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Department of Immigration and Citizenship

## Opening statement to Legal and Constitutional Committee

**Additional Estimates hearing  
Parliament House, Canberra**

**13 February 2012**

**Andrew Metcalfe AO  
Secretary, Department of Immigration and Citizenship**

Madam Chair, Senators. Thank you for the opportunity to deliver an opening statement.

I would like to briefly update you on significant developments in the portfolio since we last appeared before this Committee on 17 October last year.

On 22 September 2011, the Government announced its support for the 41 recommendations arising out of the Hon Michael Knight AO's Strategic Review of the Student Visa Program. The first stage of implementation began on 5 November 2011 which eased financial pressures for applicants and assisted the non-university sector, implemented the genuine temporary entrant requirement, and put in place more flexible arrangements for English language study.

The department is now moving ahead with the implementation of the second stage of the Government's response to the Knight Review, which will be delivered on 24 March 2012.

The department has also commenced a review of the student visa Assessment Level framework, which currently forms the risk management approach to the student visa program which will report to Government in mid 2012. It is recognised that high-quality, lower-risk education providers operate across all education sectors and consideration of a provider-based risk management model that recognises and rewards high-quality, lower-risk providers will be a focus of the review.

As is our usual practice, late last year we consulted widely across Australia in relation to the 2012-13 Migration Program. Over 600 representatives from more than 400 external organisations were invited to attend these meetings with us.

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The strong representation at consultations demonstrated the interest of the wider Australian community in our migration programs, and their importance in supporting employers from a range of industries. These consultations have provided timely and informed feedback to Government on the size and composition of the 2012-13 Migration Program.

Similarly, we have consulted widely on the size and composition of Australia's Humanitarian Program, taking into account the views of the Australian community, the views of peak refugee and humanitarian organisations, the views of government agencies, the views of State and Territory governments and resettlement needs identified by the Office of the United Nations High Commissioner for Refugees.

A new and innovative pricing model for Australian visas was announced as part of the 2011 -2012 Mid Year Economic and Financial Outlook (MYEFO). These visa pricing reforms have been designed to put Australia's visa system on a more sustainable footing, by placing a fair price on the benefits of economic and social access, while maintaining Australia's international competitiveness in key areas, including education and tourism.

Chair, as you would be aware there have been a number of High Court decisions in the past 18 months which have required the department to adopt new legal policy directions and develop new procedures for the processing of irregular maritime arrivals.

In March 2011, the Government implemented the Protection Obligations Determination process to streamline processing irregular maritime arrivals whom are deemed to meet the criteria for protection under the Refugees Convention. We have discussed this previously.

In light of the High Court decisions, on 25 November 2011 the Government announced that the cost of maintaining two separate bodies for review of departmental decisions, depending on how people arrived in Australia, is not an effective use of resources and therefore moving to ensure that all reviews of Departmental decisions relating to protection claims are heard by the Refugee Review Tribunal.

In October, the Government announced it would be making greater use of existing powers to more flexibly manage irregular maritime arrivals (IMAs) to Australia. This includes greater use of community detention and for temporary Bridging visas, to be considered on a case-by-case basis, to allow IMAs to reside in the community while their claims are assessed. Over 250 people who were in immigration detention have now been granted Bridging visas, and are living in a number of locations around Australia. These people have been through a process of appropriate health, identity and security checks, and an assessment to determine what, if any, transitional and ongoing support they may require.

The transfer of children, families and vulnerable individuals into community-based arrangements remains a high priority for the Government and for the department. Since the announcement by the Government on 18 October 2010 to provide community-based living arrangements for children and families in immigration detention, the Minister has approved almost 3000 people for community detention, including around 1750 adults in family groups and over 1400 children, both accompanied and unaccompanied. As at 8 February 2012, there were more than 1400 people in community detention (comprising children, families and vulnerable adults). At the same time, almost 1300 clients have transitioned out of community detention following Protection visa grant. The department continues to work closely with the Australian Red Cross and other service providers to successfully deliver these outcomes, and we again thank them for their support.

We have also made significant progress in relation to immigration detention infrastructure. This includes the delivery of Stage 1 at the Wickham Point IDC with stages 2 and 3 nearing completion; the commissioning of the Pontville IDC on 17 October 2011; the completion of the design for the dedicated heritage precinct at Villawood IDC; and the continuing construction of the Yongah Hill IDC.

The department continues to actively support the Joint Select Committee on Australia's Immigration Detention Network. This has included the provision of over 4000 pages of written material, responding to around 1500 questions, and providing logistical support for a number of site visits. Given that the detention issue has been so intensely canvassed in that Committee I will only make limited remarks here, but of course we will answer any questions you have later.

Sadly, over recent months a number of vessels carrying asylum bound for Australia have sunk, resulting in major loss of life. Can I publicly convey our profound sadness about such tragic events.

I note that the United Nations High Commissioner for Refugees, His Excellency Antonio Guterres, is presently visiting Australia. We would like to warmly welcome him here. I had the privilege of again meeting High Commissioner Guterres last night, and look forward to meeting with him again today.

Chair, I would like to take this opportunity to advise the committee about my own arrangements for much of this year. I have been remiss in taking leave so I find myself, after 32 years in the public service, with recreation leave and long service leave credits in excess of 12 months. For family reasons, this year provides me an opportunity for my wife and I to spend some time together travelling. So I will commence several months recreation and long service leave at the end of March during which I will also access study leave to undertake a course at INSEAD, a world renowned business university in France, and will return to Canberra in October.

During my period of leave Mr Martin Bowles PSM will be acting as Secretary.

I would like to take this opportunity to warmly congratulate Mr Bowles on being awarded a Public Service Medal (PSM) on Australia Day in recognition of the outstanding contribution he made at the Department of Climate Change and Energy Efficiency.

Indeed, we have had a number of departmental officers presented with awards in recent months.

In November last year, the Hon Brendan O'Connor MP, Minister for Home Affairs and Justice announced the recipients of the inaugural Anti-Slavery Australia Freedom Awards. My department's Merima Trbojevic received the individual contribution award for her work with men and women trafficked, enslaved and exploited in Australia. We congratulate and thank her for her work.

On 30 January I was also very pleased to present our departmental Australia Day Awards which recognises the achievements of teams and individuals across the department. I would like to again congratulate the awardees - their hard work, outstanding results, and ongoing commitment is greatly appreciated.

As you know I'm particularly proud of the work that my department does in relation to our fundraising efforts for a variety of charitable causes. I am pleased to report that through a variety of fundraising activities, the department's national office social club contributed more than \$76 000 towards charities in 2011, which I am sure you will agree is a fantastic achievement.

Chair, Senators, we in the department are very proud of our role in building modern Australia. We are properly accountable and seek to be wholly professional in discharging our sometimes onerous duties. We never forget that we are here to serve the government of the day, the Australian community and our many millions of clients.

Sometimes immigration officers are called on to do some quite extraordinary things, well beyond what many Australians would think that their public servants actually do. As Secretary I am privileged to see and observe this extraordinary work. These include acts of great compassion and decency to help people in the most dire and sad situations. We have had one such situation just in the last few days.

It is my privilege to work with Australian public servants of such high calibre, and with such fine qualities, and I would like to take this opportunity to pass on my sincere appreciation to my staff for their ongoing hard work, commitment, and outstanding efforts.

Lastly, I would like to note the valuable contribution made by our many advisory groups and stakeholders, and thank them for their ongoing commitment and positive engagement on our many issues.

Thank you.

