



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL  
AFFAIRS

ESTIMATES

**(Budget Estimates)**

THURSDAY, 29 MAY 2008

CANBERRA

BY AUTHORITY OF THE SENATE



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**SENATE STANDING COMMITTEE ON  
LEGAL AND CONSTITUTIONAL AFFAIRS**

**Thursday, 29 May 2008**

**Members:** Senator Crossin (*Chair*), Senator Barnett (*Deputy Chair*), Senators Bartlett, Fisher, Hurley, Kirk, Marshall and Trood

**Participating members:** Senators Abetz, Adams, Allison, Bernardi, Birmingham, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, George Campbell, Chapman, Colbeck, Jacinta Collins, Coonan, Cormann, Eggleston, Ellison, Fielding, Fierravanti-Wells, Fifield, Forshaw, Heffernan, Hogg, Humphries, Hurley, Hutchins, Johnston, Joyce, Kemp, Lightfoot, Lundy, Ian Macdonald, Sandy Macdonald, McEwen, McGauran, Mason, Milne, Minchin, Moore, Murray, Nash, Nettle, O'Brien, Parry, Patterson, Payne, Polley, Ronaldson, Scullion, Siewert, Stephens, Sterle, Stott Despoja, Troeth, Watson, Webber and Wortley

**Senators in attendance:** Senators Barnett, Boswell, Crossin, Ellison, Fifield, Kirk, Marshall, Nettle, Payne and Trood

**Committee met at 9.03 am**

**IMMIGRATION AND CITIZENSHIP PORTFOLIO**

Consideration resumed from 28 May 2008

Senator Chris Evans, Minister for Immigration and Citizenship

**Department of Immigration and Citizenship**

**Executive**

Mr Andrew Metcalfe, Secretary

Mr Bob Correll PSM, Deputy Secretary

Ms Carmel McGregor, Deputy Secretary

Mr Peter Hughes, Deputy Secretary

Ms Alison Larkins, Acting Deputy Secretary

**Internal Products—Enabling divisions that provide services and support to the delivery of all outputs**

Ms Marilyn Prothero, First Assistant Secretary, Financial Strategy and Reporting Division

Mr Steve Dreezer, Acting First Assistant Secretary, People Services, Values and Training Division

Mr Craig Farrell, Assistant Secretary, People Services Branch

Ms Robyn Bicket, Chief Lawyer, Legal Division

Mr Des Storer, First Assistant Secretary, Strategic Policy Group

Mr Sandi Logan, Manager, National Communications

Ms Susie Van Den Heuvel, Deputy Manager, National Communications

Mr Peter McKeon, First Assistant Secretary, Systems Division

Mr James Fox, First Assistant Secretary, Client Services Division

Ms Deborah Lewis, Assistant Secretary, Service Delivery Network Operations Branch

Mr Nhan Vo-Van, Assistant Secretary, Ministerial and Parliamentary Services Branch

**Outcome 1—Contributing to Australia’s society and its economic advancement through the lawful and orderly entry and stay of people**

**Output 1.1 Migration and temporary entry**

Mr Peter Vardos PSM, First Assistant Secretary, Migration and Temporary Entry Division

Ms Yole Daniels, Assistant Secretary, Business Branch

Mr Gregory Mills, Assistant Secretary, Migration Branch

Mr Kruno Kukoc, Assistant Secretary, Temporary Entry Branch

**Output 1.2 Refugee and humanitarian entry and stay**

Ms Arja Keski-Nummi, First Assistant Secretary, Refugee, Humanitarian and International Division

Mr John Matthews, Assistant Secretary, Onshore Protection Branch

Ms Judith O’Neill, Assistant Secretary, Humanitarian Branch

Ms Ondrae Campbell, Acting Assistant Secretary, International Cooperation Branch

**Output 1.3 Border security**

Mr Stephen Allen, Acting First Assistant Secretary, Border Security Division

**Output 1.4 Compliance**

Ms Lyn O’Connell, First Assistant Secretary, Compliance and Case Management Division

Ms Lynne Gillam, Assistant Secretary, Compliance Resolution Branch

Mr Peter Richards, Assistant Secretary, Compliance Operations Branch

Mr Robert Illingworth, Assistant Secretary, Compliance Strategy Branch

Ms Joanne Verikios, Assistant Secretary, Case Management Branch

**Output 1.5 Detention**

Mr Dermot Casey PSM, Acting First Assistant Secretary, Detention and Offshore Services Division

Mr David Doherty, Assistant Secretary, Detention Operations and Client Services Branch

**Output 1.6 Offshore asylum seeker management**

Mr Dermot Casey PSM, Acting First Assistant Secretary, Detention and Offshore Services Division

**Output 1.7 Systems for people**

Mr Anthony Parsons, First Assistant Secretary, Business Transformation Services Division

Mr Nico Padovan, Assistant Secretary, SFP Program Management Branch

**Outcome 2—A society which values Australian citizenship, appreciates cultural diversity and enables migrants to participate equitably**

**Output 2.1 Settlement services**

Ms Kate Pope, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

**Output 2.2 Translating and interpreting services**

Ms Kate Pope, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Mr Ronald Trudgen, manager Operations, TIS National

**Output 2.3 Australian citizenship**

Ms Kate Pope, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Ms Renelle Forster, Assistant Secretary, Citizenship Branch

**Output 2.4 Promoting the benefits of a united and diverse society**

Ms Kate Pope, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs Division

Mr Daniel Boyer, Assistant Secretary, Multicultural Affairs Branch

**Output 2.5 Systems for people**

Mr Anthony Parsons, First Assistant Secretary, Business Transformation Services Division

Mr Nico Padovan, Assistant Secretary, SFP Program Management Branch

**Migration Review Tribunal and Refugee Review Tribunal**

Mrs Mary Urquhart, Deputy Principal Member, Refugee Review Tribunal and Acting Senior Member, Migration Review Tribunal

Mr John Lynch, Registrar

Mr Rhys Jones, Deputy Registrar

**CHAIR (Senator Crossin)**—I declare open this public meeting of the Senate Legal and Constitutional Affairs Committee. The committee will continue its examination of the Immigration and Citizenship Portfolio. I remind witnesses of the procedural advice that was contained in yesterday's opening statements, copies of which are available from the secretariat. I welcome back Senator the Hon. Chris Evans and Mr Metcalf. Senator Evans, do you wish to make an opening statement today, or will we just go into questioning?

**Senator Chris Evans**—No. I think we are happy to kick off.

**CHAIR**—Thank you. Last night we finished with output 1.5, detention, but I think there are still some questions left on that output.

**Senator ELLISON**—At the last estimates committee hearing, the minister said that the government hoped to be in a position to make a decision very shortly about the tender for detention services. What stage has that reached?

**Senator Chris Evans**—As I indicated last night, Senator Ellison, it has been delayed. It is still a decision before government. There are a range of complexities about it, but as there are commercial issues involved I will not say much more. The simple answer is that no decision has been taken.

**Senator ELLISON**—Has any decision been made on the principle of whether this sort of work should be in the hands of the private sector or the government?

**Senator Chris Evans**—Senator, you would be aware of Australian Labor Party policy. But no decision has been taken in relation to the contracts. There are three contracts—two health and one general detention service. They come up at different times. As you would be aware, there was a calling of tenders for new contracts that expire this year. At least one of them has been extended to allow time for the government to determine its position—that is, the detention tender.

**Mr Correll**—The existing detention services contract has been extended until the end of December.

**Senator Chris Evans**—Until the end of December. It is still before government and no decisions have been taken.

**Senator ELLISON**—Page 37 of the PBS refers to performance standards and states that the performance of contracted service providers will be measured quarterly against agreed performance standards. What are those performance standards?

**Mr Correll**—Senator, there is quite an array of those standards within the existing contract. We would have no difficulty in tabling them. I think that would be a more practical way of answering that question rather than trying to rattle through them.

**Senator ELLISON**—Okay. If you can table them that would be fine. It would be good if we had a copy of them.

**Mr Correll**—We will arrange to do that during the course of this morning.

**Senator ELLISON**—I suppose that the department carries out an assessment every three months on the basis of those performance standards?

**Mr Correll**—There is a quarterly performance review with the contracted service provider. Based on that performance review, an assessment is made against the performance standards. That can impact on the overall payment made to the contractor.

**Senator ELLISON**—Page 56 of the portfolio budget statement refers to another matter—illegal foreign fishers—and to a reduction in funding for illegal foreign fishers. The combat against illegal fishing is a matter that is close to my heart. Page 56 of the PBS refers to a reduction in funding for illegal foreign fishers. Is there a projected decrease in the number of illegal foreign fishers, or is there some other explanation for that?

**Mr Correll**—Yes, there is a predicted reduction, or a reduction on the assumptions and the earlier projections on which those resources had been based.

**Senator ELLISON**—What is the difference in relation to that? How is that done and what is the projected difference? It obviously demonstrates that there has been some success in dealing with this issue. Of course, Immigration has played a key role in how we deal with those who are apprehended.

**Mr Casey**—About 12 months ago or slightly longer I think fisheries determined that they did not expect the number of apprehensions that were in the previous government's original measures and, accordingly, projected down the expected arrests of illegal foreign fishers. The previous government's budget measures flow through in the forward estimates. I do not have the details of those numbers with me but I think we would be able to provide you with information on what those calculations were based.

**Senator ELLISON**—Thank you. If you could, that would be good. You referred to staff and to resourcing. Where does that go? You are saying that you made that reduction because you would have fewer illegal foreign fishermen to deal with. In the north-west and in the Northern Territory I have seen immigration personnel working on this area. Will they stay there, be moved out or reduced in number?

**Mr Casey**—From Immigration's perspective, our major focus is on both the detention of illegal foreign fishers whilst they are in immigration detention in Darwin and the work that is



involved in organising for them to return to Indonesia, if they are not to be charged. The former issue—operating the detention centre in Darwin—is one of those fixed asset, variable asset questions. If we are to keep the doors open we more or less need a full contingent of staff. If we had more people there at any particular time the detention service provider would increase staffing and reduce it accordingly if the place was not very full. With respect to our staff members who are working in the Darwin state office, we recently increased on a temporary basis the staff available to them to ensure that we could organise speedy returns and work with the Indonesian authorities to get travel documents. Recently, we put a couple of extra staff up there because they were a bit stretched when fisheries did a sweep and we had a large influx of illegal foreign fishers in one go. There is a bit of throughput variation, but if we are to run the centre and keep it open most of our staffing and amenities costs are fixed.

**Senator ELLISON**—So it is business as usual?

**Mr Casey**—It is business as usual.

**Senator Chris Evans**—Senator Ellison, I put on the record how grateful the government is for the cooperation and assistance of the Indonesian Government and its consul to get travel papers and to return those fishermen to Indonesia as quickly as possible. Recently we found that, when there is a sweep, there is a sudden influx of numbers, which I think we will see if we cannot manage it a bit better. I am keen to ensure that we turn them around as quickly as possible. We do not want people in detention any longer than need be and we also do not want to carry the risk associated with that. As you know, they often arrive with juveniles and we have to accommodate them separately, which creates a whole set of management issues. We are looking at ways of ensuring that the turnaround is much quicker. As I said, we have been assisted through the cooperation of the Indonesian Government and the representatives of Australia, for which we are grateful.

**Senator ELLISON**—I agree with you, Minister. That was certainly the feedback I got on my visit. I refer to the detention centre or holding facility in Willie Creek in Broome. Is that still run by Customs?

**Mr Casey**—Yes, that is correct.

**Senator ELLISON**—Do you delegate all the immigration functions to Customs there?

**Mr Casey**—No, not so much. They are still in fisheries detention under the Fisheries Management Act.

**Senator ELLISON**—That is Fisheries?

**Mr Casey**—They do not enter immigration detention. Our agreement with Fisheries is that they enter immigration detention when they arrive at the detention centre. Up until that point Customs and Fisheries are managing them and they manage the transfer.

**Senator ELLISON**—So when they go to Broome hospital for their health checks they are still in fisheries detention?

**Mr Casey**—They are still in fisheries detention.

**Senator ELLISON**—How are we going in relation to the Port Headland Detention Centre? It was being leased out. I spent a memorable night there with the CEO of Centrelink when we had the cyclone.

**Mr Correll**—The facility has been leased out. I will check to see whether my colleague Mr Casey has the latest on the lessee's use of that facility at the present stage. The lessee was going through a number of refurbishment arrangements with the facility prior to putting it into full accommodation.

**Mr Casey**—What I can tell you is that the lease was signed in December 2007 and the formal rental began on 1 May. I do not have any information on the current number of people that AUSCO is accommodating there.

**Senator ELLISON**—What revenue will that generate in 2008-09?

**Mr Casey**—In year 1, which is from when the lease starts in May, we would expect that the Commonwealth will save approximately \$1 million on what it would cost us to keep it in its contingency state through the leasing and offsetting of things such as the depreciation of the asset. The total revenue for DIAC is \$1.4 million and the net reduction in our appropriations is \$1.7 million, approximately.

**Senator ELLISON**—The Commonwealth is getting revenue from the lease, of course, but that asset would then be out of the equation to be used as a detention facility for the period of the lease?

**Mr Correll**—No. Under the arrangements with the lease there is the capacity to resume it within a reasonable period of notice. Again, I am not sure if we have that reasonable period to hand, but there is the capacity to resume it into detention facilities with a reasonable period of notice to the lessee.

**Mr Casey**—I do not have the exact number of months.

**Senator ELLISON**—Could you take that on notice and advise us?

**Mr Casey**—We can provide you with that. Senator, it is three months notice. We give them three months notice.

**Senator ELLISON**—I take it that some consideration was given at the last estimates committee hearing to alternative methods of detention or detention options. That would not have been in relation to illegal foreign fishers, would it?

**Mr Casey**—No, it would not be our expectation. They are usually in detention for very short periods of time. As the minister indicated, we do not hold juveniles within the immigration detention centre; we hold them off site.

**Senator ELLISON**—And the same for unauthorised arrivals?

**Mr Casey**—The Darwin centre has been used on occasions for unauthorised arrivals. but it is usually very short term. I think the average is about two days. It could be used for airport turnarounds and it could be used for compliance cases, but usually either they are turned around and removed from Australia quickly or else they would be transferred to another centre if it looked like they were going to be in detention for any period of time.

**Senator ELLISON**—Just talking about those short turnarounds, the Immigration Transit Centre in Melbourne was due to be opened, wasn't it?

**Mr Casey**—That is open.

**Senator ELLISON**—It is open now? Okay.

**Senator Chris Evans**—Have we cut the ribbon?

**Mr Casey**—I am not quite sure whether there was a formal opening, Minister.

**Senator Chris Evans**—I think it is open but was not opened.

**Mr Casey**—Yes, we think.

**Senator ELLISON**—When was it not opened?

**Senator Chris Evans**—Only recently.

**Mr Casey**—I will take that question on notice and give you the exact time when it became operational.

**Senator ELLISON**—Adelaide?

**Mr Casey**—We are still in the development stage of the location site for the ITA in Adelaide, so that is not coming on line at this point in time.

**Senator ELLISON**—Do you have any idea how long that will be?

**Mr Casey**—At the moment I think there are still some issues about securing appropriate land.

**Mr Correll**—It has been quite difficult to secure an appropriate site in Adelaide. That has caused a little delay in getting that facility up and running.

**Senator ELLISON**—Was there one being planned in the Northern Territory?

**Mr Casey**—No.

**Mr Correll**—The other facility is in Brisbane and has been operating for some time now.

**Senator ELLISON**—Looking at the questions that were asked yesterday by Senator Nettle, we dealt with the person or the persons on the roof at Villawood, who have now come down. Can I ask you about self-harm. Have there been any instances of self-harm at detention centres since December last year? I think we asked a question about this earlier and you gave us an answer up to a certain date. Basically what I am doing is updating that previous question.

**Mr Casey**—Yes. in terms of self-harm incidents recorded by us, from 1 July 2007 until 30 April 2008 there were 38 incidents of actual or attempted self-harm throughout the network.

**Senator ELLISON**—Can you give us a breakdown of that since December 2007?

**Mr Casey**—I do not have a breakdown since December. We would have to go back and rework the figures. We usually provide these figures on a financial year basis.

**Senator ELLISON**—Could you take that question on notice, please?

**Mr Casey**—Yes.

**Senator ELLISON**—What about hunger strikes? In the period 1 July 2007 to 30 April 2008, how many instances of hunger strikes have there been?

**Mr Casey**—In the year to date there have been 22 incidents of what we would call voluntary starvation. That could mean that somebody announces today that they are on voluntary starvation and tomorrow they are not, but it could also involve somebody who said that they were on voluntary starvation for a longer period of time.

**Senator ELLISON**—Could I have a breakdown since December 2007?

**Mr Casey**—Yes.

**Senator ELLISON**—Thank you. In relation to escapes, were there any escapes from July 2007 to 30 April 2008?

**Mr Casey**—Again in that same period, there have been seven successful escapes from immigration detention involving seven individuals, and five of those have been relocated.

**Senator ELLISON**—Can you give us the dates of those escapes, on notice if need be?

**Mr Casey**—I can give them to you on notice, yes.

**Senator ELLISON**—How many people who have had their visas cancelled under section 501 are in immigration detention, and for what duration have they been there?

**Senator Chris Evans**—Far too many, far too long.

**Senator ELLISON**—While Mr Casey is looking that up, Minister, I wonder if I could ask you a question about an issue raised at the last estimates. Some aspects of criminality were raised and I think you said that you had concerns about some people being kept in immigration detention with other people when they had backgrounds that made them entirely unsuitable to be in the same area. I think you said that you were pursuing that with state governments to find alternative means of detention. How have you gone with that?

**Senator Chris Evans**—We certainly initiated some contact with them. I guess the best way to describe it is that we have started the process but it is not resolved as to whether there might be opportunities. Also, part of the Villawood redevelopment—both the temporary and longer term redevelopment—is to try to cater for that case load. I think people tend to assume that everyone in detention in Australia is an unauthorised boat arrival when in fact the reality is a large number at the moment are Indonesian fishermen who are there for a short period of time.

There is a sizable cohort of about 50, not necessarily long-term, 501 cases—often very difficult cases—and a large proportion of people who have overstayed their visas. Some of them are there for a very short term. It is quite a different profile to what most people in the community think. We have started the process to see whether we can get better arrangements in certain circumstances with the state authorities. I want to make it clear that we will still have to carry responsibility for 501 cases inside the immigration system. Obviously we have to make proper provision for them.

I gather that one of the reasons we have had a lot of difficulty at Villawood is that we have that clientele in totally inappropriate accommodation where it is easy for them to cause damage or generally cause mischief. The capacity of people operating the centre to manage

that is much less than in, say, a custom designed facility. The proposed changes, both the short-term measures and the longer term measures, should help in that regard. The initiative with the states is being pursued, but I would not want to pretend, as much as I would like to, that the 501 case load will no longer remain an immigration problem. It will, but if we get better facilities it would certainly assist.

**Senator ELLISON**—Is this issue due to be raised with the states at the ministerial council on 4 July?

**Senator Chris Evans**—Not really. I might mention it but it is not really for those multicultural ministers.

**Senator ELLISON**—What about the correction ministers council, which meets at the same time as the Police Ministers Council?

**Senator Chris Evans**—I think that is the more likely venue for it.

**Senator ELLISON**—Is it being raised there?

**Senator Chris Evans**—I am not sure. I will take that question on notice. It has not as yet but I have raised the matter with Mr Debus. In the end that will probably be the more likely forum to have a discussion about it. As I said, the ministers I meet with are more focused on settlement and multicultural issues than they would be on correctional services.

**Senator ELLISON**—It is an important issue. The corrections ministers have their council.

**Senator Chris Evans**—I think you are right. That is the most likely place where we will progress it.

**Senator ELLISON**—Mr Casey, do you have any further information?

**Mr Correll**—Senator, this is precisely the question that you asked. The data that we have to hand shows that, as at 16 May, 60 people who had had their visas cancelled or refused under section 501 were in detention. Most of them were in Villawood detention centre.

**Senator ELLISON**—That is all I have on output 1.5.

[9.27 am]

**CHAIR**—We will move on to output 1.6. I ask the officers responsible for offshore asylum seeker management to come to the table.

**Mr Casey**—It is I, Madam Chair.

**CHAIR**—How efficient is that!

**Senator Chris Evans**—I am pleased to say that it is now a redundant section.

**Senator ELLISON**—I refer to Christmas Island. I must place on record my appreciation for the—

**Senator Chris Evans**—I think you will find that that is not output 1.6.

**Mr Metcalfe**—Output 1.5 is Christmas Island.

**Senator ELLISON**—Is it?

**Mr Metcalfe**—Output 1.6 refers to the Nauru and Manus Island offshore processing centres which, as the minister said, are now defunct.

**Senator ELLISON**—So Manus Island and Nauru come under output 1.6?

**Mr Metcalfe**—They are under output 1.6. They remain there as a program output item because of the costs associated with their wind-up. That will disappear in due course. But Christmas Island is still in output 1.5.

**Senator ELLISON**—Madam Chair, I have no questions under output 1.6, but I would like to go back to output 1.5.

**CHAIR**—We can accommodate that instantly.

**Senator ELLISON**—As I said, I appreciated the assistance that we got on our visit. It certainly was a very useful one. At the time I think finance was still seized of the facility; it was yet to be handed over.

**Mr Metcalfe**—When were you there, Senator?

**Senator ELLISON**—Some months ago. Has that changed?

**Mr Metcalfe**—Last night we had a bit of a discussion—you might not have been here—but the facility was transferred to us early in April. So finance has now handed over the facility and it is on our books.

**Senator ELLISON**—I missed that last night. Some questions were asked last night. I will establish whether they relate to the questions that I have. If not, I will put these questions on notice.

**Mr Metcalfe**—Thank you.

**Senator ELLISON**—That is output 1.5 and output 1.6.

[9.29 am]

**CHAIR**—Let's move to output 1.7—Systems for People.

**Senator ELLISON**—Have there been any rollout delays in the Systems for People project this year?

**Mr Correll**—All the releases that are scheduled to go out have rolled out. We have had a delay with one project in particular, which has been our working holiday maker portal. The portal applies to our Hobart processing centre. It was rolled out and we experienced some problems with its use on the ground. As a result, we withdrew it from operation and we have been going through a process of continuing refinement and testing of it. We will not be putting that one back into production until we are absolutely confident that it passes all our quality assurance tests. Apart from that, the progress has been very good.

In April we had the most recent release—release 5—under the program, which was the biggest release under Systems for People to date. It introduced a new board of security portal, substantially expanded the compliance cash management and detention portals, and introduced a new general skilled migration portal. That has gone in extraordinarily smoothly. We see it as the most successful release from the point of view of the program to date. It impacted on about 3,000 staff across the department.

**Senator ELLISON**—Have there been any changes to the funding of the program over the forward estimates?

**Mr Correll**—There have. At the last estimates committee hearing we mentioned an adjustment in additional estimates of \$24 million. That was in the context of an issue that the department raised at the beginning of last financial year with the finance department over a significant reduction in capital funding for the program in year 2. Following an examination of that, an additional \$24 million in capital was provided in additional estimates for this financial year. In the latest budget papers a figure of a little over \$12 million has also been included.

**Senator ELLISON**—Is that an additional \$12 million?

**Mr Correll**—It is an additional \$12 million for operating expenditure. This relates not so much to development under the program. Where software has been developed and put into production this is to provide support for that software during the transition period, when we will be managing the old lessee systems and the new systems that will be put in place at the same time. That \$12 million provision was to cover costs in that area.

**Senator ELLISON**—So it seems that there is a pretty good, clean bill of health on Systems for People?

**Mr Metcalfe**—Yes. As I think we said last time, it is a very big program. It was a major part of the response to the findings of Mick Palmer and Neil Comrie in relation to Vivienne Solon and Cornelia Rau. Early work has focused on the compliance portal area. That meant that we brought all our information about cases in that area to the one place, and that has been progressively developed and upgraded.

But what is important is that that is supporting an overall business transformation program. The technology is supporting new and improved ways of delivering services and ensuring, critically, that we minimise the potential for the sorts of terrible mistakes that were made in the past. The program is now moving forward. Mr Correll mentioned the border security portal, which is providing and will provide excellent services and more efficient services to our staff at airports. We are now moving more firmly into visa processing areas and we are using the program to support improved processing there. Although not strictly related to systems for people, last night we talked about the maritime crew visa, which has adopted the technology platforms. Our business realisation-business benefits analysis shows that we are saving well over \$2 million compared with the way we would have done things in the past.

We continue to be excited about the program. It is a very big job and we have a lot of people working on it. We are conscious of the need to deliver real benefits into the future. I must say that, in recent times, Mr Parsons has taken on the program director role for the project and is doing a very good job. I am very pleased with the progress that we are making.

**Senator ELLISON**—Good. That is all I have on 1.7, Madam Chair.

[9.35 am]

**CHAIR**—That concludes questioning for outcome 1. I thank all the officers concerned. We will move to outcome 2.

**Mr Metcalfe**—Madam Chair, in order to clarify things, systems for people appears also as an output under outcome 2.5. I would normally suggest that the relevant staff return to the department, unless there are likely to be questions under outcome 2.5 in relation to the support that systems for people will provide there. You have my assurance that there is little work in that area at the moment—that is for later on—and our efforts are focused in outcome 1 in relation to systems for people.

**Senator ELLISON**—Madam Chair, for my part you can dispense with outcome 2.5 because, as the secretary said, we have covered it. I have asked all the questions that I wanted to ask.

**CHAIR**—So we will not need people for output 2.5?

**Senator ELLISON**—That is right.

**Mr Metcalfe**—Thank you very much, Madam Chair.

[9.36 am]

**CHAIR**—So are there any questions on output 2.1, Settlement services?

**Senator ELLISON**—Yes. Has the department made any changes to the locations for settlement as a result of housing and rental affordability and availability issues?

**Mr Hughes**—Senator, when you refer to locations of settlement, most migrants are able to choose their location of settlement. Obviously those who are sponsored by employees go to where the job is located that they are filling for an Australian employer. Others who come independently would choose their own location of settlement. The state and territory and regional sponsored schemes allow state and territory governments to get migrants to come to particular locations in which they are interested in having migrants settle. With the unlinked cases in the humanitarian program we have pursued over time some regional settlement initiatives in locations where—

**Senator ELLISON**—Is that not what you term ‘resettlement’, Mr Hughes?

**Mr Hughes**—Yes. We pursued some settlement initiatives in regional locations where there is a shortage of labour and the necessary support services to enable sound integration of humanitarian entrants. Ms Pope could elaborate on what we are doing in that kind of regional settlement, if that is what you wanted to hear about.

**Senator ELLISON**—Both, in a way. I appreciate that in the first instance there is independence, if you like, about the extent of choice. Nonetheless, if someone is willing to go and live in a regional area they get a bonus for that.

**Mr Hughes**—About 25 per cent of the skilled program is driven by state and regional sponsorship initiatives.

**Senator Chris Evans**—Of the skilled migrants, about 25 per cent is driven by that incentive in part and about a quarter is driven by employer nomination. In reality, the employer nomination is driven by the buoyancy of the economy and the need for skills. They are probably more likely to go into areas where the economy is at full capacity. The obvious example is that if you take an engineer and you want to base him in Karratha you will have pressures about housing et cetera because, as you know, there are shortages in those areas. I



do not want to give you the wrong picture. There is no question that the employer driven bit would necessarily add to pressures.

**Senator ELLISON**—Sure. I am just wondering what the government can do, if anything, in this area, leaving aside the humanitarian side, which is a different story. Where you have work in other regional areas—and I am thinking of the Western Australian wheat belt, for example, where you might have housing available and where there is a demand for skilled labour but it is not as huge as, say, Karratha, where you have no houses available at all and there is a huge amount of economic activity—does the department look at this question of housing availability? You were asked questions yesterday about what impact it might have on things. Perhaps this is a little different to that. If someone wants to come into the country, to what area do you look to give that person the bonus, first, where they are needed and, second, where they can live? It is all very well to say regional. As the minister said, Karratha is at a crisis point for housing, but there are other areas where their skills are needed and where quite a lot of housing would be available. Only one section of the economy is booming and in other areas of the community it is quite flat.

**Mr Hughes**—I think the system takes that into account, but clearly we want migrants to go to places where they will be self-sufficient and where they can obtain employment. If you mentioned a place where housing is available and there is employment demand, I think the state and territory sponsored initiatives would entice people there. Also, if there is such an employment demand that employers cannot meet it from within Australia they will use either the employment nomination or, alternatively, bring people temporarily through the 457 arrangements, depending upon demand. Obviously, not a lot is to be gained from directing people to places where there is accommodation but no employment and no opportunity to be self-sufficient.

**Senator Chris Evans**—Senator, can I just say that I have been asking the same questions about how we might get the levers to be more responsive, but it is not easy. One of the complaints that I have had from employers, for instance, on the 457s is that while they sponsor them in they are able to move between employers. While you might get someone to go to Meekatharra on a 457, they are not required to stay there. If someone is prepared to sponsor them on a 457 in Karratha they can change their employer. There is still a market for labour; they are part of the labour market. If higher wages, better conditions and more opportunities are offered in other places, the immigration system is unable to counter that, if you like.

Last night one of the senators talked about South Australia and Senator Barnett talked about Tasmania, which traditionally has quite low levels of migration. There is a limit to what can be done, which is why I am keen to try to drive employer and state based schemes to see whether we cannot get better responsiveness. Overall, yesterday's ABS figures tell the story. Migrants have better employment participation than the broad Australian community, so they are going into work, but they are not solving some of those regional issues to which you quite rightly point.

I have put the department on notice: I want to see whether we cannot drive some of that a bit harder. Basically, there is a market once they come in. One of the things I found interesting when I met with the African community in Sydney was when they told me about the spread of

a number of groups to Perth over the last 10 years for cheaper housing. They tell me that that has now stopped. They were moving to Perth for employment but also because the housing was quite a deal cheaper than it was in Sydney. Of course, you know what has happened to our housing prices in the last few years, so it is no longer an attractive proposition.

**Senator ELLISON**—I turn now to the humanitarian visa section, or resettlement. The department makes a determination as to where it sends people. That is where you have control—perhaps that is the wrong word—but it is a very different ball game. How do you work out the locations for resettlement?

**Mr Hughes**—There are two broad components of the humanitarian program: the refugee component and the special humanitarian component. By definition, the special humanitarian component is based on links with people in the Australian community and the support that would come from those links with the Australian community. We would expect entrants under the special humanitarian program to go where their proposers and relatives in Australia already live. With the refugee component, with newcomers, and particularly if we are settling new communities into Australia, we have the capacity to direct settlement around Australia. In recent years we have put a lot of effort into initiatives to send people into those regional communities where there is some labour demand, where there is suitable infrastructure to support a new refugee community and where there is a willingness on the part of the community to do that. I will ask Ms Pope to elaborate on what has been done that area.

**Ms Pope**—As Mr Hughes outlined, it is only in a small proportion of the refugee and humanitarian cohort that we have a determining role in the first place of settlement. Of course, people can then move to wherever they choose to live after that. We choose those locations for the unlinked group firstly on the basis of the family composition and any needs that they might have. If they have health needs that can be met only in a major centre they go to Melbourne or Sydney, or another suitable centre. In the regional locations we look at the housing and health services that are available in those locations, employment opportunities, public transport, availability of a bulk-billing doctor, and settlement support services that may already be there or that we may need to supply if we want to use that particular location.

We also ensure that it is a welcoming community—that the community is united in its interest and desire to be a host community for a new refugee cohort. The first pilot that we did of this was in Shepparton in Victoria, which we have spoken about here before. A group of Congolese people have settled there. More recently, we settled people in Ballarat in Victoria, in Mount Gambia, and in Murray Bridge in South Australia. We are in the evaluation stage for both Ballarat and Mount Gambia at this stage. Mount Gambia has settled 10 families from Burma. The Togolese have been settling in Ballarat and 11 families are now living in Ballarat as a result of that initiative.

We then look for additional locations on an ongoing basis. No decision is made without strong involvement from state government and local government in a particular area, and there is a sign-off between the minister and the Premier before we make any direct settlement in a regional location. Of course, quite a lot of spontaneous regional settlement is happening in various locations around the country, where refugees who may have arrived in Melbourne and Sydney then choose to go to another location in a regional area.

**Senator ELLISON**—You talked about state government involvement for regional resettlement. What about in the city and the suburbs? Is that required, or can you go wherever you like regardless of what the state thinks?

**Ms Pope**—Each year we discuss with the state governments the numbers that are likely to flow from the humanitarian intake based on previous experience. Because we cannot direct people where they should live there is not the same level of control. Even with the regional pilots, if people choose to move they choose to move. We cannot and do not force them to stay wherever we may have initially settled them.

**Senator ELLISON**—No, but it is a first instance choice. This is where they go in the first instance and then, if their circumstances change, they move. Then again, they are equally constrained, like everyone else, with the availability of rental properties and housing.

**Ms Pope**—Indeed.

**Senator ELLISON**—You have a program that relates to the regions, but what about the suburbs? There has been some complaint that some suburbs have experienced an influx of refugees—people from a community—and there has been no appropriate back-up for them in migrant resources and things of that sort. Also, the infrastructure in the communities has experienced difficulties, which leads to resentment, and that is not what we want. How do you deal with it in the suburbs?

**Ms Pope**—If people choose to settle in the cities we do not make directions about where they are allowed to settle.

**Senator ELLISON**—Not even in the first instance? Let us say that somebody has just got off the plane in Perth and you have a house in, say, the northern suburbs of Perth. You do not just let that person go from the airport and say, 'Here is a cab fare. You work it out.'

**Ms Pope**—That is right. At the moment it is driven largely by housing availability, where we can find affordable housing. At the moment that is a fairly major determinant of where people settle.

**Senator ELLISON**—It is not where they choose necessarily in the first instance?

**Ms Pope**—In the first instance it is where our providers are able to find affordable accommodation for them, that is right.

**Senator Chris Evans**—Increasingly, in Western Australia they will move further north and further south. We have problems in that new arrivals are further away from established support services because they are following cheaper housing. For instance, the state government runs a school project for those without English skills and the newly arrived. Increasingly, the schools are a long way away from where people are settling, which provides real practical problems for settlement. The Western Australian providers came in to see me—they might have come to see you about that very problem—and they said that the services are increasingly not near where people are settling because they are forced further and further away. For those people there are issues about being isolated from communities and services as they have had to follow the cheaper housing.

**Mr Metcalfe**—Senator, it is many years ago but you probably recall that the department used to operate migration centres at Springvale and Maribyrnong in Melbourne and Wakool in

Brisbane. Indeed, Villawood had its origins in a migrant centre. The phenomenon appeared to be that people who had been brought in and who initially settled in a migrant centre would then move out and settle nearby. Some of those high populations of migrants occurred because we based our facilities there. It is many years since the migrant centres were disbanded. As Ms Pope said, we operate in the private market or, more importantly, our service providers operate in the private market and basically find accommodation where they can.

**Senator ELLISON**—What about the funding which seems quite crucial with the higher cost of housing and rentals? Are there any resourcing reviews to establish how resourcing might be increased to accommodate this? It might not be necessary across the board as this is occurring in some areas more than it is in others. In Western Australia I think the figure has gone up 20 per cent. If we were looking to respond to regional issues where there is an increase in housing and rentals, is there any review of that by the department?

**Ms Pope**—Yes, there has been, Senator, and particularly in the case of Western Australia, which is where we first focused. Figures from the Real Estate Institute of Australia showed that house prices were rising much faster there than they were in other centres, although it is clearly an issue pretty much right round the country. We reviewed the costings associated with the payments we give to our providers for the effort to which they have to go to find houses and the time that they need to take to pursue the possibility of finding someone a house. Obviously, our clients are competing in an increasingly tough market for individual properties, so our providers have come up with a range of initiatives to help put our clients up the list when they are competing for private rentals.

In February we held a conference as part of the Ministerial Council on Immigration and Multicultural Affairs to look at ways of assisting within our sphere—the settlement side of things—and to discover good ideas that were being used around the country to help people into accommodation. Referring to the funding, we increased the amount of money that we paid to our service providers to compensate them for the shift in housing costs and the extra time and effort that they have to put into finding accommodation. In addition to that, a measure in last year's budget now covers the full cost of rental for the first full month that refugees are in Australia, and there is an increased amount of money to fully cover utilities as well as rent in that first month. All these measures are working to support refugees in a more difficult housing market.

**Senator ELLISON**—General questions were asked about this yesterday. I want to go into more detail. Minister, you mentioned that you were talking to the Minister for Housing. What relationship does the department have with the new office of housing on this issue? Is there any formal relationship for working together?

**Mr Metcalfe**—We work closely with FaHCSIA, the department that the office is within, particularly in relation to the settlement of refugees. We engage in the usual way as we do with many other agencies, through proper interagency consultations and discussions, whether it is through interdepartmental committees or in more day-to-day types of activities.

**Senator Chris Evans**—The other point I need to make, Senator—Ms Pope was trying to emphasise this before—is that these people move into the private rental market. Recently

there was some speculation in the paper in Western Australia about competition for state Housing Commission houses, but on initial settlement they go into the private market. I am not saying that there is not an issue about government policy and housing but, effectively, they go into that broader, private market. As you know, as part of the budget the government has a range of initiatives in the housing sector. Ms Pope was making the point that, at the moment, when they first arrive it is very much entering into that broader private housing market.

**Senator ELLISON**—Although after that it can become a state government housing issue, can it not?

**Senator Chris Evans**—Sure. They can go on the list and seek access, like any other permanent resident.

**Senator ELLISON**—After the initial allocation?

**Ms Pope**—That is right. They compete on the same basis as any other Australian in need in that sense.

**Senator ELLISON**—Sure, but how long can they stay in that initial accommodation that is given to them?

**Ms Pope**—There are different models in different states. In some states our providers source long-term accommodation from the moment that they arrive, so they might sign a six-month or a 12-month lease into housing on arrival in the private market. In other states there is a transitional arrangement where they might spend six weeks or so in housing that we find for them temporarily, and then they are assisted to find long-term accommodation. So it works in different ways in different places.

**Senator ELLISON**—Why is that so?

**Ms Pope**—Partly because of state government rules and laws concerning headleasing and other leasing arrangements, and in other states the models that our providers have found to be the most successful for the clients that they are working with.

**Senator ELLISON**—I have had experience of people being allocated long-term accommodation in the first instance. Somebody said to me that it was the best way to go about things rather than putting them in a holding pattern, if you like, and they then find permanent accommodation. I was rather impressed with what was being offered by that service provider. Obviously the state government rules to which you referred vary across the country?

**Ms Pope**—They do, yes.

**Senator ELLISON**—Who provides those rules for the department?

**Ms Pope**—Our providers, who operate according to state laws in the states in which they are based, obviously operate under those laws.

**Senator ELLISON**—Sorry—do the rules go to the providers and not to the department?

**Ms Pope**—Yes.

**Senator ELLISON**—Okay. Can you take this question on notice and give us a summary of the rules to show how they vary in each state.

**Ms Pope**—I can look at it, Senator. Housing laws across various states are a little outside my area of expertise, but we can gather what we know from our providers and determine how that impacts on settlements.

**Senator ELLISON**—But this is a crucial area for resettlement.

**Ms Pope**—It is. Could I make one point about people going into permanent long-term accommodation on arrival. That works for some people. For others, they do not know anybody; they do not know what church they want to go to; and they do not know what school they want to put their children in. Sometimes, for them, the chance to spend a few weeks getting their bearings and then deciding themselves where they would like to live long term is an arrangement that works better for them. So it does vary.

**Senator ELLISON**—I am looking at it more from what the states will allow you to do. I understood you to say—and this has nothing to do with the federal government or the department—that state rules dictate how the resettlement service will operate?

**Ms Pope**—I think that is a slightly strong statement of what I was meaning to indicate.

**Senator ELLISON**—Okay.

**Ms Pope**—There are some arrangements to do with headleasing and whether or not our providers can lease on behalf of somebody else for a short time. That has a bearing on it. We can provide for you on notice a picture of how that operates. I would not say that it is proving to be a constraint or a difficulty. In some cases it affects the way in which our model operates.

**Senator Chris Evans**—Senator Ellison, the other day Centacare and the migrant centre from North River came and saw me about these very issues. I am sure that, if they have not been to see you, they will be knocking on your door shortly. Centacare, which does the south of the river stuff in Perth, has been driven more by the fact that it has had to take out headleases, firstly, because of the competition in the market and, secondly, because of concern that perhaps newly arrived migrants are not considered all that favourably by real estate agents looking to let property. It is not that they do not have a good record in looking after the properties. In fact, Centacare told me that it is quite the opposite—they have a very good record of looking after the properties. Because real estate agents get to choose, they will choose somebody with a salary of \$70,000.

Migrants also tend to have larger families. Sometimes real estate agents do not discriminate but, as you know, they tend to choose smaller families without pets. A range of issues such as those impacts on them. Centacare has started taking headleases to ensure that it has housing stock to meet its client base. At a later stage it then seeks to transfer a lease to a family. These people, like the rest of the population, are looking to make private driven choices about where they live, where their kids go to school and where they attend church. Quite frankly, a lot of them are looking to homeownership aspirations. They get driven by the same sorts of imperatives as does the rest of the population.

**Senator ELLISON**—Yes. Ms Pope, I was interested in the evidence you gave about the states having different rules. I understand the headleases that people like Centacare have, but I want to know, and I want to shine a light on, whether the states are in any way interfering with the resettlement services in this country. If there is some bureaucracy from a state point of

view I want to know about it. I know we have a federation, but migration is a national issue. I have seen ministers and states messing around with good national programs because they apply it differently. Look, for example, at doctor accreditation, qualification and a few things relating to the foreign doctor issue.

I am pursuing the issue of the states having different regimes because I see different reactions wherever I go. The other day in Victoria I saw an excellent example of a Burmese community on a vegetable farm with a fantastic local school located just outside Melbourne and working extremely well. I might say that state cooperation there was pretty good. That was the feedback that I got on the ground.

There is a lack of state government housing, for instance, that is squarely at the door of the state housing ministers. They have not released enough land or built enough state housing and they are wrongly blaming the Commonwealth. Could you obtain a summary of the head leasing for us? I agree that Centacare takes a head lease, but what I am driving at is whether some state regulation or housing legislation restricts the way in which it operates.

**Ms Pope**—Perhaps I will answer it that way on notice. We will let you know where it is posing a constraint, and it may be that it is not a constraint in any state. My comment was really just to indicate that there are different laws in different places and that the models operate differently, not necessarily driven by a state government law but by other factors. We will report to you where it is an issue for us rather than give you a full summary across all state and territory arrangements.

**Senator ELLISON**—Thank you very much. That would be good. For the 2008-09 financial year, I dare say that the department has made a projection of where people will be able to find places for resettlement. This is an area where you do not just look at the to-let section in the paper and go and grab something. Can you provide a list of the areas that have been determined for resettlement in 2008-09?

**Ms Pope**—It does not work quite like that. Our providers have relationships with real estate agents and are very creative. They work on a different range of strategies to find housing for their clients. They know the sorts of numbers that they expect to get over the year and they work in finding housing for them. They may need to shift the locations that they focus on, depending on housing availability—how things might shift, opportunities that my might open up and so on. At this juncture, we do not have a setting out of where we think people will go. To date, patterns of settlement are really the only information that we would have.

**Senator ELLISON**—Do you rely on the providers to say, ‘This is where we can get the housing’?

**Ms Pope**—Yes.

**Senator ELLISON**—Where does the assessment of the community’s ability to host newly arrived people come in?

**Ms Pope**—The arrangements that I described previously pertain particularly to where we decide that people should go and settle in a particular location, in the sense of a regional pilot.

Those rules do not apply to the general spread of settlement, where people make their own choices based on market forces and their own preferences.

**Mr Hughes**—We are talking in the context of the scale of the humanitarian program being much smaller than the migration program, with 13,500 people a year being distributed nationally. So, with their distribution around the country, we are talking about relatively small impacts.

**Senator Chris Evans**—But the refugee stream is half of that again, is it not?

**Mr Hughes**—The refugee stream is smaller.

**Ms Pope**—The unlinked are about 3,000 of that total number. Many refugees also have friends, relatives or contacts and they often go where their friends, relatives and contacts are. So it is a reasonably small number whose settlement we influence.

**Senator ELLISON**—An interdepartmental working group was announced in last year's budget.

**Ms Pope**—Yes.

**Senator ELLISON**—Where has that gone? Has there been any response to that or work it has done?

**Ms Pope**—Yes. As you would be aware, a large number of initiatives were announced under that. I can update you on where those initiatives are at, if that is what you are asking for.

**Senator ELLISON**—Let me put it in terms of funding. Have there been any changes in the forward estimates in relation to the work done by that group?

**Ms Pope**—No. The programs that were announced and the funding streams associated with them remain in the forward estimates as they are.

**Senator ELLISON**—Going back to the northern suburbs of Perth, I know that the government announced a \$1 million election promise for the Mirrabooka centre, but that funding does not kick in until 2009-10. Why was that funding not provided in 2008-09?

**Senator Chris Evans**—Because I asked for it to be delayed. I made an assessment that, given the need for community consultation, which I kicked off the other day, the need for negotiations with the state government and the Stirling City Council, which have not commenced, and the need to get planning and other things organised, quite frankly, we would not spend the money in the coming financial year. It just would not happen, given those processes. So I indicated to the finance minister that we were likely to spend it in that year and not in 2008-09 and that I would rather he put it in the budget for that year because that is when I thought we would spend it. The development work will be funded out of departmental resources, with the Perth office being very much involved. I did not expect money to be spent on the project until 2009-10, so we put it in that budget.

**Senator ELLISON**—What sort of consultation has taken place?

**Senator Chris Evans**—I have started to meet with the communities. The other day I met with a large section of the African community, which is one of the groups that are central to the project. I thought the next step would be to go out and meet with Stirling City Council and have a chat to it about its current facilities and its plans for those facilities. I am told that it is



moving some of its activity out of the Herb Graham centre. I want to get a handle on all that first. I will also ensure that I talk to Mr Keenan, the local member.

**Senator ELLISON**—As part of the special humanitarian program I understand that people have to meet the cost of their flight to Australia. Is that right?

**Ms Pope**—That is correct.

**Senator ELLISON**—That can involve quite an amount of money. If they do not have a lot of money, it means they have to pay it off or find somebody to finance them. I think some assistance is available through a number of groups. I have talked to the Christian Brothers who run Edmund Rice group in Perth; they have been of some assistance there and they are working on that. Does the International Organisation for Migration help out?

**Ms Pope**—My colleague Ms Keski-Nummi can answer that.

**Senator ELLISON**—Could you just outline that for us?

**Ms Keski-Nummi**—Yes. We have an agreement with IOM. IOM uses a small, revolving loan fund and it can provide assistance to SHP entrants for travel costs.

**Senator ELLISON**—I recall that that loan fund was announced by the previous government.

**Ms Keski-Nummi**—That is correct.

**Senator ELLISON**—But a person still has to pay it back.

**Ms Keski-Nummi**—That is correct.

**Senator ELLISON**—What are the repayment terms?

**Ms Keski-Nummi**—I would have to take that question on notice. They are fairly generous arrangements, but I do not have the details with me today.

**Senator ELLISON**—And that remains unaffected by the budget.

**Ms Keski-Nummi**—That is correct.

**Senator Chris Evans**—There have been no cutbacks in this area.

**Senator ELLISON**—Has the government looked at paying the cost of those fares or perhaps meeting some of the cost, rather than the loan?

**Ms Keski-Nummi**—No.

**Senator ELLISON**—Has there been any analysis of how much that could cost?

**Mr Metcalfe**—We could extrapolate that. We pay the costs of the refugee component and we do not pay the costs of the SHP component. It has been long-standing policy that the government has 6,000 refugee places. That was increased a few years ago from 4,000, from memory; it is being increased next year to 6,500 places; and there are around 7,000 SHP places. So the cost differentials are fairly apparent. However, I am not aware of any examination or proposal that might suggest that that balance between who bears the costs should be shifted.

**Senator ELLISON**—I turn to assistance to former child migrants, page 40 of the PBS. Under settlement services, it states that \$150,000 has been available in 2007-08 for assistance

for former child migrants. However, there is nothing in 2008-09. What is the reason for there not being any figure in 2008-09?

**Ms Pope**—The reason for that is that the Child Migrants Trust will be winding up on 30 June 2008.

**Senator ELLISON**—What sort of work was that trust doing?

**Ms Pope**—The Child Migrants Trust was assisting with tracing and counselling services. You would be aware that there was also a travel fund associated with responses to the Senate select committee report on child migrant issues that funded travel for people to both the United Kingdom and Malta for reunion visits, to visit gravesites and so on. In 2004-05, additional funding was provided by the government at the time, bringing the total funding to \$6.3 million. So 771 former child migrants were assisted to make reunion visits; 703 travelled and 68 did not, even though they were approved, for reasons of illness and other family situations. The funding that is due to cease in June is the money for the family tracing and counselling services.

**Senator ELLISON**—Is that because it has been determined that there is no more need for it, or is that just because the funding came to an end and no further thought has been given to it? I know that that is the reason why there is no figure there, but perhaps it is a policy decision for the minister as to whether or not this should be continued.

**Senator Chris Evans**—Senator Ellison, I have had some contact with this area. I have not spoken to Ms Pope about it, so I am not clear in my own mind, but I understood that last year there was no budget proposed by the previous government for the trust. As a result of a last minute plea—I thought to the prime minister—a special appropriation was made, which is reflected in our budget papers. I thought it was a one-off payment by the government. I will take your question on notice. I had an approach from them the other day about funding, unless I am totally confused.

**Ms Pope**—No, you are not.

**Senator Chris Evans**—I said to them that I would consider it but, of course, the approach to me was very late—basically, after the budget had been put to bed. I indicated to them that it was not without its difficulties, given that the budget had been finalised when they approached me. But I had an approach from them. My office is following up on their request for further funding.

**Senator ELLISON**—I think there is still a need for it. I cannot see how that just dropped off suddenly.

**Mr Metcalfe**—I think we should respond on notice to this, Senator, so that we have a very clear picture. My advice from our financial experts is that this was regarded as a terminating program. Essentially, money was initially provided for a four-year period, but it was to terminate and not to continue in the base. That is reflected in 2007-08 being the last year and in Ms Pope's advice that, effectively, the trust was to be wound up. Clearly, there have been some late-breaking contacts. It is probably best if we explain the situation on notice so that we are quite precise about it.

**Senator Chris Evans**—The thing that worried me is the suggestion that the program was due to come to an end. They have a request in for the continuation of some of the services.

**Senator ELLISON**—Yes.

**Senator Chris Evans**—I am not sure whether the trust itself is to be wound up. As I said, it is best for us to provide that information on notice, Senator Ellison. I have received an approach from the national head, my old friend Mr Costa from Western Australia, and I had meeting with them recently. But, as I said, the approach to me came after the budget had effectively been finalised, if not announced. I said that I would follow up on their approach.

**Senator ELLISON**—With such a small amount, it is possible to make a grant outside the budget process, is it not?

**Senator Chris Evans**—Their advice to me is that that is what happened last year. I am not sure whether it was an ending program the year before and then there was additional money. It is best for us to provide the answer to you on notice.

**Senator ELLISON**—I would be grateful if you took that question on notice.

**Senator Chris Evans**—I am happy to do that fairly quickly, Senator Ellison.

**Senator ELLISON**—I again refer to page 40 of the PBS, which states that the estimate resourcing for humanitarian settlement services for 2007-08 is \$73½ million and then \$17 million plus in 2008-09. That is quite a variation.

**Ms Pope**—I can explain that, Senator.

**Senator ELLISON**—It is quite a reduction.

**Ms Pope**—It is about a reclassification of the type of funding. In 2007-08 the funding was departmental. In 2008-09 you will see a figure of \$70.334 million, the last item in the section above under administered items. That becomes administered funding and the \$17 million is departmental funding. So that is the change there, Senator. It is actually an increase from \$73.5 million to \$87.5 million, roughly.

**Senator ELLISON**—Okay, thank you. Page 18 of the PBS states that, in relation to adult migrant English program fees and charges, there will be a variation from 2007-08 to 2008-09. It looks almost like doubling of the amount, and that is administered revenue. So the fees and charges are projected bring you a 100 per cent increase?

**Ms Pope**—That is an estimate, Senator, yes, but it is due to the increases in the migration program and the refugee program, and the anticipation of additional clients. That is the reason for the increase; it is not a change to our fee structure.

**Senator ELLISON**—It is not a change to your fee structure?

**Ms Pope**—Not as far as I am aware, but I would need to take that second part of your question on notice.

**Senator ELLISON**—Could you double check for me and establish whether there is any fee increase or charge increase for adult migrant English program fees?

**Ms Pope**—Certainly.

**Senator ELLISON**—I understand that in this budget \$5.2 million is provided in 2008-09 for the employment pathways program. What is the position there?

**Ms Pope**—The \$5.2 million is allocated to run a pilot of the employment pathways and traineeships programs that were announced in the budget.

**Senator ELLISON**—So it is part of the new traineeships that were announced?

**Ms Pope**—That is right. It is the funding allocation for the first year, which will be a pilot year.

**Senator ELLISON**—When will that commence?

**Ms Pope**—It will be a progressive implementation, given that it is a pilot. We expect to start actual work on it through the new financial year, but consultations and discussions about the program have commenced.

**Senator ELLISON**—Who will deliver that initiative?

**Ms Pope**—That has not been determined finally yet.

**Senator ELLISON**—How will the pilot work? Has that not been determined?

**Ms Pope**—No, it has not. There has not been any detail.

**Senator ELLISON**—Okay. What would be the cost of administration?

**Ms Pope**—There is not any departmental money associated with this program, so we will be absorbing the costs of the development and delivery of the program. I do not yet know what will be those costs.

**Senator Chris Evans**—Again, Senator Ellison, this is core business.

**Senator ELLISON**—How many participants are budgeted for this pilot program?

**Ms Pope**—I would have to take that question on notice. We have an estimate but I do not have that with me. It will depend on the way the program is developed and the costs associated with it as to the number of clients we will be able to assist. But I can take the estimated number on notice.

**Senator ELLISON**—I turn next to translators and interpreters. Does the funding allocated in this year's budget provide an increase in the payment to translators and interpreters for each of the tasks? Is this funding part of settlement services?

**Ms Pope**—It is a settlement service, but it has a separate output, which is 2.2.

**Senator ELLISON**—I will leave it until then. In that case, Madam Chair, that is all I have on output 2 .1. We can now go to output 2.2.

**CHAIR**—Senator Barnett, do you have questions on output 2.1?

**Senator BARNETT**—No, I do not.

[10.24 am]

**CHAIR**—That concludes questioning on output 2 .1. We will move on to output 2.2—Translating and interpreting services.

**Senator ELLISON**—Does the funding allocated in this year's budget provide an increase in payments for translators and interpreters for the jobs that they do?

**Ms Pope**—I would have to take that specific question on notice, Senator. If you are referring to the increase from \$11 million to \$18 million on page 40, the majority of that is to do with the increases in the size of the migration program and the refugee program. That is money that is paid out to fund fee-free services for eligible clients and organisations.

**Senator ELLISON**—At the last estimates committee hearings the minister talked about interpreters. They do a very good job. Is the government undertaking any reviews or proposing any measures to implement programs to assist the interpreting workforce, if I can call it that?

**Ms Pope**—Not that I am aware of, but direct initiatives around the profession itself are potentially questions for the Employment portfolio rather than for Immigration. Through NAATI, the National Accreditation Authority for Translators and Interpreters, we fund some measures to assist it to help people become accredited interpreters. We focus on other measures such as identifying people in refugee cohorts who might be able to be trained as interpreters. You might recall an amount of money in the budget last year for us to assist in paying some of the fees for interpreters in new and emerging languages to gain qualifications as recognised interpreters. Is that the sort of area to which you are referring?

**Senator ELLISON**—Yes. I met with some interpreters and discussed with them the issues that they are facing.

**Ms Pope**—There are some challenges in the pay rates that interpreters and translators can get in the market. That is a challenge for the profession itself, Senator, of which I am aware.

**Senator ELLISON**—I do not know what the department can do in that area. It is a bit difficult, is it not?

**Ms Pope**—It is. There are a lot of players and it is a quite complex area. As I said, it is not a profession that attracts a high level of remuneration. Many interpreters and translators cannot live solely off that income so many people do it as a part-time interest in addition to another job.

**Senator ELLISON**—What about the Translating and Interpreting Service? What involvement does the department have in that?

**Ms Pope**—It is one of our programs, Senator. TIS National is run out of our Melbourne offices, as I think you would be aware.

**Senator ELLISON**—When it is delivered in each state and territory, is that from the department direct? It is not done by a state government?

**Ms Pope**—That is right. TIS National is a federal government program. But there are also state interpreter bodies and the state governments like to choose to do something in addition to that.

**Senator ELLISON**—That is what I am confusing it with.

**Ms Pope**—TIS National is a Department of Immigration and Citizenship program.

**Senator ELLISON**—I have dealt with the state one. So they operate side by side. Has any thought been given to combining it to make it more effective across the country? It seems that you have two operating in silos, or parallel to one another. The interpreters have told me that, in addition to that, you have to go to the embassy because trying to find an interpreter is pretty hard. It seems as though there are many different strands. It would be good to try to bring it all together if you can. If someone is doing a service, such as a solicitor, for someone who does not have English as a first language and he or she is drafting a document for that person—perhaps a will or something—for whom a reputable interpreter is required, where do you go to find that person? Somebody said you just go to the embassy—or you look up the Burmese association if you are looking for a Burmese interpreter.

**Ms Pope**—I think TIS National is pretty well known as the organisation that can provide that assistance. The phone number is well known and is advertised and made available widely. As a product I think TIS National is quite well known. The fact that you can call and be connected through a third party to assist you with interpreting over the phone is quite a well-established service. Mr Hughes wanted to make a point.

**Mr Hughes**—Many years ago, Senator, there was some discussion between the Commonwealth and the states about the possibility of amalgamating various translating and interpreting services. I think there was fairly acrimonious discussion over a long period and no agreement could be reached, simply because the states, territories and the Commonwealth were serving slightly different markets and they decided that a national amalgamated service would not meet all the needs that had to be met. We continue, therefore, in a sense, to have the Commonwealth translating and interpreting service providing the 24/7 back-up service, and state and territory services, which vary, service particular needs identified within the states.

**Senator ELLISON**—The whole area seems to me to be a bit fragmented. Minister, is this something that you have discussed at the ministerial council with multicultural ministers from the states?

**Senator Chris Evans**—We have not had a meeting since I have been minister, Senator Ellison.

**Senator ELLISON**—That is fair enough. What about 4 July?

**Senator Chris Evans**—The agenda is looking pretty large already. I have been aware of some of the issues and I have met with some of the translators myself and worked with them on a few of their issues. Given the new dawn of cooperative federalism, all I can say is that I will have a look at it for you.

**Senator ELLISON**—We are waiting for it.

**Senator Chris Evans**—Without commitment, I will look at the issue for you.

**CHAIR**—We will break now and come back at about 10.50 am.

**Proceedings suspended from 10.31 am to 10.54 am**

**CHAIR**—The committee will resume questions on the Immigration and Citizenship portfolio. We are dealing with output 2.2—translating and interpreting services. Mr Metcalf, I think you wanted to provide us with some further evidence.

**Mr Metcalfe**—Thank you, Chair. I want to add to an explanation I provided yesterday to questions from Senator Ellison about the budget reporting treatment and accounting treatment of measures relating to health screening process improvements. Senator, you referred us to page 255 of Budget Paper No. 2, which contains a measure ‘immigration health screening process strengthening’. It reports against and describes the measure but it does not indicate that there is any funding for that measure across the forward estimate period. That measure does not appear at all in the portfolio budget statements.

I have had our accounting detectives on the job to find out precisely how the measures have been described in the various budget documents. I understand that the measure ‘immigration health screening process strengthening’ is mentioned at page 255 of Budget Paper No. 2 because of a decision taken after last year’s mid-year economic and fiscal outlook document but was reported and included in the pre-election economic and fiscal outlook document, PEFO. It was, therefore, covered in additional estimates. For reasons that I am not aware of—but I am sure people in the department of finance or Treasury would know—apparently PEFO does not include measure descriptions. So the reference to this measure in Budget Paper No. 2 is the first time there is a measure description for that initiative—the subject of a decision by the previous government and the subject of funding reported in the additional estimates documents.

No funding appears against that item in the budget papers because, as I said yesterday, the funding had already been provided and rolled into the department’s base. The measure is not included in the portfolio budget statement document for the budget because it had already been reported by the department in our additional estimates portfolio budget statement document. In simple terms, the money was provided; it was reported upon separately; and the measure is now being reported or described. There is a disconnect between the two issues largely because of the fact that it was reported in the PEFO document. The budget documents have now caught up. It is not referred to in our documentation because we have already reported on it earlier this year.

**Senator ELLISON**—Nonetheless, the bottom line is that it is all going ahead.

**Mr Metcalfe**—The bottom line is that it is all going ahead. It is not only all going ahead; the new government has added an additional initiative, which is reported at page 256 of Budget Paper No. 2 and on page 21 of the portfolio budget statement, which is the additional money to have increased scrutiny of overseas medical providers.

**Senator Chris Evans**—If you need any more detail on that, Senator Ellison, I am happy to help you. I am being ironic, Senator. If you followed that you are a better man than I am. I think your bottom line is the right one. It is all going ahead.

**Mr Metcalfe**—It is all going ahead.

**Senator ELLISON**—With an additional initiative of \$11.1 million for overseas trained doctors?

**Mr Metcalfe**—Yes. Some measures were decided by the previous government, and the reporting of those measures has now caught up with the budget documentation. Separately, the new government has agreed on a further measure and that is also described in both documents.

**Senator ELLISON**—That sounds okay to me.

**Mr Metcalfe**—I am very pleased to have been able to help you. I am indebted to ‘Detective’ Prothero, who made that all clear to me.

**Senator ELLISON**—It sounds like an Agatha Christie novel. I seek the committee’s indulgence to go back to one question in the previous output, which was adult migrant education. I just asked a question about increased revenue on page 18 of the portfolio budget statement. We went through that, which was good, but I also meant to ask: on the flipside, has there been a proportionate increase in funding due to the increase in the migration program?

**Ms Pope**—Yes, Senator, there has, which is reflected on page 40 of the PBS. You will see that estimated resources for 2008-09 are \$197.697 million—up from \$167.495 million. That increase is flowing from the increases in refugee and migrant intakes.

**Senator ELLISON**—Thank you for that—back to translating. Mr Hughes, I think we got to the point where you said that it had been looked at on a national scale but there was some view that a national approach would not be the best. So it remains as it is now: the states having their interpreter service and the Commonwealth having its interpreter service. Madam Chair, I have nothing further in relation to interpreting.

[11.00 am]

**CHAIR**—That takes us to output 2 .3—Australian citizenship.

**Senator ELLISON**—What is the current backlog of people waiting to sit the citizenship test?

**Ms Forster**—I am not sure that I would describe it as a backlog, Senator. Around 15,500 people currently have an appointment to do the test some time in the next couple of months.

**Senator Chris Evans**—I think it is fair to say that the processing has speeded up, hasn’t it?

**Ms Forster**—Certainly. Appointment waiting times have markedly improved over the past months. We have moved from clients taking a number of months before they were able to make an appointment down to a standard of 20 to 30 days. At the beginning of May, we had reached a standard of 20 to 30 days, in which people could make an appointment. In Adelaide, we have a system being trialled at the moment which allows people to walk in and do the test on the spot.

**Senator ELLISON**—Has Medicare started to conduct testing? Have Medicare offices been used?

**Ms Forster**—Yes, Senator. In certain locations facilities are available through our Medicare offices. I have a list of the Medicare offices and a few Centrelink offices in which we currently are able to conduct testing. It is fair to say that those are all in the more regional areas of Australia. At the moment our departmental officers go out and administer the tests in those locations.

**Senator ELLISON**—Could I have a copy of that list of offices and where they are if it is available?

**Ms Forster**—Indeed.



**Senator Chris Evans**—Can I add that some regional tours have also been undertaken to pick up the fact that we do not have the volume in some areas, like the north-west of Western Australia. There were some issues about that and we have undertaken tours. So, just to complete the picture, it might be useful if the officer also gave you where the tours have been occurring. The regional centre might not have had a test done but I know, for instance, that they did a tour of the north-west recently to pick up the various centres and the applicants waiting to be tested in those centres.

**Senator ELLISON**—Is the department doing the tours, or do you use Medicare or Centrelink or some staff from those?

**Ms Forster**—No. At the moment the test must be administered by a departmental officer, and we use the facilities of Medicare and Centrelink. As the minister has pointed out, in other locations where we do not have those facilities available, we go out to those areas and essentially administer paper tests, essentially, where it is feasible to do so.

**Senator ELLISON**—In relation to the tours that were mentioned, where do you conduct the tests? Take, for instance, some of the regional towns in Western Australia. There would not be a Medicare or Centrelink office, least of all a Department of Immigration and Citizenship office.

**Ms Forster**—No, that is right.

**Senator ELLISON**—So what do you use?

**Ms Forster**—Where a facility that is already established is not available, our state and territory offices are looking to work with local councils at times. I would have to check the exact locations that have been used in that way.

**Senator Chris Evans**—We are talking about small numbers, Senator. Basically, it is a question of finding a room to deal with one or two. It is not a big logistical exercise. From talking to Western Australians I think they used a TAFE and the local council. But, as you can see, if there is only a couple you just need is a room because they have to do paper tests as they do not have access to the computer system. Basically, it is a room in which you give a paper test.

**Senator ELLISON**—Have those tours been working well?

**Ms Forster**—They have been in the sense that the clients clearly are very welcoming of the fact that we have been able to provide that type of service. As the minister pointed out, it involves only a very small number of clients. However, we still need to send out our staff. Because of the time taken to do regional testing for a small number of clients, obviously there are logistical issues around that. They cannot be done every day; they are done intermittently, essentially when a client is ready or when it becomes feasible to do so.

**Senator Chris Evans**—There are some cost-effectiveness issues, Senator Ellison, in sending an officer to a fairly remote location. The other day I asked whether or not it would be cheaper to fly the person down rather than fly the officer up. If you are going to a remote regional area for one person to sit a test we want to ensure that people can access it, but we also have the question of what costs are involved and how we administer it. I think the

department is working through those issues. We are certainly very conscious of the need to make it available to people in rural and regional Australia.

**Senator ELLISON**—You said that 15,500 people had an appointment. When did you say that they were likely to sit that test? Would it be within the next couple of months?

**Ms Forster**—The vast majority will be built into appointment lists for the next couple of months. Depending on the location, regional testing might be out by a number of months because of the infrequent ability of officers to go out to those areas. A number of clients who are well-prepared, if you like, wish to book in quite some time in advance so that they know when they will be doing the test and when they will be residentially eligible to apply for citizenship. We have had lengthier waiting times, but those waiting times have been reduced vastly. The vast majority of applicants are booked in to sit the test within the next two to three months.

**Senator ELLISON**—Do you have a record of the tests that are taken each month?

**Ms Forster**—Not with me, Senator.

**Senator ELLISON**—Could you take that question on notice: since the citizenship test started could we have a breakdown of tests that are taken each month or monthly?

**Ms Forster**—Are you asking for the number of tests that are taken each month?

**Senator ELLISON**—How do you keep a record?

**Senator Chris Evans**—Senator, I undertook to publish a quarterly fiscal analysis of the test to show who sat it, the pass marks, the failure marks, the country of origin et cetera. You will find all that on the website.

**Senator BARNETT**—And how many?

**Senator Chris Evans**—Yes. It is a comprehensive snapshot that is produced quarterly. Each quarter we post the results. We have done two. I am sure that it is to a level of detail beyond what you would need. It will tell you how many Ethiopians sat the test in Perth.

**Senator BARNETT**—Have you already posted that on the website?

**Senator Chris Evans**—Yes.

**Ms Pope**—Figures through to 31 March are available on the website.

**Senator ELLISON**—So you have one for 31 March and we will be getting one at the end of June?

**Senator Chris Evans**—Yes. In order to ensure that the figures are right and that it is administered properly I have agreed for it to be published quarterly. It is very comprehensive and it will go up on the website as well as be issued in press releases.

**Senator BARNETT**—Could you table the latest one for 31 March if you have that with you? I have not seen it.

**Ms Pope**—I believe we have a clean copy, Senator; I will just check. If we have it with us we will provide it now, otherwise we will provide it on notice.

**Senator BARNETT**—That would be appreciated. Does it give details of how many passed at their first attempt?

**Senator Chris Evans**—Yes, all of that. It is very comprehensive. I would be surprised if you have a question that is not answered by it, Senator. It gives a breakdown of countries, which program they came through, the skilled or humanitarian—the whole bit.

**Senator ELLISON**—We could have a look at that and perhaps return to it once we had done so. We have placed a question on notice regarding the number of Medicare and Centrelink regional offices that are conducting the test. Do we use embassies for citizenship tests?

**Ms Forster**—We do. Where we have an immigration presence in an embassy offshore, people are welcome to do the citizenship test there. They are few and far between. Most people who apply for citizenship are, of course, in Australia.

**Senator ELLISON**—Could you provide a list in relation to that if possible?

**Ms Forster**—A list of the embassies?

**Senator ELLISON**—Yes.

**Ms Forster**—Yes, I can, on notice.

**Senator ELLISON**—The embassies where people sit the test. We have been talking about locations and you mentioned the use of Medicare and Centrelink regional offices for tours. Have you done an assessment of where there is unmet demand for the test? It may be that you are talking about regional areas on the outskirts of metropolitan areas. Has any study been done by the department to assess where there is demand for it and where there is a need to remedy that?

**Ms Forster**—The original testing locations for regional Australia were set up based on the postcode locator of people who had become citizens to give an indication of what the client need was in regional Australia. That original analysis showed that, in the locations we chose, around 95 per cent of clients would be within one hour of travel of an established test centre. Of course, that does not negate the fact that five per cent were going to be outside that standard. There are difficulties for people in more remote areas of Australia.

**Senator ELLISON**—Sure.

**Ms Forster**—That is the analysis that was done originally. At present most people are still within metropolitan areas and therefore most people use the DIAC facilities. Others are quite successfully using Medicare and Centrelink provisions. Of course there is a group that we always knew would be difficult that is not located within easy distance of the facilities that are available.

**Senator ELLISON**—Do you monitor calls that are made by people wanting to book a test who cannot be accommodated? For instance, 15,500 people have an appointment. Do you know of anyone who has not been able to get a test? Could you measure the cohort that has phoned up and said: 'I am off work on Friday. I live in Bathurst. Can I go down the road and use the Medicare or Centrelink office?' and they are told: 'Sorry, Friday is not available. Call

back and we will see whether we can fit you in'? Do you have any idea of that sort of number?

**Ms Forster**—I do not have a number for that, Senator. A client calling the call centre number is given an appointment time, wherever possible. As I said, in the case of Adelaide, they are strongly encouraged to walk into the office and do the test at their leisure. At times we do not know exactly when we will be going to regional areas of Australia, but we have been keeping the details of those people. The Western Australian office, for example, has had to do that on a number of occasions. Once it has those client details it is in contact with them. We are trying to accommodate them wherever we can. A very small number of people are in that category.

**Senator ELLISON**—Sure.

**Senator Chris Evans**—They have actually been quite proactive, Senator. I recommend a visit to the Perth centre. They are proactive if they have spare spots. They ring up people and make sure that they are operating at maximum capacity.

**Senator ELLISON**—Those 15,500 people are waiting for an appointment, or they have an appointment?

**Ms Forster**—They have an appointment.

**Senator ELLISON**—Is that their first test, or are some of them going around a second time?

**Ms Forster**—Some of them may well be people who have chosen to make an appointment for a second attempt at the test. Wherever possible, if somebody has done the test and has not been successful on the day and a space is available and they wish to do the test again immediately, it is offered to them on the day. Of course, that does not then count as a separate appointment because it is not into the future. Wherever possible, it is done with a client's interests at heart and where the space is available.

**Senator ELLISON**—I refer to the Citizenship Support Grants Program.

**Senator BARNETT**—I wish to ask a question on the testing. Do you have a list, and is it in this quarterly report which shows how many tests people do? Can they do it again and again? Do you have a list of that?

**Ms Forster**—Yes. As part of the snapshot report referred to by the minister, the average number of tests is 1.2 per person.

**Senator BARNETT**—What is the total number of tests that someone can do? If somebody has done the test five times, 10 times or 20 times, do you have that sort of data?

**Ms Forster**—I would be able to get the data for that. However, if you want an average it is broken down by visa stream, Senator.

**Senator Chris Evans**—The report that is coming out now, Senator, will tell you that the average is 1.2 tests per person, which means you can deduct how many people are having to come back for a second time.

**Senator BARNETT**—Yes. I would also like to know how many people failed the questions on values.

**Ms Forster**—I do have that.

**Senator BARNETT**—I am happy to come back to that if it is in the report. If you do not have it in the report, that is fine.

**Senator ELLISON**—Is that report far away?

**Senator Chris Evans**—No. I think we can provide copies of it.

**Senator ELLISON**—Okay.

**Senator BARNETT**—We will come back to it.

**Senator ELLISON**—I will have a look at that report. I think it would be better for us to frame our questions based on that report.

**Senator Chris Evans**—As I said, it is on the website. Two of the first quarterly reports have been on the website for some time, so it is publicly available.

**Senator ELLISON**—When did the citizenship test start?

**Ms Forster**—In October 2007, so it is six months worth of data.

**Senator ELLISON**—You have six months worth of data?

**Ms Forster**—We have six months worth of data to the end of March.

**Senator ELLISON**—Okay. But you would have some idea what has been coming in since the last quarterly report, would you not?

**Ms Forster**—The last quarterly report was the end of March.

**Senator ELLISON**—Which is 2½ months ago.

**Ms Forster**—We know that the number of tests per month is well and truly on the increase. We know that at the end of April 9,000 tests were conducted within that month alone. That compares, for example, to the first three months of the test, in which just over 9,000 tests were conducted. So it has increased remarkably, which is to be expected.

**Senator ELLISON**—Well, 15,500 is a large number.

**Ms Forster**—It is.

**Senator Chris Evans**—Senator, quite clearly, just before the test the department had a huge peak of people who wanted to get in without having to do the test. They had some anxiety or whatever about the test, so we had a huge surge. Immediately after the test came in the numbers dropped away quite dramatically. In part that would be explained by the numbers that came in early, as it were. In part, there was some anxiety about the test in certain areas. The citizenship test review body is examining all those issues and talking to communities about attitudes, et cetera. But the number of tests that are being taken is on the rise again.

**Senator ELLISON**—You would also have a seasonal aspect, would you not, with holidays in January?

**Ms Forster**—Of course.

**Senator ELLISON**—I do not think anybody would rush out in their holidays to go and have a citizenship test or things like that. People tend to take their holidays, and Australia sort of goes AWOL for a month. Do you think that is a fair comment?

**Ms Forster**—Over the Christmas and New Year period you would expect that people may not be around to do the test at that time. However, other people obviously choose the very time that they do not have other things on their minds to pursue citizenship.

**Senator Chris Evans**—Another interesting thing is that people are very keen to get their citizenship. I was not aware of this until recently, but people are sitting the test in advance of being qualified. So they are sitting the test even though they are not quite yet at the point where they can take out their citizenship. People are anxious and keen to get it done. It is an interesting phenomenon. I do not know whether we have the numbers of those who are sitting the test beforehand.

**Senator ELLISON**—I am not surprised.

**Ms Forster**—I do not have them with me.

**Senator BARNETT**—I have looked at the quarterly report, and my questions remain unanswered. Could you take my questions on notice and give me a breakdown of the figures. I would like to know how many tests some of them have done, whether it is 10 or 20, and how you get to the figure of 1.2. Could you break that down and give us a categorisation of how many have done one test, two tests, three tests, four tests or five tests.

**Ms Forster**—I can explore whether we can get it that way, Senator. I am not certain whether we would be able to provide you with that level of detail. We could provide a breakdown, which is what you have before you now, which shows the visa streams. You can see that there is a differential between the visa streams. We have the raw figures that show there are 30,000-odd tests compared to 25,000 people. You asked exactly how many tests each of those individuals had done. We will do what we can on that front.

**Senator Chris Evans**—We will endeavour to do our best, Senator Barnett, with a reasonable use of resources.

**Senator BARNETT**—That is good. My second question related to the value part of the test. How many failed that part of the test?

**Ms Forster**—Could I clarify whether you are talking about the mandatory component of the test, which goes to responsibilities and privileges, and not the values of Australians?

**Senator Chris Evans**—It is rights and responsibilities.

**Senator BARNETT**—Rights and responsibilities, and you have three of those.

**Ms Forster**—There are three mandatory questions. Of those tests that were failed to the end of March, 63 per cent were failed due to a mandatory question being answered incorrectly, and 37 per cent failed because they had not got 60 per cent, or 12 out of 20, correct.

**Senator ELLISON**—And the previous statistics released by the government showed that 1,193 of the 9,043 candidates who sat the test in the last quarter of 2007 failed because they

incorrectly answered the question about rights and responsibilities. I do not have that as a percentage.

**Ms Forster**—Nor do I.

**Senator ELLISON**—A percentage of 1,193 over 9,043 would have to be about 15 per cent. You are saying that in the first quarter in 2008 the percentage who failed—

**Ms Forster**—No. We are talking the full six-month picture.

**Senator ELLISON**—The full six months?

**Ms Forster**—Yes, within the full six months. I am sorry, Senator; I am not certain what you are referring to in that first part of the equation. I am not sure that we have that figure for the first three months.

**Senator ELLISON**—If you have the six-month figure let's stick with that. I was referring to the first quarterly report, but you are now referring to the six-monthly snapshot, which is from the beginning of October to the end of March 2008.

**Ms Forster**—Yes.

**Senator ELLISON**—You are saying that 63 per cent of those who failed did so because of a rights and responsibilities question?

**Ms Forster**—That is the information that I have in front of me.

**Senator ELLISON**—Thank you. That is clearer than the information I have.

**Senator BARNETT**—And 37 per cent is due to the other failure?

**Ms Forster**—That is right, not reaching 12 out of 20 questions.

**Senator BARNETT**—Can you focus on that and break it down to reveal those who failed the mandatory questions or the rights and responsibilities questions? Can you give us numbers to show how many failed the test in the first six months because of that?

**Senator Chris Evans**—You would work out the percentage of the total.

**Ms Forster**—I can. I do not have that number in front of me but I have the percentage, so we can work that out.

**Senator Chris Evans**—If you work out the percentage of the total number you will have your answer.

**Ms Forster**—Indeed.

**Senator BARNETT**—Of the total number that failed?

**Senator Chris Evans**—Yes.

**Senator BARNETT**—Does the raw figure have the total number that failed in the six months?

**Ms Forster**—Yes, it does.

**Senator Chris Evans**—We will get the figures for you anyway.

**Senator ELLISON**—The copy of the quarterly report that I have does not have the reason for the failure, where a failure has occurred. It does not indicate where those people failed. Was it on the 12 out of 20, or the rights and responsibilities?

**Senator BARNETT**—Can I ask a follow-up question. Does it worry you that the bulk of them failed because they failed the mandatory test, or those three questions on rights and responsibilities?

**Senator Chris Evans**—The government set up a review of the citizenship test at the end of the six months to work through these sorts of issues—examining the results, speaking to communities about their attitudes, looking at the take-up rate, looking at who is applying and who is not and looking at who is failing and who is passing. If you are asking me whether I am concerned that people fail because they do not understand the rights and responsibilities of citizenship, I would have to say no. The test is designed to ensure that people taking out citizenship have an understanding of those rights and responsibilities. Do I have a concern if it is because the question is worded badly? Yes. Do I have a concern if we are not providing enough opportunities for people to understand the test prior to sitting it because the English language requirement is too high? Yes. If you like, there is a difference between, ‘I am not concerned if people have not made the commitment to try to understand.’ I think what we have to examine is whether there are artificial barriers to people getting there, or whether we are not providing enough support. Those are the sorts of things on which the committee will report. I think it is due to report in June or July.

**Ms Pope**—Midyear.

**Senator Chris Evans**—The committee is due to report midyear.

**Senator BARNETT**—Is that the Woolcott committee?

**Senator Chris Evans**—Yes. It is a very eminent group of Australians. They have been going around the country. They were in Perth recently and in Wagga Wagga the last time I was talking to them. They have taken consultation seriously. I am sure that we will get a good report. There will be a good exposition of the issues and suggested solutions. It will also give communities a chance to become engaged in this issue. I think concerns were expressed by certain committees so this is a useful way in which to have a conversation with them to establish how they view the test.

**CHAIR**—Senator Evans, I have one of the questions in front of me.

**Senator Chris Evans**—I do not think you have. If you do, they have been leaked. Are you referring to one of the test questions?

**CHAIR**—This is a sample question. We are talking about rights and responsibilities and about people for whom English is a second language. For the record I will read this question:

**Question 1: Which one of these is a responsibility of every Australian citizen?**

- Renounce their citizenship of any other country
- Serve in Australian Diplomatic Missions overseas
- Join with Australians to defend Australia and its way of life, should the need arise



It would be very difficult for someone from a non-English-speaking background to tick all those three. That might not necessarily be wrong.

**Senator Chris Evans**—I think that is a reasonable comment to make, which is why it was important for us to have a more transparent and open debate about the test and any issues that have arisen. We are committed to having a good look at it after six months. We are committed to retaining the test. We have a group of very eminent Australians from all walks of life who are able to look at those issues and consult with the community. I was concerned because I was advised that the booklet from which questions are derived was supposed to be in what is referred to as a basic English language standard, or basic English, and that in the writing of the question it had slipped up much closer to a native-English-speaking standard. One of the issues that will be dealt with is whether the language is at too high a level to be as accessible to people as we would like. The committee will explore those issues. When we get its report the government will consider it, but it will also be a public report and people can engage in debate and assess the decisions.

**Senator BARNETT**—Thank you, Minister, for that. We look forward to the work of the committee and reading that. I accept that. Could the department either answer or take on notice the actual questions that were failed in the values section and in the other section. You have got percentages?

**Senator Chris Evans**—No, Senator Barnett.

**Senator BARNETT**—Can you do that?

**Senator Chris Evans**—No, we cannot because at the moment the questions are confidential. We can indicate to you the compulsory questions fail rate, but I cannot indicate to you the questions. Of course, they rotate from a group of 100. At the moment, the questions are not public. All that has been released are the test questions. The decision of the former government was not to make them public. One of the issues that the citizenship test review committee will no doubt look at is the question of whether the questions are made public. In a couple of overseas countries they are publicly available, but in a couple of others they are not. They are two different models, if you like.

One of the concerns I have is that, while they are not public, there is a bit of a trade going on over the internet. People are interviewing people as they leave the test and saying, ‘What was the question?’ and ‘I can sell you the set of questions for 20 bucks.’ That sort of thing has developed in other countries. Again, that is an issue for the committee to explore but, at the moment, under the decision of the previous government, which I have not altered, the questions are confidential.

**Senator ELLISON**—With the rights and responsibilities section, what sort of questions are asked, though—not the wording of the questions. Obviously it is a discrete area of the test. The idea is that these are core issues, if you like. What sort of areas do they cover?

**Senator Chris Evans**—I think all I could tell you is that Senator Crossin read to you the sample questions which were made publicly available by the government on announcing the test, and they are the only ones that are public. The sort of question that Senator Crossin read out is supposed to indicate to people the sort of question that may be asked in that regard.

**Senator ELLISON**—Is that all that is available? I thought there was a booklet on it.

**Senator Chris Evans**—The booklet is available, but the tests—

**Senator ELLISON**—Yes, and does that not tell you something about it?

**Senator Chris Evans**—People do not understand that the booklet is the basis of the questions.

**Senator ELLISON**—Yes.

**Senator Chris Evans**—Every question has to come from the booklet.

**Senator ELLISON**—That is right.

**Senator Chris Evans**—So, if you read the booklet, you have got a fair idea of the sort of questions that may be asked.

**Senator ELLISON**—It is the rights and responsibilities section in that booklet which they go to.

**Senator Chris Evans**—Yes, that is right.

**Senator ELLISON**—Nothing more, nothing less.

**Senator Chris Evans**—No, that is right. The questions were designed by a professional firm whose job was to take from the material provided to it in the booklet and provide 100 questions—they were going to provide 200 but currently there are 100—that explore people's understanding of what is in the booklet.

**Senator ELLISON**—And the sorts of things that are covered are that men and women are equal in Australia, everyone has an obligation to vote, there is freedom of religion and those sorts of things, as I understand it, and the rights and responsibilities—

**Ms Pope**—Those are not to do with the rights and responsibilities, though, Senator.

**Senator ELLISON**—What are they?

**Ms Pope**—It is more specific than that as indicated in the booklet. But they are to do with the requirement to serve in the defence forces, the right to stand for public office and voting rights and so on.

**Senator ELLISON**—I just mentioned voting rights: you have an obligation to vote.

**Mr Metcalfe**—Yes, but, Senator, you also mentioned equality between the sexes—

**Ms Pope**—Equality and other—

**Mr Metcalfe**—which is not a right or responsibility, but it is a feature of Australian culture and law.

**Senator ELLISON**—So that would be more in the values statement?

**Mr Metcalfe**—We might just get our terminology correct, Senator. Just a little bit of background: the citizenship act for a very long time has contained a requirement for people seeking to be granted Australian citizenship that they should have a basic knowledge of English and be aware of the rights and responsibilities of citizenship. In the past, prior to the existence of the test, people would be interviewed for citizenship and an assessment would be

made by a departmental officer as to whether they met the language requirement, unless they were exempt, and if they had an awareness of their rights and responsibilities. As Ms Pope indicated, that goes to issues such as the right to stand for public office, the right to vote, the responsibility to serve as a member of a jury if requested, and the responsibility in extremis to help defend the nation. There are a number of articulated rights and responsibilities that have been provided in information material by the department prior to the test and which is now contained in the test booklet in that chapter relating to rights and responsibilities.

The way that that particular requirement of the act is now given effect to is by the fact that the test contains three mandatory questions drawn from a pool of questions which tests those issues. Senator Crossin has given an example of a sample question that is publicly available. You referred to values, but the correct legal terminology is rights and responsibilities, because one could argue that values are a different concept of the actual legal rights and responsibilities that a citizen has.

**Senator ELLISON**—The values section, if we call it that—how is that dealt with in the test?

**Mr Metcalfe**—The test booklet provides a number of chapters, as I am sure you are aware, that go to the nature of Australian society, the sorts of values that are seen as being Australian values—many of which, I would argue, are probably universal values—equality between the sexes and so on. But the booklet also contains material relating to our national symbols, elements of our history and so on and so forth.

It is on all of these issues that the review committee has been asked to provide advice. The minister has made it very clear that the test will remain in English and that there will be a test, but the weight that is given to particular issues currently covered in the book and the level of comprehension required to access that knowledge are the very issues that the review committee will obviously be looking at.

**Ms Pope**—To be absolutely precise, Senator, pages 3 and 4 of the resource booklet refer to responsibilities and privileges. The mandatory questions are drawn from the material on those two pages in the booklet. There is a section on values, as Mr Metcalfe has set out. The remaining questions—

**Senator ELLISON**—They go to the 17.

**Ms Pope**—the other 17 are drawn from the rest of the book.

**Senator Chris Evans**—Senator Ellison, while you pause for thought, I want to put on the record that there have been no changes to the resource book and no changes to the questions since the change of government. This is the test as designed and written by the previous government, and there have been no changes. Any changes will not be considered until after the review committee reports.

**Senator ELLISON**—What support is offered to people who want to sit the test?

**Ms Pope**—I think Senator Barnett was about to ask a question in relation to the citizenship support grants program.

**Senator ELLISON**—That was me, I think—page 48 of PBS.

**Ms Pope**—You would like an explanation of the program?

**Senator ELLISON**—Yes.

**Ms Pope**—I imagine you aware, Senator, this is a pilot program that will be run in 2008-09. There is \$3.4 million available for assistance to be provided to people who want to sit the test and want to prepare for it. We are sourcing 33 organisations that will deliver the services for us. The successful organisations will be announced in the not too distant future, Senator. Through that first year we are asking organisations that have a proven track record of working with migrant communities to look at creative ways to help individuals prepare for and sit the test. We have asked them to put their thinking caps on in relation to what will work for the client group, particularly focusing on refugees and family stream migrants with low levels of English. We will be closely evaluating that program through the first year to look at what works and then opening it up to a competitive grants program in 2009-10.

**Senator ELLISON**—You have the number of grants and funding agreements administered as 33. How much will they be worth each?

**Ms Pope**—The average will be about—in fact, I do not have the average. The minimum is \$40,000. It depends on their geographic spread, the number of clients in the area where they are going to be. The funding has been worked out on that basis.

**Senator ELLISON**—And the maximum?

**Ms Pope**—I do not have that. I can take that on notice, Senator.

**Senator ELLISON**—If you will, please.

**Senator Chris Evans**—Without sounding pompous, Senator Ellison, I have not signed off on this yet.

**Senator ELLISON**—It is in the budget papers.

**Senator Chris Evans**—Yes, but in terms of the individual grants et cetera.

**Senator ELLISON**—The detail?

**Senator Chris Evans**—Yes.

**Senator ELLISON**—How would the grants—

**Senator Chris Evans**—I have the submission before me. I just want to make it clear—

**Senator ELLISON**—And the submission is that—

**Senator Chris Evans**—For the record, I have not signed off on it yet.

**Senator ELLISON**—Certainly there have been applicants who have applied, a select group has been put to the minister, and the minister makes the decision. Is that right?

**Ms Pope**—In this case it was a select sourcing arrangement, so we identified a group of organisations that we believed were well placed to deliver the services in order to get this up and running quickly, and to be able to assist people to prepare for the test.

**Senator ELLISON**—And how many—

**Ms Pope**—In out years, it will be a competitive tendering.

**Senator ELLISON**—Sure, but this is the pilot I am talking about.

**Ms Pope**—Yes.

**Senator ELLISON**—How many have been put to the minister to make a determination on? You have 33 there.

**Ms Pope**—Yes, 33 have been—

**Senator ELLISON**—And the whole submission—

**Senator Chris Evans**—Senator, it will come up as a submission on the whole 33.

**Ms Pope**—For the whole program.

**Senator Chris Evans**—It is in my office. If I was not here, I would be having a read of it.

**Senator ELLISON**—I have done these before. There is nothing untoward if the department says yes to something and the minister says, ‘Hang on, I want to ask some questions about this,’ and he goes back and says, ‘No, I’m not inclined to give that grant.’ So there are only 30 because three have been knocked back? The minister says, ‘Have you got any more out there which might be good?’ Can that happen?

**Ms Pope**—Yes, it can. The organisations that have been approached are aware that this is not final and that they are in the mix for this but not that there has been an announcement or a decision made. The number is an estimate of 33, which was our best understanding at the time we provided the figures for the budget papers. If there was a provider about which the minister was not satisfied could deliver the services, for example, we would go to another provider. We may end up with 33 or it might be 32 or 34; it would depend on the circumstances as to how that might vary, but there is certainly capacity for it to vary.

**Senator Chris Evans**—Senator Ellison, I am just indicating that for the purpose of the record. There is nothing in my mind to suggest that I will not sign off on it, but I will want to read it and be confident. I am sure Ms Pope and her section have done a more than thorough job. But just for the record I want to make clear I have not signed off on it yet.

**Senator ELLISON**—Yes. It is certainly appropriate that there be some review and that the minister just does not rubber stamp it to the extent that there is a submission put to the minister and the minister makes a decision. But what I am interested in is: how did you come by the 33?

**Ms Pope**—Senator, we have evidence from the people who have sat and failed the test to date and the client profile for that group. That group quite closely matches the clients for the Settlement Grants Program, which we separately administer, in that they are refugees and humanitarian entrants, family migrants with low levels of English, as I indicated, and potentially some dependants of skilled migrants in regional areas. That is the client group for the settlement grants program.

We started with that client base in mind because of course at this point we do not know who will come forward seeking assistance in a direct sense. That is our estimation—that there will be a very close correlation between those two client groups. Therefore we have gone to respected providers in areas where we know that client group currently exists and we know where our client base is, and matched that to organisations with a proven track record in

working with these particular clients. For the most part they are migrant resource centres, AMEP providers, and other settlement service agencies.

**Senator ELLISON**—You made the approach to them, and what? Did you have a fairly positive response then?

**Ms Pope**—Yes, Senator.

**Senator ELLISON**—Good. Now to the pilot scheme—the minister signs off on these? There could be 33 or whatever.

**Ms Pope**—Yes.

**Senator ELLISON**—They are then going to operate for the 12 months, you said.

**Ms Pope**—That is right.

**Senator ELLISON**—Okay. Then you will do a valuation at the end of it to see how you move on from there. Is that right?

**Ms Pope**—We will actually be continuously evaluating, Senator, because we will need to advertise the grants round for the following year before the pilot is completed. We will be working through the year just to look at the good ideas that are working, and so on, and drawing up the arrangements for the following year when it will be an open and competitive process.

**Senator ELLISON**—So you plan to kick off on 1 July 2009?

**Ms Pope**—That is the full program, yes.

**Senator ELLISON**—Yes, the full program.

**Ms Pope**—Post the pilot.

**Senator ELLISON**—Okay. It is with you at the moment, so you are looking at it. Any idea—

**Senator Chris Evans**—I am very efficient, Senator. It will be done quickly.

**Senator ELLISON**—Then we can expect a decision, what? Next week?

**Senator Chris Evans**—It depends when estimates finish.

**Senator ELLISON**—The delivery of service is a very important area for ensuring that people have sufficient support for the citizenship test.

**Ms Pope**—Yes, Senator.

**Senator ELLISON**—Do you have a format for the delivery of service for this, or is it really on a case-by-case basis with a particular client group you are dealing with?

**Ms Pope**—We have asked the service providers to be creative, based on their knowledge of the client group and what will work for them, the way that information might best be transmitted to them, the way they might become familiar with the information in the resource book. Obviously they will start with the resource book because that is the source of the questions. They will use other resources available to them, such as the practice questions that are available on the internet and so on.

They will have the same materials available to them that any individual who would be preparing for the test would have, but we have asked them to consider things like discussion groups around the concepts and information in the resource book, and a range of other ways of assisting people to become familiar with the information. So it is up to them in the first year because we want to learn from their experience and knowledge of the client group as to the best way in the future to deliver to this need.

**Senator ELLISON**—With the Woolcott review or the task force, they are due to report in June.

**Senator Chris Evans**—June-July, I think.

**Senator ELLISON**—So there will not be much overlap and I just wonder what opportunity there is for this pilot scheme to be taken into their consideration. Obviously, once you give the grants and these people are out there at the coalface, they will pick up quite a lot. They are going to learn quite a lot.

**Senator Chris Evans**—I think it is a good point. It is a point I have made to the department myself. I think there are two parts to the answer: one is that Ms Pope's division has been servicing the committee, so they have had the benefit of the consultations and deliberations so far, although that is not completed; and also I asked that the committee be given the opportunity to cast its eye over the proposals, not in the sense of it having to have ownership of those but just to make sure they are comfortable with the approach. It did occur to me that we might delay until the committee report, but I think, as Ms Pope indicated, there is enough evidence to give us a pretty good sense of where the problems are likely to lie and who is most in need.

While the committee was consulted in a broad sense about the program, on the advice of the department I have decided to go ahead with the grants before the committee reports. But as you can see from reviewing the data, we are getting a fairly good, clear trend as to which parts of the client base are going to need more support. Rather than delay unnecessarily, we will start that process. As Ms Pope indicated, there is no suggestion that the trial will end at the end of June and then we will make up our minds what we will do next. It will be a process, and when July next year comes around, we will be ready to go and hopefully will have a well-targeted scheme, some experience and also the benefit of the committee's report. That will all come together in the design of the scheme from July 2009. But, as Ms Pope has indicated, the department feels it has a pretty good handle on where to start in terms of the support needs.

**Senator ELLISON**—Thank you. Madam Chair, I have some other questions on the Citizenship Review Task Force, but there may be other senators who wish to ask questions.

**CHAIR**—We might hear from Senator Nettle for a while.

**Senator ELLISON**—Do you want to ask about the test, whatever?

**CHAIR**—Yes. Senator Nettle?

**Senator NETTLE**—Just going back to some questions you were answering earlier, did you say you had a failure rate for the values questions, or just for the mandatory?

**Ms Forster**—Just for the mandatory because it is going to be an overall pass and fail rate, which is of course reported as well.

**Senator NETTLE**—Okay. Did you take on notice a failure rate for the values questions?

**Ms Forster**—That is not something that we would have, Senator.

**Senator Chris Evans**—Senator, we went—

**Senator NETTLE**—They are not separated out?

**Senator Chris Evans**—We went through this evidence with Senator Ellison, but there is not a values section, per se. There is a rights and responsibilities section.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—Which has three compulsory questions.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—Failing one of those is automatic failure of the test.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—But the rest of the questions, the other 17, are taken from the rest of the booklet.

**Senator NETTLE**—Both the values and the other bit.

**Senator Chris Evans**—Yes, the history, the sporting—you know, the whole lot.

**Senator NETTLE**—Alright, sorry.

**Senator Chris Evans**—In terms of being able to break it down, the officers are providing information on the failures of the compulsory questions versus the failures driven by not getting 12 out of 20. That is all we could do for you in terms of the results.

**Senator NETTLE**—All right.

**Senator Chris Evans**—But it gives you a pretty clear idea where the issues are.

**Senator NETTLE**—That is cool, thanks. Minister, there has been some media discussion about the Bradman question. I am just wondering whether there is any update.

**Senator Chris Evans**—A Bradman question is in the sample that is provided. It is one of the ones that is used as the sort of sample that Senator Crossin referred to earlier. There are questions in the set of 100 that relate to sections of the booklet regarding sporting achievements and sporting culture in Australia.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—But the actual 100 approved questions are confidential.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—So there is no capacity in the sense of a Bradman question in the test. The issue and the discussion was around the sample question and the content of the booklet. The content of the booklet defines the questions. I made the point that some had become quite controversial: that Walter Lindrum was probably not a household name for a lot of recently arrived migrants to this country. The fact that I am old enough to remember who



he is is not necessarily a fair assessment. He was a well-known billiards player, by the way—a champion billiards player. Just to make the example of the reasonable debate around the content and how relevant it is to citizenship, that is what the review committee will get to the bottom of as the issues.

People are now presenting at public hearings to them about the issues that concern them. No doubt some people will raise that. I know Mr Georgiou wrote to me yesterday, I think, raising some of his concerns. He has made a number of speeches about it. Community groups are engaging with the committee. I think it will be a good process.

**Senator NETTLE**—The review committee will look in greater detail at values and sporting questions, so they will have that kind of thing together?

**Senator Chris Evans**—Not so much the questions, I think, Senator. I am unsuccessful in my endeavours to achieve public understanding of this issue, but the booklet defines the questions.

**Senator NETTLE**—Yes, I see that.

**Senator Chris Evans**—The professional organisation draws up the questions, but the questions are driven by what is in the book.

**Senator NETTLE**—Yes, I understand that.

**Senator Chris Evans**—While people focus on the questions, they really ought to focus on the content of the book.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—Because that is what defines what the questions will be. The questions are just a function of what is in the book. Quite frankly, if you read the book, you can pretty well work out what the questions are going to be.

**Senator NETTLE**—Yes. Maybe I will ask questions in the sense of the booklet then. What I am trying to work out is whether the review committee will be able to work out why people are having difficulty understanding the section in the booklet about values or in understanding the section in the booklet about sport, for example. Will their assessment of people's ability to deal with the test be broken down into that?

**Senator Chris Evans**—Obviously they will be able to explore any of the issues raised by them in submissions from the public or organisations, they will be able to explore issues that they raise themselves and they will be able to access the department's information, the department's service, and the committee. I think they will obviously explore the sorts of issues that have been out there in the public debate. That is the purpose.

I just want to make clear, though, that we gave them their terms of reference, which are very broad—I made sure they were very broad and publicly available—and I also met the committee at its first meeting and said to them it was government policy that there is a citizenship test and that that citizenship test should be in English, just giving an indication that those were the parameters, if you like, in terms of government decision making, and that we had given them broad terms of reference to explore issues that were raised with them and to provide a report to government. I think it is fair to say they were happy they had a broad

remit. I know people are engaging very seriously with them. When they report, they will have examined the issues that are of concern to people.

**Senator NETTLE**—And when do they report, did you say?

**Senator Chris Evans**—In the middle of the year, June-July—probably July.

**Senator NETTLE**—Okay. Does the government consider doing the test in other languages? I know other countries do that because they think you can learn the rights and responsibilities better when it is the language you are most familiar with.

**Senator Chris Evans**—No. The government has made it clear, as a policy decision of government, that the test will not be made available in any language other than English. It has always been a feature of our citizenship requirements that people have a certain level of English. That is not going to change. What is available is the previous government-commissioned translation of the booklet into a range of language—I think in the order of 30 or 40.

**Mr Metcalfe**—Twenty-nine languages.

**Ms Pope**—Twenty-nine.

**Senator Chris Evans**—Twenty-nine languages. The previous government authorised the translation of the booklet into 29 other languages so that people can become familiar with the source material in their own language, if they choose, but the test is in English. Contrary to the front page of the *West Australian*, I have made it clear, on every occasion, it will remain in English.

**Senator NETTLE**—In terms of the snapshot report, the percentage of applicants failing the test is nearly 23 per cent Sudanese, 17.4 per cent Afghan, but when you come to the United Kingdom or New Zealand, you get down to 1 per cent and 1.4 per cent, and 0.5 per cent for South Africans. There is still clearly what I would describe as discrimination going on in terms of the ability of people to pass the test if they are from poorer non-English speaking backgrounds. You have talked about the programs in terms of their being through migrant resource centres and other centres of support. Is there any other consideration beyond those programs about how to address that inequity in terms of the ability to pass the test?

**Senator Chris Evans**—I would be very surprised if the review committee did not focus on these issues, Senator. One of their prime functions is to look at the experience over the six months. As you say, the citizenship test results provide very clear evidence of where the difficulties are in terms of people who are finding it problematic to pass the test or come to terms with the test. The review committee will examine that evidence. Part of their report will no doubt provide further insight to the government about how we might address those issues. We know that the community groups concerned, the people to whom you have just referred, are very concerned about that issue.

I might add that the thing that worries me more than the failure rate, if that is associated with English language skills or other, if you like, artificial barriers to citizenship and passing the test, is evidence that comes to me that people are concerned about sitting the test because they fear, if they fail, they may be deported. That has been expressed to me by a number of

communities. That has been of serious concern to me. That report tells you who is sitting the test and their outcomes, but it does not tell you who is not sitting the test.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—One of the advantages of the review process is that they are engaging with those communities, hearing their experiences, and talking about the issues for those people. I think that will allow the committee to really be well informed about those issues. We have very serious people on this committee who take the job very seriously and are very committed to it. I think you will find they will do a good job.

**Senator NETTLE**—Are there particular communities that are raising with you a reluctance to sit the test in the first place?

**Senator Chris Evans**—Certainly the African communities have raised it with me, in particular their fear of failure. I used the example before of a young African woman who has escaped torture and maybe rape and a refugee camp who has recently come to Australia with poor English skills, you would have to say that getting through the citizenship test might be a struggle. There would be a whole range of issues to address. If there is a fear that failure of the test would result in return to the country from which they have escaped, clearly that is an issue. As I say, I think it is pretty self-evident from the results where our problems are. The review committee will work its way through those problems and help to provide solutions. The sort of programs that Ms Pope just outlined in terms of the supports are directed at those sorts of communities. It is about working with them to assist them in their path to citizenship.

To be fair to the previous government, the funding was an announcement of the previous government. We are committed to delivering on that because, fundamentally, we believe those who have settled in Australia and want to make their life here ought to proceed to citizenship if they want to.

**Senator NETTLE**—Yes.

**Senator Chris Evans**—We have had a sort of bipartisan view in Australia for many years that those people ought to be eligible for that and be encouraged to take out citizenship. In addressing the issues around the test, we want to make sure that we continue that very worthy policy objective. Those grants programs should assist.

**Senator NETTLE**—Yes, many of them do really want to apply for citizenship.

**Senator Chris Evans**—Yes.

**Senator NETTLE**—I know from visiting intensive English centres that one of the issues is that they have never had a formal learning environment in any language, let alone English.

**Senator Chris Evans**—Those barriers are real, Senator. There is no question about those barriers being real. As you say, some of the people seeking to become citizens do not have literacy in their own language. The sort of question that Senator Crossin read out earlier might be a bit of a challenge for them.

**Senator NETTLE**—Yes. Is the review committee also looking at whether there has been any benefit from the introduction of the test overall?

**Senator Chris Evans**—They are not restricted in their role. As I say, I gave them broad terms of reference. But they are, I think, aware that the current government has made it clear the tests will continue as part of the process of people's pathway to citizenship. One of the things I hope that may come out of their work as well, as with any other suggestions they might have, is how we make that pathway to citizenship enriched or other opportunities to develop the concept of citizenship in our communities.

We have people like Warren Pearson, who is the National Director of the National Australia Day Council, we have a number of people who are representatives of some of the communities, and we have Professor Kim Rubenstein. We have people from a range of backgrounds who I think will engage with the general citizenship issues in addition to the test. Their charter is to concentrate on the test, but, given the intellect and interests, I would be surprised if there is not a bit of a broader agenda discussed at least.

**Senator NETTLE**—Do you think there has been any benefit from the introduction of the test?

**Senator Chris Evans**—We have supported the test on the basis that we think it is a useful addition to people's pathway to citizenship in that it seeks to ensure that people have an understanding of the rights and responsibilities of citizenship. I think that is important and I have stressed that to a number of groups. Using the example of a recent African female refugee, it is important that she understands that domestic violence is against the law in Australia, that she has legal rights, and that she understands what those legal rights are—because they are not rights that she necessarily enjoyed in her home country. I spoke to an African community before the last election and they indicated that they thought they could not vote against a government because that would be too dangerous.

**Senator MARSHALL**—That might be right.

**Senator Chris Evans**—My view at the time was that they could, and of course my view at the moment is that they could not possibly vote against the government! But I should not joke about it: it is a very serious matter that they feared retribution because the government was all-powerful and the police were an instrument of the state and those sorts of things. I think we have always got to think about their perspective on these issues. I think decisions should test the role the committee plays in encouraging people to engage with those issues and those understandings of rights and responsibilities. The test can be a very useful tool in the path to citizenship.

What I am concerned about is to ensure that there are not false barriers, like literacy in their own language or what have you, that prevent people from going down that pathway and achieving citizenship. We want to develop their understanding and ensure that there are not false barriers. But having said that, we want them to understand the rights and obligations that come with citizenship. It is a question of getting the balance right. That is why we thought it sensible that, after six months operation of the test, we have a very thorough and serious review. We have put a lot of resources into it to make sure it is a very serious review, independent of government, and I am sure they will provide a very comprehensive and useful report.

**Senator NETTLE**—I do not think there is any question about the benefits of people understanding the rights and responsibilities and the English language. I think the question is whether or not the test is a helpful mechanism in being able to achieve all those things. I know I asked questions before about whether there had been any assessment of the advantages of the test in any other country where they had introduced it, and that was before it was introduced in Australia. My recollection was that Canada was doing an assessment but had not completed it at that time. That is why I am asking about an assessment of the benefits. There are benefits in doing the review, but if the government has already expressed the view that we are going to have the test, where does an assessment of whether the test is beneficial in delivering those outcomes that we all want occur? That is why I was asking.

**Senator Chris Evans**—What can I say, Senator? We, as a parliament, debated the issue about whether we should have a citizenship test. Both the current and the former governments supported the idea of a citizenship test. Both the current and the alternative governments maintain their support for a test. So, if you like, the political decision is there. Obviously it is open for others to have a different view.

Having an understanding of the view of the parliament and the view of the government and the alternative government, the review is designed to work through all the issues associated with ensuring that the test is a useful and positive contribution to people's pathway to citizenship. Quite frankly, that is what the review will do. Not only that, but we had a public debate following that. But it is quite clear to me, and I learnt my lesson early in this job, that the citizenship test issue excites interest around Australia—not necessarily informed interest, but it excites a lot of interest. No doubt when the report is available, it will excite a lot of interest, as it should do.

This is an important national debate. But if you are asking me if we are changing our policy on having a test, the answer is no. I think the question for the committee is to ensure that the test itself is as valuable as possible in assisting people on the pathway to citizenship.

**Senator NETTLE**—I would love it if the government changed its view, but it is not actually the question I am asking. The question is: Is there any assessment of whether the test is providing the benefit that the government and the opposition wanted it to provide, which was improving people's access to citizenship? I would argue that all those things are beneficial, the things about rights, responsibilities and English language, but I am just after the analysis of whether the test is helpful in determining that.

**Senator Chris Evans**—As I have said a couple of times, I think, the committee has a broad remit. The government deliberately drafted the terms of reference broadly so that the committee could pursue issues raised with them without feeling that things had been excluded. I would be surprised if those issues have not been raised with them. If they have not, Senator, you should make a submission and attend the public consultations. But they have been in the public debates, raised by you and others. I would be surprised if that is not a key part of their considerations. But I think we just have to await the report and see what views they have formed.

**Senator NETTLE**—Okay. I think it was the Canadians that did an assessment of their citizenship test and whether it had been beneficial. Do you know whether they have completed that assessment?

**Ms Forster**—Senator, I am not aware that Canada was doing such an analysis. We can check that for you, but I am not aware that Canada was. Certainly the USA was putting in place a new test arrangement and they have gone public on that, but it was to do with new test questions. As I think you are aware, the USA questions are indeed in the public arena. They have released those questions so that their review of the citizenship test, which they call the naturalisation test, was around the sort of questions and the nature of questions to be asked.

**Senator NETTLE**—I am just recalling off the top of my head a discussion that I had that talked about the different countries that had tests, and I was asking had anyone assessed whether the test had been beneficial. The answer was that the department had indicated that there was a country—I cannot remember what country it was—that was doing an assessment about whether it had been beneficial.

**Ms Forster**—I will take it on notice.

**Senator NETTLE**—I am happy for you to take it on notice.

**Ms Forster**—We can check that, Senator.

**Senator NETTLE**—Yes, just to find out whether that has been completed, whichever country it was.

**Ms Forster**—Yes. As I said, I cannot recall that. However, we will definitely check for you.

**Senator NETTLE**—I wanted to ask whether there have been any exemptions, or how many exemptions there have been, to the sitting of the test.

**Ms Forster**—There are no exemptions as such from the test. In the legislation, everybody who is applying under the general eligibility criteria is indeed required to do the test. However, the legislation also acknowledges other cohorts of people, including those who are under the age of 18 and those who are over the age of 60, who are not required, basically, to meet the requirements of the general eligibility and have their own set of requirements to meet. Sitting and passing a citizenship test is not a requirement for them. There are no exemptions, as such, within the legislation.

**Senator NETTLE**—I am just operating off my recollection. I thought there was opportunity for that, and it may have been that the minister, in certain circumstances, would be able to grant people within the appropriate age group—

**Ms Forster**—No, there is no exemption.

**Senator NETTLE**—Okay. I was going to ask how many people have failed the test more than twice. But I am thinking that if I look here—

**Ms Forster**—That is in the snapshots.

**Senator NETTLE**—It is 18 per cent of people who have failed the test twice in the humanitarian visa category in the executive summary.

**Ms Forster**—Just one moment. I would like to explain that part. In the humanitarian program, 82 per cent of clients have passed the test on their first or subsequent attempt.

**Senator NETTLE**—Yes.

**Ms Forster**—The average around how many times they are doing the test in the humanitarian stream is 1.7 times.

**Senator NETTLE**—Are you reading from page 9?

**Ms Forster**—If you turn to page 8, you will see that in the humanitarian program; it is divided into streams.

**Senator NETTLE**—Yes.

**Ms Forster**—We have had a total of 25,067 clients sit the test, of which 3,255 were from the humanitarian program. It is at 1.7.

**Senator NETTLE**—Okay.

**Ms Forster**—That is the average number of tests for the humanitarian category compared to, for example, the average overall, which was 1.2.

**Senator NETTLE**—I was going by the executive summary, where you have 82 per cent passing on first or subsequent attempts.

**Ms Forster**—That is right.

**Senator NETTLE**—So 18 per cent are failing.

**Ms Forster**—Have not achieved a pass.

**Senator NETTLE**—On having tried twice. Is that right?

**Ms Forster**—No, not necessarily.

**Senator NETTLE**—Because they might have tried only once.

**Ms Forster**—That is right, and 18 per cent of clients who have sat the test in that stream have not yet passed. They may well be attempting again and pass on that subsequent attempt.

**Senator NETTLE**—I know you took some questions on notice in relation to what Senator Barnett was asking previously. Can I ask you maybe to take on notice how many people have failed the test more than twice?

**Ms Forster**—Yes. We are going to try to get that. I cannot guarantee that we will be able to get it in exactly the form that Senator Barnett or you have asked, but we will attempt that.

**Senator NETTLE**—Okay. Now I wanted to ask about the decline in applications, but before I do that I do not know if it is possible to get the figure on how many people have failed the test and have given up on trying to get citizenship. I do not know if that is something that you can assess or not.

**Ms Forster**—I am trying to think how I might be able to get that.

**Senator NETTLE**—Yes.

**Ms Forster**—I do not have an answer for you on that.

**Senator NETTLE**—All right. Question 31 was taken on notice and you provided a graph about the drop in citizenship applications, and it is a substantial drop. You were saying before it is back up. Where is it back up to—where it was in other years?

**Ms Forster**—There has been an increase in the number of applications, month by month. As we have discussed previously, they were very low at a last additional estimates period. As you may be aware, since that time we have had a huge surge in applications—for example, in September.

**Senator NETTLE**—Yes.

**Ms Forster**—That was 21,000.

**Senator NETTLE**—Yes. I have the figures up to the end of March.

**Ms Forster**—Up to the end of February?

**Senator NETTLE**—That is right.

**Ms Forster**—So for February it was almost 5,000 applications. In March, we were at just over 5,500. In April, we actually had 6,630 clients apply for conferral of citizenship. It is on the increase, plus, as I explained to senators this morning, we also have around 15,500 clients who are currently scheduled to do the test within the next couple of months.

**Ms Pope**—Some of those people, we understand, are applying ahead of being residentially qualified. It is not possible to directly translate 15,000 into 15,000 immediate applications, but at some time in the future these people intend to apply for citizenship.

**Senator NETTLE**—So we are still currently below the level we were at last year of April figures, but it may get back up to the level it was before the test.

**Ms Forster**—That is right. We are very clearly experiencing an odd year in terms of the applications and the distribution of those applications across each month, but we are also very clearly experiencing an upsurge in the take-up of application rates. It is clearly on the increase, as we would expect it to be. Yes, you are right, it has not reached the heights of, say, the last two years, but it is clearly increasing and we would expect it to continue to do so.

**Senator NETTLE**—We talked about an expected reduction in the number of applications once the citizenship test came in. Was it expected to be that big?

**Ms Forster**—I think the interesting thing was the size of the surge, actually. We did indeed expect an increase in applications, which would naturally mean a decrease in the number of those flowing on. The size of the surge—when we had experienced a peak with the introduction of the new act, followed by a surge after the introduction of the citizenship test—while expected, did take us somewhat by surprise. Indeed, in terms of your question relating to whether we expected such a huge drop-off: no, but nor did we expect such a huge surge in applications, which, naturally, evens those two things out.

**Senator Chris Evans**—Senator Nettle, I think it is fair to say that because of the client reaction around the announcement of the test or the debate, et cetera, we have a very unusual set of circumstances.

**Ms Forster**—Yes.



**Senator Chris Evans**—To be frank, I do not think you will be able to get a good feel for the permanent effect for a while yet. I think what the department is saying is that it is on the rise again, but we have had such an odd set of circumstances that to draw definitive conclusions now would be pretty unreliable, I think. This is something that the committee will report on. As I say, my main concern is not who sits the test but who is not sitting the test. Our figures do not necessarily show you that.

**Ms Forster**—That is right.

**Senator NETTLE**—When was the legislation first introduced? I am just looking at the graph. When did the debate start?

**Ms Forster**—The new act was introduced on 1 July 2007.

**Senator NETTLE**—It was going up well before then, so we must have been—

**Ms Forster**—The announcements were earlier. People knew the new act was coming into being. We certainly experienced, as we would have expected—

**Senator Chris Evans**—But the announcement about the test was when?

**Ms Forster**—The first announcement was December 2006. However, the launch of the test was 17 September 2007.

**Senator Chris Evans**—But the debate, if you like, about the test coming in started the previous December. As you know, because it was unknown there was anxiety and there was debate. It seems to be a reasonable conclusion that people started getting in and, as we got closer to the deadline for the last time you could get through without sitting the test, it sort of went through the roof—like the Christmas sales. Then, of course, the flow decreased, partly because all the people who would normally have gone through in November-December had done it in September to get in. As I say, I just think it is a bit early to tell what the long-term impact is going to be.

**Senator NETTLE**—You could look at the figures and ask, although it is not necessarily a question that this government could answer: was the reduction in citizenship applications a goal of the test? You could look at the figures and ask that. I do not necessarily think that it was, but it is just that the level of the drop-off is—

**Senator Chris Evans**—Even someone as hard on the former government as I, Senator, would struggle to say that that was a policy objective.

**Senator NETTLE**—It just might have been. That is why I went back to that question previously and asked whether it is achieving the objective. Everyone agrees with increasing citizenship rights and responsibilities and English language. I know it is early days, but it is clearly not doing that yet. If it does, it remains to be seen in terms of overall figures of applications.

**Senator Chris Evans**—The key question is whether study of the book in preparation for the test increases their understanding.

**Senator NETTLE**—Then you go to the number of people failing the mandatory questions. That is your thing for assessing whether that is a—

**Senator Chris Evans**—I think one of the other questions that people rightly ask is: is it development of an understanding or is it rote learning? What do people get out of that process? That has been part of the public debate and that is the sort of thing that the committee will focus on.

**Senator NETTLE**—Teaching English as a second language group that appeared before the Senate inquiry into that were very specific in their criticism of it as an educational tool, for precisely that purpose, and were seeing it as rote learning rather than education. I have made criticisms of the impact it has on English language courses in terms of the way in which the teaching shifts to help people to pass the test, rather than giving them the skills they need to communicate in Australia.

**Senator Chris Evans**—I think people would say that was a feature of my university career as well, Senator Nettle.

**Senator NETTLE**—That does not mean it is a good thing and that everyone should have done that, Minister.

**Senator Chris Evans**—Last-minute rote learning rather than deep understanding.

**Senator NETTLE**—I have just a couple of questions on the waiting list. I heard most of what Senator Ellison was asking earlier. I think most of the questions were ones he asked earlier. I got an email from someone who is a Perth resident. On 22 May, they had just reached the point of being able to apply for citizenship. When they contacted the department, they were told that the earliest date they could sit a test was 1 August, which is a waiting period of just over two months. When they phoned the department, they said that Perth is pretty good. I heard your answer earlier when you said that you thought the average was now a month. I thought I would raise that, because their particular concern was that they would like to be able to vote in the Western Australian elections, not knowing when that is going to be.

**Senator Chris Evans**—That is interesting. I figured no-one would want to vote in the Western Australian elections, given they have such a low opinion of all the major parties in Western Australia at the moment.

**Senator NETTLE**—Maybe they will not vote for a major party.

**Senator Chris Evans**—Yes.

**Senator NETTLE**—I am just saying that that raised an issue for me. You have timing in relation to the waiting list. Is there any capacity to ensure that people do not miss out on their opportunity to vote because of a waiting list?

**Senator Chris Evans**—The departmental officers can talk about the particular waiting list, but I visited the Perth centre recently and the staff are doing a fantastic job in trying to assist people to access the test, to support them in sitting the test, and to give as many people as possible that opportunity as soon as possible. There were some lengthy delays and the department has been refocused on getting those down. Waiting times have improved dramatically.

One friend of mine, one of a couple who are English migrants, raised the delay with me, and I raised it with the department. I saw them a month or so later, and they said they had

received a phone call and were invited to come in, not because I mentioned their name, but because the office had been proactive in contacting people, saying, 'We have some vacancies on Thursday afternoon. Would you like to come in?' The department has been very proactive. It is a very supportive environment. As I say, we also have large numbers of people who are sitting the test before they are eligible for citizenship. How long can they do it beforehand?

**Ms Forster**—As soon as they become a permanent resident, Minister, they can indeed sit the test under the current arrangements.

**Senator Chris Evans**—So we have people who have actually sat the test who were not yet eligible to be citizens, but they sort of got in early. It certainly supports the idea that people are keen to get citizenship.

**Senator NETTLE**—Yes, it does. Did you want to comment?

**Ms Forster**—Senator, we would be happy to take the details of that particular circumstance and check with our Perth office. With an election looming, maybe something can be done. We would certainly try to accommodate this person. But, generally speaking, our waiting times have come down remarkably.

**Senator NETTLE**—Yes, I heard you say that.

**Ms Forster**—In Perth, as we explored earlier, we have fluctuations because of the need to send staff out to regional areas. At those times, they are not available within Perth to do the test. Perhaps that is what has happened to this person. But I am more than happy to take the person's details and follow it up.

**Senator NETTLE**—Okay. I will check if Senator Siewert has already done that, but otherwise, yes.

**Ms Forster**—Please.

**Senator NETTLE**—Thanks. Yes, I heard you say that, and that was why I thought I would raise that particular instance. I want to ask a question, but I do not know whether it relates to this section or not. There were some comments by Laurie Ferguson in the paper today about applications that have been made from Camden Council about federal funding to run a program on multiculturalism. It was in response to the rejection of the application for the Islamic school in Camden.

**Ms Pope**—That will come under output 2.4.

**Senator NETTLE**—I can leave my questioning at that. They are all the questions I have relating to output 2.3.

**CHAIR**—Thank you, Senator Nettle.

**Senator ELLISON**—Are there any other questions?

**CHAIR**—Can we go to Senator Kirk?

**Senator ELLISON**—Yes, by all means.

**Senator KIRK**—Thank you. I have just a few questions in relation to the citizenship task force, which may be questions that Senator Ellison was going to ask about. I will commence those. I take it the task force was appointed on 28 April. Is that correct?

**Senator Chris Evans**—That is my recollection, yes.

**Ms Forster**—Yes.

**Senator KIRK**—I just want to understand better exactly how the task force was going to work. I have had a look at what is on the website. I understand that it will travel around Australia and consult quite broadly with community groups.

**Senator Chris Evans**—They were in Perth last week and in Wagga Wagga. They are out and about with quite an extensive consultation program. Can we make that available at this stage?

**Ms Forster**—We can, in terms of the types of activities that the consultation is doing.

**Senator BARNETT**—Do you have a program of activities?

**Ms Forster**—Yes. We can provide a list of where they have been, where they are going, and the roundtable discussions by invitation. However, they have also written out to well over 800 organisations to seek views as well.

**Senator BARNETT**—Yes, please.

**Senator Chris Evans**—They have their own website.

**Ms Forster**—That is right. Indeed, they have established their own website for people to provide their views. They are meeting and discussing issues with a range of individuals as well as the roundtable discussions with organisations. As I have said, they have also written out to over 800 organisations.

**Senator KIRK**—Is the task force travelling to all major or capital cities as well as—

**Ms Forster**—They are travelling to all states and capital cities. They do not at the moment look like they will have time to travel to Darwin. However, they are setting up teleconference arrangements with organisations there. They are also visiting a number of regional test sites as well.

**Senator KIRK**—When is the committee due to report to the minister?

**Ms Forster**—June-July, mid-year.

**Senator KIRK**—Of this year?

**Ms Forster**—That is right.

**Senator KIRK**—So it is only really about a two-three month review?

**Ms Forster**—That is right.

**Senator Chris Evans**—The commitment was to review the experience after six months to inform any policy changes that might be required. That was set up after the six months, with a view to reporting so as to inform any issues that need to be addressed. But, as I say, they have a short time frame with a very busy schedule. It is not leisurely.

**Senator KIRK**—No. That was—

**CHAIR**—There was a report today that they are not going to Darwin.

**Senator KIRK**—They are not going to Darwin but they are going to set up teleconferences.

**CHAIR**—They are not going to Darwin? Senator Kirk highlighted that they are not going to Darwin.

**Senator Chris Evans**—I knew as soon as the officer said that, that that would be a problem.

**Ms Forster**—However, that does not mean that Darwin and the rest of the Northern Territory is not consulted.

**CHAIR**—Why not?

**Ms Forster**—Far from it, I think.

**CHAIR**—We just get the second-rate consultation up there, do we?

**Senator Chris Evans**—We knew that the parliamentary representatives of the Territory would be a forceful voice in the debate, Senator.

**Senator KIRK**—Can I continue now?

**CHAIR**—Yes, sorry.

**Senator KIRK**—Thank you. As you say, it is quite an intense period. I am wondering how the individuals on the committee are retained. Are they retained full time during this period for their services? How does this work?

**Ms Forster**—They are meeting weekly throughout this period, as well as attending the discussion groups interstate, where possible. It is not full-time activity; however, they are supported by a full-time secretariat group that is helping them with their arrangements and assisting with background information, as well as pulling those things together.

**Senator Chris Evans**—They are making a considerable commitment in time.

**Ms Forster**—It is a considerable commitment of time, indeed.

**Senator KIRK**—Yes, that is what I thought. Are they retained as consultants? How are they paid by the department?

**Ms Forster**—They have a sitting fee, which is essentially for the days that they are working for us. That is part of the package, plus, of course, travel and accommodation, as you would expect.

**Senator KIRK**—That will do for the moment, thank you.

**CHAIR**—That might be an opportune time to break for lunch.

**Proceedings suspended from 12.30 pm to 1.30 pm**

**CHAIR**—I call the committee to order. We will continue with output 2.3, Australian Citizenship.

**Senator ELLISON**—Thank you, Madam Chair. I want to go back to a couple of questions that were dealt with by Senator Nettle in relation to citizenship testing. The pilot we have talked about will certainly provide feedback, will it not, on what it discovers about delivering services and in preparing people for the citizenship test?

**Ms Pope**—The grants program, Senator?

**Senator ELLISON**—That is it—the pilot program with 33 organisations.

**Ms Pope**—Yes. That will inform how we let it in the future.

**Senator ELLISON**—Is there any communications program going along with that to assist people to understand what the questions might be, what is contemplated and what the booklet involves?

**Ms Pope**—That is a close focus of what we expect the grant recipients will be doing with potential clients—for example, holding discussion groups with them and working through segments of the book, potentially also in their own languages when they can use one of the translated versions of the book, and helping people prepare for potential questions.

**Senator ELLISON**—Basically, this program will be learning from these grants.

**Ms Pope**—Yes.

**Senator ELLISON**—It will be learning from what we pick up from these citizenship tests, how they are conducted, and people's reaction to them?

**Ms Pope**—No, not specifically. It is more a question of using the book as the basis of what the test will be and preparing individuals to sit the test. The feedback loop that has been completed so far is that we know who is struggling to pass the test, and they are the clients at whom this is aimed. In addition, as the minister has commented a couple of times, there are those who at the moment may be too afraid to sit the test, for whatever reason. They will be addressing those fears and perceptions as part of the program as well.

**Senator ELLISON**—This is all about bringing people forward and preparing them; what happened to the previous government's communication program, which was designed to inform people about the test?

**Ms Pope**—That is a different question, Senator. I am sorry. I did not understand.

**Senator ELLISON**—No, this is an additional one. What happened to that?

**Ms Pope**—I might ask my colleague Ms Forster to discuss that, and I think we have another colleague who may be able to assist.

**Senator ELLISON**—I will cut to the chase. The previous government thought it was very important to have a communications program to prepare people and inform them about the citizenship test. You have announced the pilot program, which I think, from what you say it is designed to do, is heading in the same direction. You have cut the communications program of the former government and replaced it with this new pilot program; is that right?

**Ms Pope**—No, Senator.

**Senator ELLISON**—Okay, good.

**Senator Chris Evans**—The funding for the support grants was allocated by the previous government. I made that clear earlier. This was envisaged by the previous government and this is it being implemented. This is not new money as in the Rudd Labor government's first budget; this is a continuation of a policy decision of the previous government that is being

implemented in terms of support for those groups who have been identified as possibly having difficulty with the test.

**Senator ELLISON**—Right. What about the communications program which the previous government had?

**Senator Chris Evans**—The general communications program?

**Senator ELLISON**—Yes, about the citizenship test.

**Senator Chris Evans**—As we, I think, explained last time in additional estimates, there were some savings made in that regard in the additional estimates. But I will get one of the officers to take you through that.

**Mr Metcalfe**—That measure is reported at page 378 of Budget Paper No. 2.

**Senator ELLISON**—And it is the view of the government that the program we have mentioned, the pilot program, and the reduced communications program are sufficient to inform people and prepare them for the citizenship test?

**Senator Chris Evans**—I think we are confusing the two. The program that Ms Pope and others have been describing to you has a much more targeted approach than a ‘Let’s have a citizenship test’ sort of thing because we have evidence, experience and an anticipation by the former government that these would be the groups who would have difficulty. It is not counterintuitive to say that people who have had no formal education in their home country and for whom English is a second language are going to struggle with a written test in English of any nature. That is directed at that particular problem as part of the support for people doing the citizenship test. Are you asking about the general citizenship test advertising promotion campaign?

**Senator ELLISON**—Yes, that is it—the communication campaign.

**Senator Chris Evans**—As I said, I think there were some budget—

**Senator ELLISON**—And the page for that is, Mr Metcalfe?

**Mr Metcalfe**—Page 378: ‘Responsible economic management—citizenship test—advertising’. This was one of a number of government advertising programs that ceased, as a savings measure by the government. You will recall that the advertising was largely to raise awareness of the fact that there would be a citizenship test, so it was running in September–October last year. That particular advertising component ceased as a result of this decision.

**Senator ELLISON**—So there will be no continuation of it? What I am looking at is the dip which occurred when people stayed away from the citizenship test and then came back in a surge. I am saying: isn’t it important to have a communications program out there saying, ‘Don’t be scared of it; you won’t get thrown out; come in and do it,’ and to back that up with a targeted approach through the 33 pilot program grants that we have been talking about?

**Senator Chris Evans**—I guess the answer, in part, is that we have significantly scaled back on the money spent by the previous government on advertising, particularly advertising that was initiated in the lead-up to an election. As a determination of government priorities, there was a massive cutback in advertising budgets. Part of that cutback was in the citizenship area. There is still some money available for citizenship promotion, but the massive

advertising campaign approach has not been funded in this budget. I am heartened by the fact that, despite the advertising program having stopped, the numbers are actually on the rise.

**Senator ELLISON**—In relation to the sorts of questions that people miss, we have mentioned rights and responsibilities. Are questions which relate to values identifiable in the failure rate?

**Ms Pope**—No.

**Senator ELLISON**—Will the Woolcott committee get any feedback in ascertaining what sorts of questions people stumbled on, apart from rights and responsibilities?

**Ms Pope**—It is possible that people who have sat the test might provide that feedback through the committee.

**Senator ELLISON**—But there will be none done by the department.

**Ms Pope**—We do not keep statistics on the breakdown of the 17 questions they sit and which ones of those they fail.

**Senator ELLISON**—Okay.

**Senator Chris Evans**—In fact, you would have to do that on the 100 questions because, as you know, they—

**Senator ELLISON**—They rotate them.

**Ms Pope**—They are different.

**Senator ELLISON**—The question that Senator Crossin cited earlier came from the department's website. That was: 'Which of these is a responsibility for every Australian citizen?' Was that drafted by the department or by the firm that has been engaged to draft questions?

**Ms Forster**—I believe it was from the firm that drafted all of the questions.

**Senator ELLISON**—So you are saying—

**Ms Forster**—I can verify that, but the sample question that was read out I believe is one that is on the website, and that would be indeed the case.

**Senator ELLISON**—And you change those every so often?

**Ms Forster**—No, Senator.

**Senator ELLISON**—They are standard ones?

**Senator Chris Evans**—My understanding—and I will correct it if it is wrong—is that the five sample questions were also prepared by the persons with the responsibility of creating the questions. They were put on the website as samples by the previous government as a guide to people about the sort of questions that would be contained in the 100. Those questions have not changed, either in the sample or in the 100 questions.

**Senator ELLISON**—You do not rotate your sample questions on the website?

**Ms Forster**—No, Senator.

**Senator ELLISON**—How many questions do you have in your website sample?



**Ms Forster**—I would have to verify that but I think it is either three or five.

**Senator Chris Evans**—Five, from my recollection. You can sit the sample test. I have sat the test.

**Senator NETTLE**—How did you go?

**Senator Chris Evans**—I struggled with one of them.

**Senator ELLISON**—I am just trying to get a handle on this. You said that the five on the website are permanent; they stay there all the time?

**Ms Forster**—They are used as a guide for people to see—

**Senator ELLISON**—No, no. Just listen to the question. If I logged on every day, would I see a variation in the sample test offered on the website?

**Ms Forster**—Absolutely not, Senator.

**Senator ELLISON**—Good. That answers my question, and that avoids the other question.

**Senator Chris Evans**—Those five questions are not in the 100. They are just examples.

**Senator BARNETT**—I have a follow-up question just on that point. You say you do not keep records of which questions are passed and which are failed. Is that your recollection of what you said?

**Ms Forster**—Within the system, obviously that is recorded. In terms of the normal day-to-day reporting and analysis and the sort of information, for example, that we pull out regularly, that certainly is a level of detail that we would not have. What is recorded in the system is which questions were randomly selected for an individual to sit the test and which ones they passed and failed, because that goes to the heart of the computer marking those tests.

**Senator BARNETT**—I understand that. You say you do not collect the records, but clearly you have a record within the computer.

**Ms Forster**—Yes.

**Senator BARNETT**—You could collect them, I assume, if you so chose.

**Ms Forster**—Indeed, that information is available because it is held within the database.

**Senator BARNETT**—Why can't we have it?

**Mr Metcalfe**—Because the questions are secret.

**Senator BARNETT**—All right. Will that information be available to the Dick Woolcott review committee?

**Ms Forster**—Yes.

**Senator BARNETT**—The Woolcott committee will have access to an outline of which questions are passed and which ones are failed. Why wouldn't you want that? I know the questions are rotated, but if people are consistently failing on those one, two or three questions surely you would want to know that.

**Ms Forster**—That is right. We do, indeed.

**Ms Pope**—Yes.

**Senator BARNETT**—Indeed.

**Ms Forster**—Senator, that is indeed something that the committee is looking at.

**Senator ELLISON**—That was not what I was told a moment ago, with due respect.

**Senator BARNETT**—Well, that is right.

**Senator ELLISON**—I was told that the only way to find out—

**Mr Metcalfe**—I think, Senator, we might just take this point on notice so that we are quite clear.

**Senator ELLISON**—Yes, I think so.

**Senator BARNETT**—I got a different response before lunch too.

**Senator ELLISON**—There has been some confusion.

**Senator Chris Evans**—There has been some confusion. I think that is right, Senator. From the earlier evidence, I had a different understanding as well.

**Senator ELLISON**—Yes.

**Senator BARNETT**—Yes.

**Senator Chris Evans**—I think we will take it on notice. But I think the officers now are making it clear that the Woolcott committee will have access to a level of information that is not public.

**Senator ELLISON**—Yes, that is right.

**Senator Chris Evans**—The reason only they will get access to it is because the questions are confidential and, therefore, any analysis has to be based around those confidential questions. We will make sure that there is an answer so that we are absolutely correct.

**Senator BARNETT**—Good. Thank you for that. I have questions in the same area of citizenship but in a different area. Can I pursue that now?

**CHAIR**—You do not have anything more on the test?

**Senator NETTLE**—No.

**Senator ELLISON**—No, I do not.

**Senator BARNETT**—No, it is not the test. It is to do with the task force.

**CHAIR**—So the test questions are finished?

**Senator ELLISON**—I have still got some about the task force.

**CHAIR**—Let us go to that, Senator Barnett.

**Senator BARNETT**—All right, thank you. Minister, I am in receipt of your letter of 20 May to me as a senator, offering me the opportunity to be granted standing authorisation to act as a presiding officer at Australian citizenship ceremonies.

**Senator Chris Evans**—Yes.

**Senator BARNETT**—Thank you for the letter. It has been signed and forwarded back to you. Can you just outline what role a member of parliament would have as an authorised presiding officer?

**Senator Chris Evans**—I will get the officers to add to this answer, Senator, because I will not get the technicalities right. But, effectively, members of parliament can be invited by sponsoring organisations, say, the local council, to come and make a speech or to attend the ceremony and members of parliament are also able to be granted the role as presiding officer.

From time to time we have had requests from individual members and senators to be the presiding officer. I was asked by the department in a submission earlier this year whether I was happy with granting a general authorisation, rather than having people making individual applications. It seemed to me that the role of parliamentarians in promoting citizenship and officiating is an important one. I was happy to make that authorisation a standing one and to offer that same capacity to any senator or member. That is the basis for my writing to all members of parliament. Probably for the first time, I included senators on an equal footing, Senator Barnett, with House of Representatives members, which I suspect is a precedent. Is there anything I have missed?

**Senator BARNETT**—Could you outline the process for me in terms of the role of the presiding officer? In the past there has been some confusion about who is the presiding officer and the role of the member of parliament, senator or local member of parliament. Can you outline the process for me, please?

**Ms Forster**—Yes, Senator. I do not have all of the details and, if there are any gaps, I am very happy to take questions on notice. Basically, local members of parliament are normally invited to attend ceremonies on a regular basis. Most of the ceremonies are presided over by a local mayor in a local council situation.

**Senator BARNETT**—And they are authorised accordingly?

**Ms Forster**—They are.

**Senator BARNETT**—As what—the presiding officer?

**Ms Forster**—The presiding officer, that is right. That is the mayor, in some locations the deputy mayor and/or the CEO, depending on the size of the local council region. In terms of MPs and senators potentially having standing authorisation to preside, there will be from time to time ceremonies at which the minister may indicate he would like someone to represent him. Of course the real presiding officer is always the minister; it is just delegated down. In those instances, the minister's message, which is read out at every ceremony, would be read out by the presiding officer.

The conferral or granting of citizenship, the final step in hearing the pledge of commitment, is a formality that the presiding officer would hear, and usually, you would be handing out certificates. Obviously, depending on the size of the ceremony, sometimes it might be an individual ceremony. Mostly they are larger ceremonies for a group of people. It depends on how many people have been invited as to which role they will play. But, generally speaking, the local council would arrange all of those details.

**Senator BARNETT**—Yes, I am with you there, and thank you for that. The question is: who actually presides? Is it the local council mayor or the local member of parliament? How would that work between the two?

**Mr Metcalfe**—Who actually presides would be determined in relation to the particular ceremony.

**Senator BARNETT**—By whom?

**Mr Metcalfe**—As my colleague was saying, the vast majority of citizenship ceremonies are conducted by local government authorities, and usually it is the mayor who would preside at that.

**Senator BARNETT**—Yes, but—

**Mr Metcalfe**—But there certainly are occasions where other people can preside. That would usually be a discussion that occurs in relation to the particular local arrangements.

**Senator BARNETT**—And who decides?

**Mr Metcalfe**—The role of the presiding officer is to formally conduct the ceremony and to welcome the candidates. The role is prescribed in the Citizenship Act. It requires the officer to lead the candidates through the citizenship pledge and to formally declare that they are citizens. The presiding officer is in charge of the proceedings and has the authority to confer the grant of citizenship.

**Senator BARNETT**—Right. Who decides?

**Mr Metcalfe**—Who?

**Senator BARNETT**—Who decides who is the presiding officer?

**Senator Chris Evans**—The sponsoring organisation who arranged it, Senator Barnett. I think this is where there is confusion between the presiding officer and the MP being invited. For instance, I recently authorised Ms Julie Bishop, the member for Curtin, to be presiding officer because she wanted to personally confer citizenship on a constituent who had a pressing need. I think I did the same for Senator Trood recently, but I am not sure. Anyway, we get those occasional requests.

But the general rule is that, as you know, councils generally organise them in their areas in consultation with the department. The presiding officer in those respects is usually the council official or mayor. Members of parliament are invited, but on each occasion I think it is a requirement that the minister is invited to attend and read the minister's message, but the minister may delegate that role to somebody else.

**Senator BARNETT**—Yes.

**Senator Chris Evans**—Generally, government ministers have delegated that role to members of parliament et cetera. Their part of the ceremony is not then to be the presiding officer but to participate by reading the minister's message, as I understand it.

**Ms Forster**—That is right.

**Senator Chris Evans**—So I think that is where the confusion comes from. The member might have a role as the presiding officer, generally in rarer occasions because if you are

going to be the presiding officer you have to take on the whole organisation, et cetera, and that has generally fallen to councils, and the role of the person representing the minister is often a members of parliament. As you know, other councils sometimes invite other MPs as well, and they obviously can arrange who will speak. But in terms of the minister's message and the minister's invitation, either the minister attends or they delegate that role to somebody else.

**Senator BARNETT**—Will you always delegate that role to a government senator or member?

**Senator Chris Evans**—Look, I will take that on notice. I am not sure what the practice in the past was, and I am not quite sure what practice we have been taking inside the office, Senator, so I will take that on notice. I know I have delegated to a range of members before. But to be honest, every delegation does not come straight to me: it is done administratively inside the office. I will take it on notice. I just do not know the answer.

**Senator BARNETT**—You can understand the reason for the question. I am trying to get some clarity because there has been confusion in the past. I am trying to get some clarity for the future in terms of the process: firstly, in terms of who presides, or who will decide who will preside; and, secondly, with the minister's speech and address to the forum, who will be invited or who may be invited. We need, if at all possible, to get that in words.

**Senator Chris Evans**—We will certainly give you some more information, Senator, but I think the bottom line, as I understand it, is that if you are representing the minister, you have to be invited; if you are another member of parliament, you do not have to be invited.

**Mr Hughes**—These matters are usually specified from time to time in the form of a ceremonies code that is available in a booklet—and I believe the latest version has just been published on our website—that gives detail and clarity of the various roles and whatnot.

**Senator BARNETT**—It does. I have read the code. It does give some clarity, but it does not give full clarity, hence the questions.

**Senator Chris Evans**—Certainly my understanding, and I will clarify this if it is wrong, Senator, is that we have occasionally had arguments about which member has been invited, who is allowed to speak, et cetera. My understanding is that that is a decision for the sponsoring authority or the presiding officer, but in terms of the minister's message, that is my decision because I get the invitation, and I choose whether or not to delegate somebody. If I do not delegate someone, the presiding officer does it. That is my understanding, but I will correct the record if that is not right.

**Senator BARNETT**—But these ceremonies are happening all around Australia, regularly and consistently, as you would know, Minister.

**Senator Chris Evans**—Yes.

**Senator BARNETT**—So you cannot be writing letters for every ceremony that is coming up.

**Senator Chris Evans**—No.

**Senator BARNETT**—You must have a standing protocol that you would wish to follow. That is what we are seeking to find out.

**Senator Chris Evans**—Senator, I will take that on notice. But, as I say, my understanding is that they are required to invite me.

**Ms Forster**—They are.

**Senator Chris Evans**—So I am invited to every ceremony in Australia, and I get to as many as I can.

**Senator BARNETT**—I will look forward to seeing you there.

**Senator Chris Evans**—It is the best part of the job.

**Senator BARNETT**—It is a good part of the job, for sure.

**Senator ELLISON**—It is a good part, actually, yes. They are good fun. The Citizenship Review Task Force: we talked about its consultation process. I understand that submissions are due by this Friday. Is that right?

**Ms Forster**—Senator, there has been an amendment to that. The committee has extended that to 5 June.

**Senator ELLISON**—Oh, okay. Can you tell me how many submissions have been received so far?

**Ms Forster**—My understanding from the last time I spoke with the committee members was that there had been 50 written submissions lodged with them. That might not be quite as up to date as they are aware of. Obviously, being an independent committee, they look at their own website. I am not certain how many exactly they have received to date. But that of course does not account also for their consultations in a roundtable discussion with parties where they are gathering the information face to face, essentially.

**Senator ELLISON**—Any online submissions?

**Ms Forster**—I believe the 50 are partly online and partly—

**Senator ELLISON**—Oh, okay, that includes it.

**Ms Forster**—Yes. I do not know further than that, sorry, Senator.

**Senator ELLISON**—In relation to the hearings they are conducting around the country, or the meetings, will it be made public who they met with and what people said?

**Ms Forster**—That will be up to the committee, Senator.

**Senator BARNETT**—Sorry, on the submissions, they may be made public?

**Senator Chris Evans**—Sorry, I am happy to ask the committee, Senator, but they might well be happy with their invitation list, perhaps. We will check that for you, but I do not think it has been recorded in *Hansard* form. I am not sure that, even if they wanted to, they would be able to tell you what they said. Questions might be—

**Senator ELLISON**—They are just meeting in, like, informal meetings. It is not—

**Senator Chris Evans**—It is a roundtable discussion.

**Senator ELLISON**—Okay.

**Senator Chris Evans**—I just did not to leave in your mind the impression that somehow there would be a *Hansard* record, or whatever.

**Senator BARNETT**—I just wanted to check on the submissions: Will they be made public?

**Ms Forster**—Certainly on the committee's website and, I believe, in the letter that went out to the organisations, the chair of the committee made it clear that written submissions would be made public, unless of course somebody put that they wanted it to remain confidential on the actual submission.

**Senator BARNETT**—Perhaps you could let us know, firstly, to confirm how many, and I know you have responded to that and, secondly, if any of those were confidential.

**Senator ELLISON**—What was the reason for the extension of time?

**Ms Forster**—I understand that a number of organisations had suggested that they had still, despite having spoken with the committee, would also like to put things in writing, but they wanted the chance to meet with the committee first before doing so. The committee agreed to that.

**Senator ELLISON**—Any ideas on the total cost of the conduct of this review?

**Ms Forster**—Costs? Obviously we do not have full costs yet because it is not yet completed, but the costs would cover things like the sitting fees, travel and accommodation, venue hire, the cost of establishing the website and setting up a post office box, et cetera. We do not have a firm figure on the quantum of costs associated with those.

**Senator Chris Evans**—Senator Ellison, I think it will be the next estimates when you will be able to get those figures. We will make sure you have got them for the next estimates.

**Senator ELLISON**—Thank you.

**Senator Chris Evans**—But as it is an ongoing process, our bills would not have come in yet, et cetera. This is a sizeable commitment, so there will be reasonable costs associated with it.

**Senator ELLISON**—Okay. That covers output 2.3 for my part.

**CHAIR**—Then let us move on to output 2.4.

[1.58 pm]

**Senator BARNETT**—I want to go to 2.4, Promoting the benefits of a united and diverse society and the grants for community relations on page 41.

**Ms Pope**—Just one moment while we settle at the table, Senator.

**Senator BARNETT**—On page 49 under output 2.4 there is a reference to the grants and funding agreements being 100. Could you advise us of the purpose of those, the nature of the grants, and who administers the grants.

**Ms Pope**—Yes, Senator. The question was in relation to page 41—the grants for community relations under administered items on page 41. Is that the query, Senator?

**Senator BARNETT**—Yes, page 41, and you will see that page 49 refers to 100 grants and funding agreements administered.

**Ms Pope**—Yes, Senator. Those grants relate to the Living in Harmony Program. The number of 100 is the target, the expected total, but we are in the midst of a grants round at the moment and therefore do not know the final number, but we have to make an estimate for the purposes of this publication. The amount of money mentioned on page 41 relates to the Living in Harmony Program but named grants for community relations.

**Senator BARNETT**—Alright then.

**Ms Pope**—We administer the grants in the department.

**Senator BARNETT**—Yes. You administer them, the department?

**Ms Pope**—We do the preparatory work, and the decisions are made by the parliamentary secretary and the minister in relation to the disbursement of those grants.

**Senator BARNETT**—And how does one apply for and succeed in obtaining a grant?

**Ms Pope**—I will invite my colleague Mr Boyer to answer that question.

**Mr Boyer**—Senator, there is an advertised process whereby organisations are invited to apply for funding. I believe it is advertised in every major paper around the country this time around.

**Senator BARNETT**—Major paper as in the major capital cities?

**Mr Boyer**—If you are asking me about the Tasmanian papers, I believe that it included the *Examiner*, and I think the *Advocate* as well as the *Mercury*.

**Mr Metcalfe**—The *Mercury*, yes.

**Senator BARNETT**—You have it all covered then, have you not?

**Mr Boyer**—I hope so.

**Senator BARNETT**—If it is any different, let me know and just give me confirmation that it is major national capital city newspapers plus what you have just said.

**Mr Boyer**—No problem.

**Senator BARNETT**—When would that occur? What is the process to obtain the funding grant?

**Ms Pope**—It is actually a two-stage process, Senator, in relation to the Living in Harmony grants. The organisations that are interested in being funded have put in, in the first instance, an expression of interest and then we go back, on the basis of an assessment, to a select group of those and invite them to put a further submission to us. It is a way of saving small organisations the effort of putting in a fully-fledged submission in the first instance when the grants are competitive. And then recommendations are made to government about that final group.

**Senator BARNETT**—When would those recommendations go forward?

**Mr Boyer**—We expect the grants round to be finalised by September this year.



**Senator BARNETT**—And the average amount of the grant? Is there an equal amount or does it depend on the circumstances?

**Mr Boyer**—It really depends on circumstances. It is up to \$50,000 but this year, for the first time, the parliamentary secretary was keen to introduce a small grants component. So an amount of money that has been set aside for smaller grants up to \$5,000 as well.

**Senator BARNETT**—A separate category, is it?

**Mr Boyer**—No, it is all part of the same category. It is an internal allocation that we have that we have to meet on behalf of the parliamentary secretary.

**Senator BARNETT**—But that is made clear in the advertisement.

**Mr Boyer**—Yes, very much so, and in the funding guidelines as well which are advertised on the website.

**Senator BARNETT**—Was that done in a similar way last year?

**Mr Boyer**—The larger grants were. For the smaller grants, this is a new initiative from the parliamentary secretary that has been introduced this year.

**Senator BARNETT**—So, at the end of the day, we are going to have about 100 grants of up to \$50,000.

**Mr Boyer**—That is right.

**Senator BARNETT**—And then any extra grants of up to \$5,000?

**Mr Boyer**—No, that figure of 100 includes the small grants that we potentially are going to be funding as well.

**Senator BARNETT**—So what is the proportion in terms of the big grants and the little grants?

**Mr Boyer**—The target that we are trying to achieve in terms of the amount of money that has been set aside is a bit of a moveable feast because we did not know how many applications we were going to get in the small grants round. So, in that respect, we are waiting upon advice from the parliamentary secretary as to where we would set the amount of money that should be set aside for those small grants—if that makes sense, Senator.

**Senator BARNETT**—And the total costs for these grants?

**Mr Boyer**—The total cost of that figure would be about \$1.5 million for the grants.

**Senator BARNETT**—And last year's total cost?

**Mr Boyer**—The same.

**Senator BARNETT**—In terms of the budget item on page 41 of \$2.175 million, has that gone up from \$1.855 million?

**Mr Boyer**—Yes.

**Senator BARNETT**—Can you advise the reason for the increase?

**Mr Boyer**—Yes. As well as the \$1.5 million, there is a small amount set aside. It was before my time, and I will take it on notice if I am wrong, Senator, but I believe it was an

initiative of the previous government which was to set aside an amount of money that could be used out of that grant cycle, potentially for situations that could have occurred, such as the Cronulla riots and trying to respond to those. The difference between those two figures—the \$2.1 million and the \$1.8 million—is as a result of some moneys being set aside that have will be funded out of next year’s allocation but have been committed this year. It will actually be the same amount of money. I think it is on page 53—is that right?

**Ms Pope**—Yes. On page 53 there is a further explanation of the movement of those funds, Senator Barnett.

**Senator BARNETT**—Do you expect to use some of these funds to bring harmony to Cronulla? What is the objective here?

**Mr Boyer**—The objective has not changed since the Living in Harmony program was introduced about 10 years ago. The intention is to bring social cohesion and encourage social cohesion and harmony within all areas of Australia. But I think that the parliamentary secretary has signalled that he is very keen to focus on areas where there may be issues or concerns in terms of racial intolerance and potential acts of racism.

**Senator BARNETT**—How much was used to target and achieve that objective in the case of Cronulla?

**Mr Boyer**—I would need to take the detail on notice, but I believe there was quite a substantial grant for the surf life saving association and also a substantial grant for the Sutherland Shire Council. I believe that the funding post-Cronulla was in the realms of about, in total, at least \$800,000, but I think it is more than that.

**Senator ELLISON**—Just on Living in Harmony, sorry to interrupt, I find the parliamentary secretary’s comments curious. Is he saying he is supporting Living in Harmony?

**Mr Boyer**—He is saying that he is supporting the intention of the program. At the moment, as you are no doubt aware, Senator, he has announced a review of the program.

**Senator ELLISON**—Yes.

**Mr Boyer**—That review will focus on a number of things. Obviously I could not pre-empt the outcomes of that, but part of it is upon the name of the program. It is also looking at whether Harmony Day is an appropriate celebration and a number of other issues as well.

**Senator ELLISON**—He has broadly said he is in agreement with the goals of the program of Living in Harmony?

**Mr Boyer**—Certainly, in terms of achieving the broad objectives of social cohesion and harmony, yes, that is right.

**Senator ELLISON**—Thank you, Senator.

**Senator BARNETT**—Just on the review of the program, when will that be undertaken and completed?

**Mr Boyer**—It is currently underway. I understand that the parliamentary secretary has suggested that the outcomes will be made available in the second half of this calendar year. So it will be in the next six months or so, Senator.

**Senator BARNETT**—Who is undertaking the review?

**Mr Boyer**—It is an internal review. We are looking at employing some consultants, particularly in terms of public relations, to help us look at the branding of the program, but largely it will be done in-house with the department and departmental staff.

**Senator BARNETT**—Have you appointed any consultants? If so, can you advise the committee? You can take that on notice, if you have to.

**Mr Boyer**—Yes, I would not mind taking that on notice.

**Senator BARNETT**—That is fine. Can you outline where the funding went and for what purpose? You can take it on notice?

**Mr Boyer**—Yes. We will take that on notice. We can actually give you a list of all of the grants that have been funded over the course of the last 12 months, if you like, Senator.

**Senator BARNETT**—Yes, thank you. Did the lifesaving association in Cronulla receive a special, one-off grant, or was it one of the community relations grants?

**Mr Boyer**—Certainly the initial grant to surf lifesaving and to Sutherland Shire was made out of the grants cycle, so it was not included in those initial grants, that is right.

**Senator BARNETT**—It was not?

**Mr Boyer**—It was made out of the grants cycle.

**Senator BARNETT**—If you can take that on notice and let us know.

**Mr Boyer**—Certainly.

**Senator BARNETT**—Have you identified any grants at this stage for the future?

**Mr Boyer**—I am not quite sure what you mean, Senator.

**Senator BARNETT**—You said that you can give me a list of all the grants that have been funded over the last 12 months, and you have indicated that you will take that on notice.

**Mr Boyer**—Yes.

**Senator BARNETT**—Have you identified any further entities to receive a funding grant in the coming months or in the next 12 months?

**Mr Boyer**—There are a couple of discretionary decisions that have been made by the minister in this area. I would be happy to take the question on notice and give you a copy of it, but I believe it is in the discretionary grants register as well, in terms of the actual organisations that have been funded and the amounts that they have been funded for.

**Senator BARNETT**—Good. I have some questions on the integration issue. The government announced last year a new integration criteria to be applied to prospective migrants. I was just wondering if that has been implemented and when it began. How many people were assessed under the criteria and how many were rejected? I wonder if that could be addressed.

**Mr Metcalfe**—The integration criteria?

**Senator BARNETT**—Yes.

**Mr Metcalfe**—The integration criteria was the initiative of the previous government. I understand in the documentation it was reported in the Mid-Year Economic and Fiscal Outlook document last year, Senator. The present government revoked the measure and that was reported in the additional estimates papers from this year.

**Senator BARNETT**—When was it revoked?

**Mr Metcalfe**—I do not know have the date of when the decision was revoked.

**Senator Chris Evans**—I think it was 15 January, but I will correct that if that is not right.

**Mr Metcalfe**—Certainly it was reported in the additional estimates document as a footnote to the table on page 27.

**Senator BARNETT**—It has not been implemented at all; it has been revoked, probably in January?

**Mr Metcalfe**—That is correct.

**Senator BARNETT**—Did you announce the reasons for the revocation at the time, or did the government do that at the time? If not, can we be advised?

**Senator Chris Evans**—I am not sure whether there was an announcement, but I reviewed it and we revoked it, and there was a savings to the budget of—

**Ms Pope**—Approximately \$6.3 million.

**Senator Chris Evans**—Yes, a saving of \$6.3 million. As part of the additional estimates consideration and in looking for savings measures that was one of the savings measures that was identified in that process. As the secretary said, as it was an item in the previous round of the additional estimates.

**Mr Metcalfe**—I am also advised, Senator, that it was included in a media release from the finance minister, Mr Tanner, on 6 February this year.

**Senator BARNETT**—I think he made a few other decisions on 6 February, and probably got cluttered with some of those, including axing 150 Centrelink jobs in Launceston, I seem to recall.

**Senator Chris Evans**—The papers for the additional estimates show that as well.

**Senator BARNETT**—No, but I am now asking the reasons. I can look up that media release, but I seem to remember that that was a famous media release where a lot of things got chopped, including in Tassie.

**Mr Metcalfe**—Media release headed, ‘Government details initial round of savings measure to assist in inflation fight’.

**Senator BARNETT**—Yes, I remember it quite well. In terms of the reasons for the revocation?

**Senator Chris Evans**—We saw it, firstly, as a savings measure, and secondly, we did not see it as a necessary measure. It was announced late in the term of the previous government. It was not one that we thought was necessary. I think the secretary or the deputy secretary can take you through the history—it is a sort of complicated story—of the integration measures over the term of the Migration Act. Are you the right one for that, Mr Hughes?

**Mr Hughes**—Yes, Minister.

**Senator Chris Evans**—He is now, apparently. Sorry about that.

**Mr Metcalfe**—Mr Hughes has been around for more of the Migration Act than anyone else.

**CHAIR**—Was that a classical ‘Yes, Minister’?

**Senator Chris Evans**—I think he was saying, ‘Thanks for the hand pass.’

**Mr Hughes**—The previous government’s measure was to more actively use an existing criterion in the Migration Regulations related to the settlement of migrants. The measure involved considerable resources because it sought to have the department more actively probe the question of possible integration of individual migrants and possibly refuse some potential migrant applicants solely on the grounds of prospects for integration. The criterion remains, but the savings measure involved withdrawing the resources that would have involved a much active pursuit of the application of the integration criterion.

I must say, at the time that the measure was introduced, it was uncertain as to the effect; in other words, we were not really in a position to say whether it would result in more people being refused and the likely effect. The criterion, which has been there for some time, remains in the Migration Regulations, but the supporting measures will no longer be pursued. But there still remains the power, if a judgement is made that someone will not be able to settle well in Australia, to refuse a person on that particular regulatory ground.

**Mr Metcalfe**—Senator, part of that rationale is that it has been many, many years now since the department was resourced by government to interview every migrant to Australia. Some of the retired immigration officers that I meet with occasionally recall the days when literally every family coming to Australia was interviewed, and that has not been the case for many, many years now. We have, of course, had a points based selection system for skilled migrants for probably approaching 30 years, I suspect, which assesses objectively issues such as English language capability, skills recognition and the person’s age—all of which are factors that go to a person’s ability to successfully settle in Australia.

The other major part of the migration program, of course, is the family migration program based upon relationship where we do interviewing, particularly in the area of migration based on marriage or de facto relationship, and particularly if there are indicators or if they feel that the relationship is entered into for reasons primarily associated with obtaining a visa other than romance. So interviewing does occur in a targeted way, but overwhelmingly we have for many years now sought to employ objective criteria. I think the figures that the minister mentioned this morning, released by the Bureau of Statistics yesterday, on the participation rate and the employment outcomes for migrants show that they do better than the Australian average. So they are settling very well into the economy.

The other major group, of course, are refugees and they are interviewed by Australian officers. The criteria are there; they could be used, but we believe that the policy settings that indeed have been in place for some time demonstrably allow for successful settlement in Australia.

**Senator BARNETT**—I have not seen the figures for humanitarian and refugees in terms of their job success.

**Mr Metcalfe**—Certainly—

**Senator BARNETT**—I think that is on the record.

**Mr Metcalfe**—It goes without saying that refugees take longer to enter into the workforce. By definition, we are talking about some of the most disadvantaged people in the world. The whole range of support measures that we talked about earlier is applicable to them. But, over time, the information shows that they do come into the workforce and participate. It is axiomatic, Senator, that people migrate to succeed, not to fail. The overwhelming experience we have in over 60 years of planned migration has been an enormous contribution from migrants.

**Senator BARNETT**—Sure. But we are looking at a certain class of people there in terms of the humanitarian and refugee category, and their integration in terms of job success is much lower than the national average. So what you are saying is that the criteria have not changed, but the funding and the resources to support that understanding and those measures has been removed.

**Mr Hughes**—Yes, Senator.

**Senator BARNETT**—All right. I have two other questions that may have slipped through to the keeper. You might know the answer, but you may not, and I am happy for you, if you wish, to take them on notice. It is not exactly on this topic, but if I could just put it to you: in terms of visa overstayers, how many do we have?

**Mr Metcalfe**—I will provide on notice the latest estimate. My recollection though, Senator—and do not hold me to the precise figure—is that it is around 48,000 people. It has been in that region or possibly slowly declining for some time now.

**Senator BARNETT**—Thank you very much. The second one came up as a result of the minister's response yesterday. We were talking about the minister's discretion and passing that through to the department. I think there was a reference to the section 501 discretions that you wanted to pass through to the department and have decided to do that. I guess the first question is: can those decisions made by the department be appealed? Secondly, will you provide a quarterly report with respect to those decisions as you have done with the other discretionary actions?

**Mr Metcalfe**—I can answer the first part of the question. The second part of the question is really an issue for the minister as to whether he would wish to do that or consider that. The answer is that decisions under section 501 made by officers do have merits review pathways to the Administrative Appeals Tribunal. I will correct this if I am wrong: I think that applies in situations in which the visa holder is a permanent resident and their visa has been cancelled, because 501 can apply to other categories of visas as well. I think the merits review pathway to the Administrative Appeals Tribunal is for permanent residents.

**Senator BARNETT**—They cannot appeal to the minister?

**Mr Metcalfe**—I will correct that on notice. Once a decision has been made by a delegate, there is no routine way for a more senior officer or the minister to replace that decision. There

is a merits review right that may apply. It is open of course, as it is with all administrative decision making, for judicial review to be pursued. We have had large numbers of cases in the past—I suspect, after the tax commissioner, the immigration minister is the most sued person in Australia—but very pleasingly the number of cases in the courts are dropping quite significantly, and that is a reflection of a number of factors. In relation to the second part of the question, the issue of reporting, that is something that I cannot answer.

**Senator Chris Evans**—I first of all indicate that they did not tell me about being the most sued person in Australia until after I had taken the job—

**Mr Metcalfe**—The second.

**Senator Chris Evans**—and my wife is seeking to put the family home in her name alone! One of the reasons why I sought to delegate the majority of 501 decisions to the department, Senator, is because they are then capable of having merits review as well as judicial review. I indicated to you the other day that one of my concerns about some of the ministerial powers is that they are not reviewable, there is no merits review, and there is no transparency in the decision. I do not publish reasons for decisions, I do not provide any public explanation—that is, neither I nor any of my predecessors—for those decisions. I was attracted to a more transparent process whereby if a delegate makes the decision there is that recourse—I think generally to the AAT, isn't it?

**Mr Hughes**—Yes.

**Senator Chris Evans**—for merits review, and obviously there is judicial review. I will take on notice the question about whether we publish them, because they are actually largely departmental decisions. I would assume they would actually be available in some form as departmental reporting.

**Mr Metcalfe**—Certainly there would be internal reports of it.

**Senator Chris Evans**—I will take on notice how we might provide greater transparency of 501 decision making.

**Senator BARNETT**—Sure. Thank you very much, Minister, and Mr Metcalfe, for responding. I just make the observation—and I am happy for you to respond to it—that it is much harder to appeal a minister's decision than it is to appeal a departmental decision. In terms of the probability of appeals, I would have thought there would be the prospect of an increased number of appeals.

**Senator Chris Evans**—That is probably true, Senator Barnett, but—and I think you are lawyer, aren't you?

**Senator BARNETT**—Yes.

**Senator Chris Evans**—there is a question of justice, and justice being seen to be done. The difficulty with ministerial appeals is that there is no transparency; there are no reasons for the decision, there is no analysis of consistency and there is no guidance as to the reasons that we ought to take into account. That is the problem, in my view, with ministerial decision making.

**Senator BARNETT**—But the prospect of further litigation and the increased litigation is clearly at a high level.

**Mr Metcalfe**—I think we have seen, Senator, and I think there would be a fair degree of experience within the department, that blocking access to a merits review pathway does not mean that a person will not pursue other remedies. What that usually means is that they will simply go into a judicial review pathway. That of course provides less opportunity for a full examination of the facts or the merits, so it is then an issue for the court as to whether the decision was made lawfully according to administrative law principles.

But the concept of natural justice and the concepts of behaviour in this area have been the subject of a lot of judicial interpretation; indeed, many of the leading cases are immigration cases because of this. I would not agree with the point that simply blocking a merits review pathway leads to less litigation. It may simply prolong litigation as people appeal from the merits review body into the court system, or it may just have other outcomes. But usually, when we are dealing with very serious decisions—is a person entitled to live in Australia or not?—our experience is that many people will pursue every avenue they have.

**Senator BARNETT**—I could share some examples with you. If you are dealing with somebody who is involved with organised crime or paedophilia or something like that, this where there is merit in having ministerial discretion.

**Senator Chris Evans**—Why?

**Senator BARNETT**—There is some information within your remit that may not be within the remit of the department.

**Senator Chris Evans**—No, there is not.

**Mr Metcalfe**—A minister would always make a decision in this area based upon a submission from the department. There will be no independent knowledge that a minister would have that is separate to knowledge of a delegate.

**Senator ELLISON**—Is that required?

**Mr Metcalfe**—I am sorry, I do not understand.

**Senator ELLISON**—Is it required that the minister consider only the brief given to him by the department?

**Mr Metcalfe**—No, it is not, but it would be extraordinarily unusual for a minister to have material before him other than that included in the preparation of a full submission.

**Senator BARNETT**—No, it would not. I beg to differ, Mr Metcalfe. I can see examples where there would be information within the knowledge of the minister that would not necessarily be in the departmental brief. That is why the minister is the minister.

**Mr Metcalfe**—I am not saying that the minister would not bring a higher level of intellect or skill to the decision making. But if there was other material, particularly if that was adverse to the applicant, that was not properly accounted for in that decision, then that runs a risk of the decision being made unlawfully. So there are real issues. What I am saying is that it is not my experience, having worked in this and related areas for close to three decades now, that it



would be very unusual for a minister to have material other than has been collated and collected in the departmental brief.

**Senator ELLISON**—What if the—

**Mr Metcalfe**—The minister may well bring additional considerations. They may well bring considerations relating to public interest or community values.

**Senator BARNETT**—Natural justice considerations.

**Mr Metcalfe**—I agree with that, but ministers have in the past provided guidance and direction in relation to this. Indeed, in our portfolio we make some millions of decisions a year. The overwhelming majority are made by delegates of the minister.

**Senator ELLISON**—Can I ask a question on that, Mr Metcalfe, having seen many ministerial decisions made over many years and having been involved in them. In relation to the exercise of discretion, it is not mandated that the minister is confined to the brief before him or her?

**Mr Metcalfe**—No.

**Senator ELLISON**—In fact, sometimes you may have an allegation or a complaint that the department has misrepresented the views or the applicant's position or that, indeed, it is biased against the applicant. So, on some occasions, in the interests of justice it might be wise to seek, albeit within the government, an independent assessment. Maybe I am just talking about a general rule of governance here.

**Mr Metcalfe**—Yes.

**Senator ELLISON**—But I have seen, although I will not quote examples, an instance where the person involved has said, 'Look, half the problem is your department.' And so you do not go from Caesar unto Caesar.

**Senator Chris Evans**—That is why you have a merits review.

**Senator ELLISON**—Yes, but where you have a ministerial decision generally. Merits review is only where you have made the wrong decision.

**Senator Chris Evans**—But isn't that what you are talking about in terms of the department?

**Senator ELLISON**—Yes, but ministers still have to make decisions. What I am questioning is the fact that a minister always relies on simply what the department puts to him or her.

**Mr Metcalfe**—I am not disagreeing with either you or Senator Barnett, but I would say that those circumstances would be rare.

**Senator ELLISON**—Yes.

**Mr Metcalfe**—And there are other safeguards in the system. The Ombudsman has virtually royal commission-like powers and prosecutes those assiduously. There are processes of merits review which provide fresh eyes separate from the portfolio to examine the merits and the law, and of course there is the legal system itself. I think it is a fair statement that the

migration jurisdiction is probably unique in Australia in the amount of decision making on individual cases that may be open to a minister.

**Senator ELLISON**—That is true.

**Mr Metcalfe**—And that is for historical reasons. But it is very unusual for a minister to have the sole power, which some of the intervention powers bring with it, or to be the usual decision maker in a particular case.

**Senator BARNETT**—Mr Metcalfe, I am not disagreeing with what you are saying there, but my point and I think Senator Ellison's point as well is that it is unusual or rare case that we are talking about. For the vast majority of these cases, the point you are making is correct. But the point is that there is the odd case, so there is merit in the minister having discretion.

**Senator Chris Evans**—The power of the minister is established in the act, Senator Barnett. There is no question about that. Previous ministers have adopted a range of approaches, and that is why I have been inquiring into it and trying to get a sense of what has worked. I think it is fair to say—and this is not to make any commentary about it—that Mr Ruddock took on the role of making a lot of these decisions himself, in this area and in others, and that the rate of intervention and the rate of ministerial decision making grew quite substantially while he was the minister. It is also true to say that under Senator Vanstone and Minister Andrews there was less decision making by the minister in this area, that they delegated much more of the decision making in a way similar to the way that I have. I think there is a good public policy argument for having the decision taken on these cases to have merits review as well as judicial review. That is a belief of mine. I am the only non-lawyer in the room, I think, but I am the one who is upholding the judicial system.

**Senator BARNETT**—Good on you. Thank you very much, and thanks for the indulgence of Mr Metcalfe, the minister and the chair on those questions.

**Senator ELLISON**—I would not go so far as to say that about the last comment. I record my dissent from that.

**Mr Metcalfe**—I enjoyed the conversation, Senator.

**Senator ELLISON**—There are quite appropriate places for ministerial decisions. That is why you have them. That is why you have ministers.

**Senator Chris Evans**—I have not found that I am wanting for ministerial decisions to be made, Senator. It is okay; I am occupied.

**CHAIR**—Thank you. We are dealing with output 2.4.

**Senator ELLISON**—Output 2.4. I refer to the answer given to a question on notice No. 93, which was taken from the additional estimates. The department responded to my request, which was for the department to list the community that it has on record, and it said, 'Look, there are concerns about the information being made public due to community sensitivities.' I just want to clarify that the names of the officers or the people or the nature of the contact is not requested: it is simply which community group the department had contact with.

I queried the sensitivity of that because the department says it has concerns about the information being made public due to community sensitivities. Obviously the department will

have contact with a range of communities—the more the merrier, I would suggest—and the purport of the question was to get the list of community organisations and individuals involved with those through the CLO network—just the list of contacts, who they were, or the name of the organisation, and nothing further.

**Senator Chris Evans**—Well, no. You asked for the contact details.

**Senator ELLISON**—I think that that was what was meant. So if that makes it easier.

**Senator Chris Evans**—That is not what it says, though. The department has responded to the question asked and has decided that it is not appropriate to provide the contact details, as requested. If you want to rephrase or have another crack at the question, I am happy to think about it.

**Senator ELLISON**—No, I think that ‘contact details’ can be read either way, but if it helps, I will rephrase it and ask you to take on notice, that the list be provided of those who were contacted—community and individuals who were contacted—and no further detail is required.

**Senator Chris Evans**—All right, we will take that on notice and have a look at it.

**Ms Pope**—I could make a comment about that which is that, while we would give consideration to giving the names of organisations, the names of individuals would be more problematic for us from a confidentiality point of view.

**Senator ELLISON**—Yes, okay.

**Ms Pope**—And also people who are not necessarily formally authorised to speak on the part of organisations might be providing information to us, so there are issues about the names of individuals. We could consider the names of organisations, broadly speaking, and they would probably amount to nearly all ethnospecific and other organisations across Australia.

**Senator ELLISON**—If there is some problem with individuals—and I thank you for that explanation, people having been contacted who might want it made public for the reasons you have outlined—

**Ms Pope**—That is right.

**Senator ELLISON**—Certainly I would keep them out of it and just keep it to the community groups. Surely there should not be any problem with community groups because they are public bodies, I would think. In relation to the promotion of the benefits of a united and diverse society, can I ask you to look at page 49 of the portfolio budget statement? I just want to look at the wording that is used in output group 2.4. Under that output, it has:

Output 2.4 provides leadership for the implementation of cultural diversity policy, in consultation with Australian Government agencies.

It then goes on to list by dot point a number of areas. The first one is the one that interests me. It reads:

Promoting the benefits of a united and diverse society will address issues of cultural, racial and religious intolerance by promoting respect, fairness, inclusion and a sense of belonging for everyone through our community relations programs.

On the face of that, that is all fine. But that has been altered, has it not, from the previous PBS where prior to that, that statement before the term 'address issues', it had the words 'promote mutual respect, Australia's values and community participation through the Living in Harmony initiative' and then goes on to address cultural issues. So it is like a preamble, if you like, to that point. Now, it is the deletion of those words that I am interested in because 'promote mutual respect, Australia's democratic values and community participation through the Living in Harmony initiative' I would not have thought there was much problem with, but those words seem to have been removed. I ask whether that was deliberate or an oversight, or whether it had something to do with the Living in Harmony Program, and whether those words were thought not to be appropriate because of the government's review of it.

**Mr Hughes**—Senator, as you have noted, the Living in Harmony and the way that concept will be implemented is currently under review, so I think that, for the sake of flexibility and without pre-empting the outcome of the government's review, just that particular program label was not used. The same ideas are there, but not with the specific label of a program that is currently under review.

**Senator ELLISON**—I understand that, but a lot more was taken out and it could have easily left in 'promote mutual respect, Australia's democratic values' and add 'address issues of cultural' et cetera. I can see your explanation for taking out the term 'Living in Harmony' but the other points, I thought, would have been quite worth while, 'promote mutual respect, Australia's democratic values'.

**Senator Chris Evans**—I do not think I would overinterpret it. I will take on notice whether there is something further behind it, Senator, but I think I know that the parliamentary secretary has been focused on the review of the Living in Harmony Program and has been trying to sharpen it a bit, to be honest. From my discussions with him, I think that is a fair statement, is it not?

**Ms Pope**—Yes, I think so, Senator.

**Senator Chris Evans**—So that he can sharpen the direction of the program to make sure we get value for money and it is not—as you know, Senator, with these things, one can create a sort of feel-good atmosphere but in programs it does not quite actually sort of hit the mark. I think that while it is all worthy stuff under the program, he is looking to sharpen the program. There is a change of wording there which might reflect that, or it might reflect the fact that he is, if you like, in a bit of a holding pattern while he reviews the project. But if there is any more to it than that, then I will take it on notice and ask the parliamentary secretary to provide some advice.

**Senator ELLISON**—You see, the reason why I ask is that I can understand the Living in Harmony aspect, and I foreshadowed that in the question, but a lot more has been taken out.

**Senator Chris Evans**—It is just one phrase replacing another; one dot point replacing another, is it not?

**Senator ELLISON**—No, it is what it means. You see—

**Senator Chris Evans**—No. I am just saying that that is what we are talking about.

**Senator ELLISON**—No.

**Senator Chris Evans**—The other three remain intact, Senator?

**Senator ELLISON**—Oh, they do, they do.

**Senator Chris Evans**—Yes. It is that one. I just want to make sure that I understand we are not talking about anything else.

**Senator ELLISON**—No, no.

**Senator Chris Evans**—We are talking about one dot point, the first dot point being replaced by another dot point.

**Senator ELLISON**—You look at the other dot points: ‘mandatory detentions and threats to social cohesion’ is all good; ‘coordinate, implement and monitor the national action plan’, is fine; and ‘make further gains in the implementation of the access and equity strategy’ is fine too. The first dot point, as it stands, is fine, but it is just that it has taken out ‘promote mutual respect, Australia’s democratic values’. It has nothing to do with Living in Harmony because that is the second part of what has been taken out. I just thought that those were two worthwhile points which should have been kept under the promotion of benefits of a united and diverse society. But, anyway, if you can take it on notice, I will accept it.

**Senator Chris Evans**—Senator, I agree with you: there is nothing wrong, in my view, with the dot point that has gone, and there is nothing wrong with the dot point that is in, so I will take it on notice in terms of what that means. The only point I can add is that I know Mr Ferguson was keen on focusing and sharpening the approach inside that particular program—and that is probably a little more focused than the first statement that was removed, which was a bit more general. As you say, both are equally acceptable goals, but we will take it on notice and see if he has anything to add.

**Senator ELLISON**—It just adds to that first dot point, having regard to the sentiment expressed there. What can you tell us about the values statement? How is the cost of administering the new values statement to be absorbed, covered or met?

**Mr Metcalfe**—The values statement has been implemented. It is in the range of departmental forms that it was decided that should apply to, which was basically the migration application forms and the vast majority of temporary resident forms. I think the only one that was excluded related to foreign diplomats coming to Australia.

**Senator ELLISON**—Which, I suppose, is understandable.

**Mr Metcalfe**—There is an issue of reciprocity, Senator, for the minister.

**Senator ELLISON**—Yes, that is right. Does it not have added administrative costs involved?

**Mr Metcalfe**—It is an issue that the department has to implement, but our funding has been reduced.

**Senator ELLISON**—So those costs will be absorbed then?

**Mr Metcalfe**—Yes.

**Senator ELLISON**—Have any people returned applications without signing the values statement?

**Mr Metcalfe**—Not that we are aware of, but we will take it on notice.

**Senator ELLISON**—If you will take it on notice, I would appreciate that. Has anyone refused to sign the values statement?

**Mr Hughes**—Not that I am aware of, but I will take it on notice.

**Senator ELLISON**—I will put it to you this way because there might have been an inadvertence case, which is a bit different because you just sent it back. But if someone says, 'I'm not signing it', what do you do then?

**Mr Metcalfe**—They have not made a valid application, so there is nothing for us to do.

**Senator ELLISON**—That is it.

**Mr Metcalfe**—They will not be getting a visa.

**Senator ELLISON**—Okay. If you could take those questions on notice, I would be grateful. Mr Metcalfe. Senator Boswell asked me to keep watch in relation to the matters you took on notice. I just wondered how they were getting on.

**Mr Metcalfe**—We are well advanced in providing the response to the quite detailed questions that Senator Boswell asked, but we are doing some final checking because we want to make sure that the information we provide is quite right. That is still underway. We can check to see if it will be available before the conclusion of the hearings. If it is not, with the minister's agreement, I am sure it could be provided quite quickly to Senator Boswell and provided on notice to the committee.

**Senator Chris Evans**—We have not quite got it right, Senator Ellison. I will make sure it is delivered to his office tomorrow.

**Senator ELLISON**—Tomorrow?

**Senator Chris Evans**—And if we have got it beforehand, we will present it. We are close, but there was a bit of concern about whether we got one of them right.

**Senator ELLISON**—If not tomorrow, sooner?

**Senator Chris Evans**—Yes.

**Senator ELLISON**—Thank you.

**Senator Chris Evans**—We will definitely get him something tomorrow.

**Senator ELLISON**—I have to keep the faith with Senator Boswell.

**Senator Chris Evans**—Yes.

**CHAIR**—For the same reasons as Senator Boswell, could you provide them to the committee for our records as answers to questions on notice?

**Mr Metcalfe**—Yes. Chair, perhaps to be quite clear, we will regard ourselves as having taken those questions on notice. We will provide the response to the committee but, as a courtesy to Senator Boswell, we will provide a copy directly to his office as well.

**CHAIR**—Thank you.

**Senator NETTLE**—I have only one thing I wanted to ask about, and that the article in the *Australian* today and the comments by Laurie Ferguson about Camden Council making recent approaches regarding programs to help with the community's knowledge about multiculturalism. I just wanted to ask whether there was more information about that.

**Ms Pope**—There has been some contact of an exploratory nature between Camden Council and the department to look at whether there is an opportunity for us, in association with the New South Wales government and the Community Relations Commission, to assist with a project in relation to a harmony-promoting initiative that might be suitable for Camden.

**Senator NETTLE**—Was it in relation to a particular program and grant?

**Ms Pope**—It is likely it will be funded out of Living in Harmony. That is the money to which we referred earlier—the small amount that is retained that we can use for issues as they arise. This potentially would be an issue arising that we could look at in that light. But these are very early discussions about the possibility of considering it. It has not gone any further than that.

**Senator NETTLE**—When did that discussion with Camden Council start?

**Ms Pope**—Very recently. It was in the last couple of days, as I understand.

**Senator NETTLE**—Is there any more information about what kinds of programs?

**Ms Pope**—No. We have not started to progress beyond that initial point of, yes, there might be some possibility of cooperation and something that might be able to be initiated. That is as far as it has gone.

**Senator NETTLE**—I think it is a good idea.

**Ms Pope**—Thank you, Senator.

**Senator Chris Evans**—I will make sure that Mr Ferguson knows your view.

**Senator NETTLE**—I can tell Mr Ferguson that. I think it is good. I think his comment is good as well. So Living in Harmony is normally done by grants, but you also approach particular people. Is that so?

**Ms Pope**—It is normally done on a competitive grants round, which, as we were discussing earlier, is in progress at the moment.

**Senator NETTLE**—Yes.

**Ms Pope**—But there is a small amount of money retained for issues that might arise, and it is possible that this might be considered in that light.

**Senator NETTLE**—Can I ask how much money is retained for that sort of thing?

**Ms Pope**—I would have to take that on notice. I am not sure of the exact amount.

**Senator NETTLE**—It would be great to get the break-up in terms of the \$50,000 grants, the small grants, and then the money that is retained for issues as they arise. That would be good.

**Ms Pope**—There may also be an issue in our response on notice. Because it is under review at the moment, how precise we are able to be may be affected by that. But we will take it on notice and do what we can.

**Senator NETTLE**—Thanks.

**CHAIR**—That is all you have?

**Senator NETTLE**—Yes.

**CHAIR**—Perhaps before I hand back to Senator Ellison, we should thank Senator Nettle, as this will be her last estimates hearing of the Senate Standing Committee on Legal and Constitutional Affairs for her term. I state for the record our thanks for her diligence in posing questions over many years.

**Senator ELLISON**—Hear, hear!

**CHAIR**—Her work has certainly been noted. On behalf of Senate Standing Committee on Legal and Constitutional Affairs, I thank you, Senator Nettle.

**Senator NETTLE**—Thanks, Chair.

**Mr Metcalfe**—Chair, if I could be granted an indulgence for the department to add our best wishes to Senator Nettle. We have enjoyed her questions. It has been interesting at times, but certainly there has been a good spirit. We wish you all the very best for the future.

**Senator NETTLE**—Thank you. I thank the department and the various different ministers.

**Senator Chris Evans**—Senator Nettle, can I just indicate that Mr Metcalfe was not being quite truthful. We did not enjoy some of your questions! Quite frankly, you would have been embarrassed if he enjoyed the whole of them, and it is to your credit that he did not enjoy them all.

**Senator NETTLE**—Thank you.

**CHAIR**—Senator Ellison, it is now back to you for your questions on output 2.4.

**Senator ELLISON**—Thank you, Madam Chair. I have just a few questions that remain. During additional estimates hearings I asked a question on notice about whether the government will be re-establishing or reconvening the Muslim Community Reference Group. The answer I received said that the government is currently considering future advisory arrangements on Muslim issues. Has the government decided what future advisory arrangements it will put in place? Will the community reference group be reconvened?

**Senator Chris Evans**—I think the answer to that is the same as the last answer: There has been no government decision made, Senator Ellison.

**Senator ELLISON**—Are you aware of anything being done at the moment?

**Senator Chris Evans**—Certainly the parliamentary secretary is working on the issues, but there has been no government decision taken.

**Senator ELLISON**—In relation to the Minister for Social Inclusion, some of the issues we are talking about go directly to that. What framework have you set up between the department and the department that is dealing with social inclusion?



**Senator Chris Evans**—I will just reply before the department explains the departmental perspective. I have been very keen to ensure that there is consideration of multicultural and settlement issues as part of that broader social inclusion agenda. I have had a couple of conversations with the Deputy Prime Minister, and I am sure that Mr Ferguson has as well, about how we can best advance the issues of social inclusion of migrants and those of multicultural background. It is very much on the agenda, and the Deputy Prime Minister is very much aware of our portfolio's interest in those issues as one of the groups that any such agenda should include. In terms of the departmental contact, I will hand over to Ms Pope.

**Ms Pope**—Thank you. As the minister has set out, there is work being done across government on this. We have been involved in briefing sessions and so on on the subject and we have input issues relating to our particular client group and the way they would fit into a social inclusion agenda. I think it is fair to say that these are early days in the development of the social inclusion agenda. We remain committed and involved in taking the work forward as an important plank of the work we do in the department.

**Senator ELLISON**—You have had briefings and meetings, but what about some more formal framework to it, such as an IDC or something of that sort? Is there anything like a working group or anything like that that has been set up?

**Ms Pope**—I believe that work is being done in that direction in the Department of Families, Housing, Community Services and Indigenous Affairs. As I say, we are ready to participate in anything they take forward. I will correct the record if I am wrong, but I do not believe there is a working IDC on this subject yet, but we will be very happy to be involved when there is.

**Senator ELLISON**—Have you had any indication from the other department as to what it is expecting of you? Is it saying, 'Can you go away and do some work on this and come back to us?'

**Senator Chris Evans**—I think the best way for me to put it is that there are decisions before government at the moment about some of these issues. Once those decisions are taken, you will probably find there is more active engagement by my department. We have taken some decisions.

**Senator ELLISON**—Decisions by government?

**Senator Chris Evans**—There are more decisions pending from government that will give more direction to some of these issues. I think, like you, I have had approaches from those in the portfolio area about how they fit into that. I think that is an important public policy issue. I guess what I am saying to you is that the department's contact may have been of that order so far, but there are further decisions before government that will perhaps shape the department's involvement.

**Senator ELLISON**—I agree with you. I think the department has a crucial role to play in social inclusion when you look at the subjects we have been discussing for the last two days. We await with interest, because I would suggest that you need more than briefings, discussions and meetings. But, anyway—

**Senator Chris Evans**—That is why governments make decisions, as you well know.

**Senator ELLISON**—We will look forward to those decisions. The other question I have of the department is: what has the department been up to in relation to charity work? Can we expect any more haircuts or any more things along that line?

**Mr Metcalfe**—Since we last spoke, this particular head of hair here has been shaved and has regrown, you will be pleased to see. The minister was quite alarmed at the whole thing, but I must say I was personally a very strong supporter and we thanked him very much for his very generous support of the department. One of my colleagues, a female officer, was similarly engaged on that particular occasion, with even more alarming results—particularly because I was the person who gave her the haircut. But, seriously, it remains a very important part of the work of the staff of the department and our social club. From memory, we raised around \$20,000 for the cancer society through the World's Greatest Shave exercise.

**Senator ELLISON**—Gee!

**Mr Metcalfe**—There was recently a donation to the neonatal intensive care unit of the Canberra Hospital through charitable work as well. It is certainly an area that I have actively encouraged the staff of the department to undertake in their downtime and as part of being a major organisation in Australia. We are very pleased with that.

**Senator ELLISON**—My congratulations on that. From that, Madam Chair, you can tell I have reached the end of my estimates questions. I think we are missing Senator Bartlett, actually.

**Mr Metcalfe**—Chair, could I just say that Senator Ellison asked yesterday for a list of people or members of advisory groups, boards or committees that have been appointed by the minister. I have that list. I could table that.

**Senator ELLISON**—Thank you.

**Mr Metcalfe**—I provide that for the record.

**CHAIR**—If there are no other questions, I will close the committee's hearing. I know I thanked Senator Nettle, but it is appropriate for me to express thanks on the record to Senator Bartlett. It is unfortunate that he was not able to be here with us this week, although he is probably quite pleased about that. I know he was called home for personal reasons. I think the Senate Standing Committee on Legal and Constitutional Affairs owes a vote of thanks to Senator Bartlett for his work over his term in the parliament. Certainly he will be known in his parliamentary career for his pursuit of issues relating to the immigration portfolio.

At times we have also had the pleasure of having Senator Natasha Stott Despoja attending our estimates hearings as well. I particularly want to place on the *Hansard* record the committee's vote of thanks and our notice of the work that Senator Bartlett has done over the years. It is appropriate that, at the conclusion of estimates, we recognise his work along with our recognition of the work of others.

**Mr Metcalfe**—Chair, I add the department's endorsement of your sentiments. Senator Bartlett has been a very strong advocate and upholder of the rights of refugees and migrants through his work as a member of this committee and elsewhere. The relationship we have across the table has been always cooperative. It has sometimes been robust, but we have

certainly noticed the very strong interest and commitment he has had in this portfolio. Similarly, we wish him and Senator Stott Despoja the very best for the future.

**Senator ELLISON**—Madam Chair, on behalf of the coalition, I record the coalition's appreciation of the two senators, Senator Bartlett and Senator Stott Despoja, but particularly Senator Bartlett whose commitment at estimates I have experienced from both sides of the table. As I said earlier, the reason we are concluding earlier today is largely because Senator Bartlett is not here, which demonstrates the level of interest he takes. I understand the reasons that he is not here and certainly our thoughts are with him in that regard. I state for the record the coalition's appreciation.

**CHAIR**—Thank you. Before concluding the hearing, I need to seek a motion from the committee authorising the publication of advice we have received from the Clerk of the Senate, Mr Harry Evans, in relation to Standing Order 25 (13), regarding questions concerning Senate select committees during estimates.

Resolved (on motion by **Senator Trood**):

That this committee authorises publication, including publication on the parliamentary database, of the advice from the Clerk of the Senate, Mr Harry Evans, on Standing Order 25 (13).

**Committee adjourned at 3.00 pm**