

CHAPTER 1

IMMIGRATION AND CITIZENSHIP PORTFOLIO

1.1 This chapter summarises some of the matters raised during the committee's consideration of the additional estimates for the Immigration and Citizenship Portfolio for the 2012-13 financial year.

Migration Review Tribunal – Refugee Review Tribunal (MRT–RRT)

1.2 The Principal Member of the MRT-RRT, Ms Kay Ransome, highlighted developments within the organisation since its last appearance before the committee at Supplementary Budget Estimates in October 2012. Ms Ransome informed the committee of workload statistics and strategies to deal with an increased workload, including the adoption of a specialisation model in case allocations, which was assessed by an interim review to be a success and has resulted in increased productivity.¹

1.3 The Principal Member advised that the MRT-RRT are on track to determine significantly more cases than the tribunals were able to in 2011-12, with an increase of 57 per cent more cases decided than in the same period in the previous financial year. In line with this upward trajectory, in 2011-12 the MRT-RRT reported an overall increase in applications of 30 per cent; this trend has continued with a 43 per cent increase in lodgements in the first six months of this financial year.²

1.4 In relation to the portfolio additional estimates statement, the committee sought an explanation of how an additional \$4.663 million in allocated funding is to be spent. The committee was informed that the extra funding is to cover approximately 2,500 additional cases that the MRT-RRT has finalised this year, above the base funding for 8,300 cases.³

1.5 The committee was also advised that some of the recommendations in the Lavarch review are yet to be implemented, including: conferral of a discretionary power to dismiss a matter if a person does not attend a hearing; and legislating for tribunals to give reasons for a decision orally rather than in writing, unless otherwise requested by an applicant.⁴

1 *Estimates Hansard*, 11 February 2013, pp 3-4.

2 *Estimates Hansard*, 11 February 2013, p. 4.

3 *Estimates Hansard*, 11 February 2013, pp 6-7.

4 *Estimates Hansard*, 11 February 2013, p. 9.

Department of Immigration and Citizenship

1.6 The Secretary of the Department of Immigration and Citizenship (DIAC), Mr Martin Bowles PSM, gave an overview of developments in the portfolio since Supplementary Budget Estimates in October 2012. Mr Bowles covered statistical information on the various migration programs, a new online system for selecting independent skilled migrants, progress on the implementation of the recommendations of the Expert Panel on Asylum Seekers, updates on the regional facilities in Nauru and Papua New Guinea, and the numbers and profiles of asylum seekers currently residing at regional processing centres.⁵

Irregular maritime arrivals and budget implications

1.7 The committee sought an explanation on why the budgeted item for Irregular Maritime Arrivals (IMAs) has been lower than the additional estimates for the 2011-12, 2012-13 and 2013-14 financial years. Specifically, the committee sought an explanation as to how the irregular maritime arrival caseload could be resolved into the future with a reduced budget for the 2014-15 and 2015-16 financial years.⁶

1.8 The Secretary of DIAC explained that, due to the fluctuating nature of arrivals, the May 2012 Budget allocation has had to be revised in subsequent estimates to accommodate the changed circumstances. Further, since the number of arrivals is one component of the estimates process and not all arrivals are treated in the same way, the budgeted figure cannot remain static:

The budget that we had in the PBS for 2012-13 was \$1.3 billion and the additional estimates statement for [outcome] 4.3 was \$2.124 billion—an increase of \$1.1 billion-odd. That, obviously, in the context of [outcome] 4.3, is to deal with the increase in the numbers. The budget was set...in May last year. Then we saw a spike that happened around the May time frame and there was a need at the additional estimates, and in fact in the supplementary estimates some of this came through to increase the budget for 2012-13. Hence that is what you are seeing as a change. This is a normal process. It is not unusual. If the activity in this space changes we do go back a number of times during the year, and one of them is now, and then obviously the budget. If you move that forward, yes, it does reduce from 2012-13 to 2013-14. But you will also notice it is an increase from the PBS to the additional estimates, recognising that the figure in the PBS was still in need of some improvement, if you like, based on the activity.

...

And then there is a reduction on the premise that, once we implement the recommendations of the expert panel, these numbers will reduce in the out

5 *Estimates Hansard*, 11 February 2013, pp 12-13.

6 *Estimates Hansard*, 11 February 2013, p. 21.

years. So that is the premise for the budget. We would revise that again in the context of the budget if that were required.⁷

1.9 The Secretary also explained that the budget calculations are influenced by a number of other factors:

...It is not as simple as to say that everyone who turns up you treat the same way. It is based on arrivals, obviously, but it is also their length of stay, if you like, within the detention network. That is obviously across multiple streams—held detention, community detention and the bridging visa system—and there are varying cost differentials if you are in there. Obviously we will want to take into account a range of other factors like family size, security, health requirements and, of course, the location of facilities. Some locations are obviously more expensive than others if they are in difficult-to-get-to places. That policy position has changed quite a bit over the last 12 to 18 months, because we were in a situation where the majority of people were in held detention. We have already seen a shift in the numbers of people in the detention system since late last year, [with] record numbers in November. We are down to approximately 5½ thousand people in the detention network as we sit today. So it is not quite as simple as just saying 'because the numbers go up'. I appreciate though that, when the numbers do escalate, we need to respond. We responded between the PBS and the additional estimates and obviously in the context of if there were no further improvement, we would need to think about that in the context of the budget.⁸

Enterprise Migration Agreements

1.10 In response to the committee's questions about the Enterprise Migration Agreements (EMAs), DIAC officials informed the committee that it has received four applications to date, including the Roy Hill application which has been agreed to in-principle. There are two sections within DIAC looking after labour agreements, one dealing with resource labour agreements and the other with non-resources labour agreements. The committee was also advised that there are 11 full-time staff working in the resource labour agreement section, 5.3 of whom work on the enterprise migration agreement applications.⁹

Security assessment processes for IMAs and bridging visas

1.11 DIAC representatives updated the committee on the number of adverse security assessments made by ASIO. Of the 32,795 IMAs which have arrived since 2007, 63 have received an adverse assessment since 2009, with 55 of those in detention in Australia and the remaining eight having been relocated to a third

7 Mr Martin Bowles, Department of Immigration and Citizenship (DIAC), *Estimates Hansard*, 11 February 2013, p. 22.

8 Mr Martin Bowles, DIAC, *Estimates Hansard*, 11 February 2013, p. 22.

9 *Estimates Hansard*, 11 February 2013, pp 36-39.

country.¹⁰ DIAC clarified the figures in relation to the number of adverse security assessments which have been made:

Senator CASH:...the *ASIO Report to Parliament 2011-12* states that ASIO continues to identify individuals of security concern, that since 2009, ASIO has issued 63 adverse security assessments in relation to IMAs. Why is there the difference between the 55 that you are referring to and the 63 that ASIO have said that they have issued?

...

Mr Bowles: [ASIO's] assessment says 63 clients, comprising 51 IMA clients and 12 *Oceanic Viking* clients. Of the 12 *Oceanic Viking* clients, eight have been resettled in a third country.

Senator CASH: Have any people with a negative security assessment from ASIO been released into the community?

Mr Bowles: No.

Senator CASH: In Australia?

Mr Bowles: No.

Senator CASH: Have they been given protection visas?

Mr Bowles: No, they are what we call '1A met'. They are recognised as a refugee, but they have never progressed past that to be granted a protection visa and they are held in detention.¹¹

Other matters of interest

1.12 A wide range of other matters were also canvassed. These included:

- the costs of international charter flights to regional processing centres;¹²
- the delivery cost and participation rate in relation to the Adult Migrant English Program;¹³
- staffing numbers, including for airline liaison officers;¹⁴
- the cost of the Ethics Bytes modules produced by the Office of the Migration Agents Registration Authority;¹⁵
- the take-up rate and use of the online system SkillSelect by potential migrants and employers;¹⁶

10 *Estimates Hansard*, 11 February 2013, pp 60-63 and 66-67.

11 *Estimates Hansard*, 11 February 2013, p. 61.

12 *Estimates Hansard*, 11 February 2013, pp 106-107.

13 *Estimates Hansard*, 11 February 2013, pp 116-118.

14 *Estimates Hansard*, 11 February 2013, pp 52-53 and 57.

15 *Estimates Hansard*, 11 February 2013, pp 11-12.

16 *Estimates Hansard*, 11 February 2013, pp 12 and 42-43.

- the treatment of detention centre residents and media access to Nauru and Manus Island in Papua New Guinea;¹⁷
- the level of intelligence and data exchange between the Sri Lankan and Australian governments;¹⁸ and
- an update on the Community Placement Network.¹⁹

1.13 The committee was also informed that Australia Day 2013 saw a record number of more than 17,000 people become citizens in ceremonies held around the country. It is anticipated that by the end of the current program year, around 150,000 people will become Australian citizens, 40,000 more than last year.²⁰

Answers to questions on notice

1.14 The committee again notes DIAC's lack of timeliness in providing answers to questions on notice for the Immigration and Citizenship Portfolio. Almost three hundred responses to questions on notice from the Supplementary Budget Estimates 2012-13 round remain outstanding.

1.15 The Secretary acknowledged that DIAC will commit to improving its performance in this area, and explained the lack of timeliness in the context of an increased burden of work:

I accept that we need to improve our performance in this area. I just want to give some context, though, about what we are dealing with. We have actually seen a 500 per cent increase in questions on notice in the last couple of years.

...

I accept and I acknowledge that there is a growing interest in our business, and all I can try to commit is that we will try and improve on this; but we do have to make sure that we get the right answer. We deal with 34 million border crossings and 4.5 million visa issues and all sorts of different things, and some of these questions go to quite specific issues.²¹

1.16 The committee notes that none of the answers to questions on notice for Supplementary Budget Estimates 2012-13 were provided by the due date set by the committee, and only just over half of the answers (54 per cent) have been answered as at the date of tabling of this report. The committee expects to see an improvement in the timeliness of answers provided by DIAC in future estimates rounds.

17 *Estimates Hansard*, 11 February 2013, pp 80-83.

18 *Estimates Hansard*, 11 February 2013, p. 112.

19 *Estimates Hansard*, 11 February 2013, pp 72-75 and 90.

20 *Estimates Hansard*, 11 February 2013, p. 13.

21 *Estimates Hansard*, 11 February 2013, p. 35.

