this area, I have dedicated senior resources to lead the redesign and transformation of our visa and citizenship business processes across our organisation as part of a long-term strategy. I look forward to outlining to the Committee during future hearings the inroads we make.



## **AUSTRALIAN TRUSTED TRADER PROGRAMME**

I am pleased to report that the Department has continued to accelerate development of the Australian Trusted Trader Programme, through which the Australian Border Force, as Australia's customs service, will play a major frontline role in helping to facilitate the trade of participating companies across our border. On 29 April, the Minister and Australian Border Force Commissioner announced and welcomed to the programme the first companies to enter into trusted trader agreements, namely, Techwool Trading Pty Ltd, Pacific Brands Holdings Pty Ltd, Teys Australia Beenleigh Pty Ltd and IKEA Supply AG. This comes off the back of a highly successful pilot programme which concludes at the end of June 2016, and includes 46 participants. The Department welcomes the Government's announcement of providing \$69.9 million to further develop the Australian Trusted Trader Programme over four years—testimony to the dual and complementary facilitation and security benefits which stem from the programme and its potential to bolster international trade in support of the Australian economy.

## **INTERIM SUSPENSION OF PROTECTED INDUSTRIAL ACTION AND ENTERPRISE AGREEMENT BARGAINING**

The Committee would obviously be aware of the recent decision of the Fair Work Commission (FWC) to issue a 90-day suspension of Protected Industrial Action (PIA) from 3 April 2016 in response to the Department's application. I wish to emphasise that the Department made its application to address the risk which the wide-ranging, rolling and ongoing PIA was posing to the safety and security of the Australian community. With regard to negotiations for a new Enterprise Agreement, we are keen to return to discussions, and welcome the opportunity to re-engage with the Community and Public Sector Union and bargaining representatives.

## **DEPARTMENTAL HEADQUARTERS UPDATE**

I would like to provide the Committee with an update on our progress to provide a long-term office accommodation solution for our headquarters in Canberra following the procurement process for a split precinct solution which commenced in February.

The evaluation is now complete and the preferred solution has been endorsed by the Minister for Finance.

Our ACT staff will be accommodated across two locations—Belconnen and Brindabella Business Park at Canberra Airport. The former will include 5 and 6 Chan Street and the North tower of 45 Benjamin Way (ABS House). The location of ACT staff across the two locations will be dependent upon organisational requirements.

Subject to successful lease negotiations with the preferred respondents and Public Works Committee approvals, it is anticipated that fit-out of the Airport accommodation will begin in July 2017, with staff beginning to relocate to the Airport in September 2018. The fit-out of the Belconnen accommodation is anticipated to commence in January 2018 with staff moves to be undertaken in stages and completed by February 2021. Our workforce will be kept informed of logistical arrangements and relocation timings at the earliest possible convenience.

## **PETER VARDOS**

Finally, I would like to note that today is Deputy Secretary Peter Vardos's last day with the Department. Peter retires after a 38-year APS career. Peter has made countless contributions which have touched on almost all facets of the Department's work and will be remembered for his strong leadership and perseverance in the most difficult of circumstances; the extensive stakeholder relationships he built; and his personal rapport with staff, including a genuine interest in them as people and in furthering their development. Peter will be missed; he has been an outstanding public servant. I would like to acknowledge and thank him for his support and contributions over many years.

Thank you.

Ends