

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

EXAMINATION OF BUDGET ESTIMATES 2001 – 2002

**ADDITIONAL INFORMATION
VOLUME 2**

**IMMIGRATION AND MULTICULTURAL AFFAIRS
PORTFOLIO**

**Additional Information Relating to the
Examination of Expenditure 2001 – 2002**

November 2001

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QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(1) Output 1.3: Enforcement of Immigration Law

Senator Harradine asked:

Re Vietnamese held in detention under Section 253 of the Migration Act subject to deportation orders:

How many persons for whom Vietnam is their country of origin are presently held in detention under Section 253 of the Migration Act?

Answer:

As at 15 June 2001 there were 31 persons for whom Vietnam is their country of origin held in detention under Section 253 of the Migration Act.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(2) Output 1.3: Enforcement of Immigration Law

Senator Harradine asked:

Re Vietnamese held in detention under Section 253 of the Migration Act subject to deportation orders:

In relation to these persons, what is the earliest date at which a deportation order was signed under Section 200 of the Migration Act?

Answer:

In relation to these persons, the earliest date at which a deportation order was signed under Section 200 of the Migration Act was December 1995.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(3) Output 1.3: Enforcement of Immigration Law

Senator Harradine asked:

Re Vietnamese held in detention under Section 253 of the Migration Act subject to deportation orders:

Have any persons subject to deportation orders under Section 200 of the Migration Act 1958 been returned to Vietnam in the last five years? If so, how many and when?

Answer:

Yes. One person in December 1997.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(4) Output 1.3: Enforcement of Immigration Law

Senator Harradine asked:

Re Vietnamese held in detention under Section 253 of the Migration Act subject to deportation orders:

Has the Government of Vietnam refused to agree to the return of any such persons? If so, how many and when?

Answer:

The Government of Vietnam has not refused to agree to the return of any such persons. Instead the Vietnamese Government suggested the development of an MOU and indicated that such an arrangement would make it significantly easier to progress these current cases as well as future cases that might arise.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(5) Output 1.3: Enforcement of Immigration Law

Senator Harradine (L&C N/A) asked:

- a) What is the current status of a draft Memorandum of Understanding between Australia and Vietnam on the Readmission of Vietnamese Citizens who are to be deported for having infringed the law of Australia?
- b) When was the last communication from the Government of Vietnam on the Memorandum?
- c) What was the content of that communication?
- d) When is the Memorandum likely to be finalised?

Answer:

- a) A Memorandum of Understanding between Australia and Vietnam on the readmission of Vietnamese citizens who are being deported or removed for having infringed the law of Australia was signed by the Hon Philip Ruddock, MP, Minister for Immigration and Multicultural Affairs, and HE Mr Nguyen Dy Nien, Minister for Foreign Affairs of Vietnam in Hanoi on 15 June 2001.
- b) See (a).
- c) See (a).
- d) See (a).

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(6) Output 1.3: Enforcement of Immigration Law

Senator Harradine asked:

Re Vietnamese held in detention under Section 253 of the Migration Act subject to deportation orders:

Failing agreement with the Government of Vietnam on the Memorandum, is it the intention that persons for whom Vietnam is their country of origin and who are presently held in detention under Section 253 of the Migration Act be kept indefinitely in custody?

Answer:

The Government of Vietnam has now signed the memorandum and the intention is that persons for whom Vietnam is their country of origin and who are presently held in detention under Section 253 of the Migration Act will be removed from Australia as soon as possible.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(7) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan asked:

Could the Department please provide, for the past five financial years, detailed revenues raised through the variety of charges levied by the Department?

How much has been raised, for each of the past five years, from charges and fees relating to:

- All visa classes both temporary and permanent;
- Application fees to access the Migration related Tribunals;
- Citizenship applications;
- Cost recovery associated with failed refugee applications;
- Translating and Interpreting Services; and
- Any other significant (\$50,000) revenue raised by the Department for the Commonwealth.

Answer:

The amounts raised from charges for the past five financial years are reported below. The figures reported for the years 1995/96, 1996/97 and 1997/98 are based on cash accounting information. The figures for 1998/99 and 1999/00 are based on accrual accounting information.

All visa classes both temporary and permanent (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
91,828	116,463	144,787	185,707	186,457

Second instalment of visa application in respect of Adult Migrant English Program (AMEP) (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
8,129	9,225	10,405	12,744	6,799

Second instalment of visa application in respect of Health cost (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
9,881	8,107	2,691	5,325	9,123

Application fees to access the Migration related Tribunals (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
667	234	167	1,807	10,182 ⁽¹⁾

⁽¹⁾ Migration related Tribunals were administered under the Immigration Department until 30 June 1999. From 1 July 1999, the Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT) became prescribed agencies under the *Financial Management and Accountability Act 1997*. The Tribunals have advised their revenue raised from application fees from this date are:

Migration Review Tribunal	\$5,856
Refugee Review Tribunal	\$4,326
Total	\$10,182

The figure reported for the RRT is the accrued revenue from the post-decision fees. The actual amount received is considerably less than this, with the balance written off. Less than 10% of post decision fees are actually paid.

Migration Internal Review Office (MIRO) (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
981	1,068	3,267	4,255	⁽²⁾

⁽²⁾ MIRO ceased to exist from 31 May 1999. From 1 June 2000, MIRO functions merged with the MRT.

Citizenship applications (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
5,344	7,048	7,512	9,337	8,536

Cost recovery associated with failed refugee applications fees (\$'000)

Charges ⁽³⁾	1995/96	1996/97	1997/98	1998/99	1999/00
Legal fees	***	***	***	477	2,858
Detention and removal fees	***	***	***	9,241	7,895

⁽³⁾ Under the *Migration Act 1959*, an unlawful non-citizen who is either detained, removed or deported may be liable to pay the Commonwealth the cost of the detention, removal or deportation. Under this policy, this cost is recovered by issuing the person concerned an invoice for the relevant cost. Legal costs associated with failed refugee application are also recovered by the Commonwealth in the same way. However, only a small amount (less than 1%) is actually recovered. The unrecovered amount is subsequently written off. For example, write offs in 1999/2000 were reported at \$8.9m. A substantial amount of this relates to write offs of unrecovered removal costs reported in 1998/1999. The figure given in the above table reflects amount accrued rather than the cash amount received.

Translating and Interpreting Services (\$'000)

1995/96	1996/97	1997/98	1998/99	1999/00
6,647	7,203	6,456	6,094	11,697

Any other significant (more than \$50,000) revenue (\$'000)

	1995/96	1996/97	1997/98	1998/99	1999/00
Appropriation former years	***	***	***	4,192	1,142
Miscellaneous revenue	***	***	***	2,609	1,439
On Arrival Accommodation Residence Contribution	***	***	***	1,055	682
Freedom of Information	***	***	***	199	Less than \$50
Misc Revenue overpayment	***	***	***	64	150
Forfeited bond money	***	***	***	80	889
AMEP Resolution of Status	***	***	***	Less than \$50	1,343
Migration Agent Registration Authority	596	804	1,203	1,692	1,554
Infringement notices for breach of provisions of migration legislation, mainly to passenger carriers (Airlines)	3,858	4,255	6,637	9,289	15,212
S31 Interest income	0	0	0	Less than \$50	1,794
S31 MARA recovery cost	***	***	***	Less than \$50	200
Write back-assets Previously written off	***	***	***	2,827	480
S31 Cluster 3 management office recoveries	***	***	***	Less than \$50	861
S31 forfeiture of bond monies	***	***	***	Less than \$50	102
S31 sale of seized assets	***	***	***	Less than \$50	74
S31 rent utility contribution	***	***	***	598	Less than \$50
S31 Longitudinal survey	***	***	***	51	50
S31 research and statistical services	***	***	***	67	Less than \$50
S31 Sale surplus items	***	***	***	112	139
S31 Sale in-house products	***	***	***	Less than \$50	184
S31 misc recovery of costs	***	***	***	1,438	1,500
S31 Migration application package	***	***	***	1,610	2,166
S31 Telephone contribution	***	***	***	62	67
S31 Sale publication	***	***	***	104	Less than \$50
S31 Recovery of Corporate Costs	***	***	***	237	227
					Less than

S31 sale of asset-stores	***	***	***	5,406	\$50
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***The financial management information system used prior to 1 July 1998 did not separately identify revenues against each of these categories. Information to answer this question may only be derived manually from source documents. Due to time and resource constraints and the relative small value of the receipt item, such a task cannot be undertaken at this time.

Aggregate figures for DIMA for those years are provided to illustrate overall movements (see table below). These aggregate figures include the revenues in the individual categories reported above.

Revenue aggregate figures (\$'000)

	1995/96	1996/97	1997/98	1998/99	1999/00
Non s31 Revenue	115,448	151,362	181,653	235,927	233,339
s31 Revenue	26,225	11,891	10,352	22,728	23,596
Total	141,673	163,253	192,005	258,655	256,935

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(8) Migration Review Tribunal

Senator McKiernan (L&C 193) asked, "What has been happening with the caseload and the processing times, for example, since the MRT itself was established? Is it trending up, plateauing or trending down?"

Answer:

Application rate

The Tribunal expects to receive 7,200 new applications this financial year. It is currently estimated that 7,400 new applications will be lodged in 2001-02. However, this figure will need to be reviewed once the Tribunal has had the opportunity to observe the effect of legislative changes that come into effect on or about 1 July 2001.

Applications on hand

When the Tribunal commenced operations on 1 June 1999, 5,000 applications were transferred from the former IRT and MIRO. As at 30 June 2000, the Tribunal had 7,552 applications on hand. The on hand caseload continued to increase until February 2001 when it peaked at 8,306. At the end of May 2001 it stood at 8,174.

It is expected that during 2001-02 the Tribunal will continue to reduce the on hand caseload. The extent to which this can be achieved will of course be dependent on the application rate, the resources available and any efficiencies able to be achieved in the Tribunal's operations.

Age of caseload

The age of cases held by the Tribunal is also an indicator of the Tribunal's capacity to deal with its caseload:

Age of cases	As at 30 Sept 99		As at 30 June 00		As at 31 May 01	
	No	%	No	%	No	%
Under 3 months	1374	22	1703	22	1574	19
3 to 6 months	2311	37	1094	14	1363	17
6 to 9 months	1205	19	927	12	985	12
9 to 12 months	524	8	863	11	1002	12
Over 12 months	862	14	2965	39	3251	38
Total	6276	100	7552	100	8175	100

The proportion of cases over 12 months old has now plateaued. It is expected this will reduce during the course of 2001-02. The capacity of the Tribunal to achieve this is in part dependent on the number of new applications being received that:

- require immediate attention in accordance with legislation (ie applications from persons in detention, visa cancellations and certain visitor visa refusals), or
- relate to shorter term onshore visa refusal cases that are generally dealt with ahead of other cases (this includes student visa refusals).

Processing Times

Average processing times vary enormously depending on the category of application being considered and the priority assigned to that category. For example, for cases finalised in the following categories during the 1999-00 and 2000-01 (to 31 May 01), the average processing time (ie the elapsed time between applying for review and the case being decided) was:

Category of application	1999-00	2000-01
bridging visa refusal -applicant in immigration detention (these applications are required to be finalised within 7 working days unless the applicant agrees to an extension of time)	13 calendar days	13 calendar days
student visa cancellation (the Migration Regulations require that work commence immediately on such applications)	4.6 months	4.4 months
visitor visa refusal (the Migration Regulations require that work commence immediately on certain cases in this category)	6 months	7 months
temporary business visa refusal (these cases are generally dealt with on the basis of oldest first)	9 months	15.4 months
partner visa refusal (these cases are generally dealt with on an oldest first basis)	12 months	15 months

These figures take into account that some of these finalised applications were originally lodged with the former IRT or MIRO.

The elapsed processing time for the latter two categories reflects that the Tribunal is focussing on finalising the oldest of these cases. During 1999-2000 when the Tribunal was recruiting staff and members and setting up its infrastructure and during the first half of 2001, the Tribunal was not keeping pace with the number of applications being lodged. This resulted in the aging of the Tribunal's caseload. However, with the increased number of case finalisations now being achieved, it is expected that processing times should be able to be reduced during 2001-2002.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(9) Migration Review Tribunal

Senator McKiernan (L&C 195) asked, “Does the Tribunal collect any statistics on the number of persons who appear before it who have the assistance of a migration agent and/or lawyer as opposed to those who do not have assistance?”

Answer:

During the period from 1 July 2000 to 31 May 2001, 5,775 applications were finalised. Of these, 3,460 (60%) were represented by a migration agent and/or lawyer.

However, the proportion of applicants represented varies according to the category of the review application. This ranges from a low of 37% of applicants seeking review of a decision to refuse a visitor visa (195 applicants out of 531) to a high of 77% for those seeking review of a decision to refuse a temporary business visa (476 out of 617).

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(10) Migration Review Tribunal

Senator Carr (L&C 197) asked, "Of the 1,334 student visa applicants, how many cases were found in favour of the student?"

Answer:

The figure of 1,334 refers to the number of review applications lodged in relation to the refusal or cancellation of a student visa during the period 1 July 2000 to 30 April 2001.

During the period from 1 July 2000 to 31 May 2001, 1,385 cases were decided by the MRT in relation to the refusal or cancellation of a student visa. In 745 cases the MRT decided in favour of the applicant and in 402 cases the decision was affirmed. A further 143 were finalised due to the application being withdrawn and another 95 found to be invalid applications.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(11) Output 1.3: Enforcement of Immigration Law

Senator Carr (L&C 200) asked for the number of students who have been in breach of their visa conditions for the financial year 2000-01.

Answer:

The number of Student visas cancelled for the financial year 2000-01 to the end of April 2001 is 3,232.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(12) Output 1.1: Non-Humanitarian Entry and Stay

Senator Carr (L&C 202) asked, "Of the 69 (former Astral students) who have gone to new providers, how many have gone to Bridge College?"

Answer:

The figure of 69 students referred to in the question is the total number of former Astral College students who met most of the Australian Council for Private Education and Training (ACPET) criteria for relocation to a new ACPET provider. Student Compliance advises that not all of the 69 Astral students met all of the ACPET criteria for relocation, as some had not paid their fees beyond Astral's closure date. If the fees were not paid in advance, ACPET referred the matter to DIMA, instead of placing them with another provider. Upon referral DIMA confirmed that the student visa holder had not breached condition 8202 ('satisfy course requirements') and then allowed them to transfer to another institution of their choice. Of the 69 former Astral College students that have gone to new providers, 24 students enrolled at Bridge Business College.

A Departmental officer from Student Investigations in Sydney attended Bridge College on 7 June 2001 and met with the Director of Studies at Bridge College. The Director advised that Bridge College had enrolled 24 students from the now defunct Astral College. DIMA's Student Investigations then assessed these 24 students.

The following is a breakdown of the current visa status of the 24 former Astral College students enrolled at Bridge College as supplied by the Department's Overseas Student Confirmation of Enrolment (CoE) system:

- 2 have had their visas cancelled (post their enrolment at Bridge College) for breach of condition 8202 ('satisfy course conditions') at Astral College and have since departed Australia;
- 2 are currently being considered for cancellation for breach of condition 8202 at Astral College;
- 3 have been interviewed in respect of visa cancellation and found to have abided by condition 8202 at Astral College. Student Compliance anticipates taking no further action;
- 13 have abided by condition 8202 at Astral College and have been granted new visas to attend Bridge College;

- 4 are currently unlawful non-citizens after having had their visas cancelled for breaching condition 8202 at Astral College.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(13) Output 1.1: Non-Humanitarian Entry and Stay

Senator Carr (L&C 203) asked, "Are the Directors of this college (Astral) in the country? When did you last have contact with them?"

Answer:

The Department's Movements database indicates that both directors of Astral College are in Australia.

Student Investigations in New South Wales advise that they met with the former principal of Astral College on 18 June 2001. Officers in the Department of Education Training and Youth Affairs (DETYA) have also met with him and have advised that they will be seeking to meet with the directors.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(14) Output 1.3: Enforcement of Immigration Law

Senator Carr (L&C 204) asked the Department to investigate the claim that 600 students were enrolled at Astral College.

Answer:

The Department has examined enrolment records for Astral College provided by DETYA and information supplied by ACPET and has found no evidence to support the allegation that 600 students were enrolled at Astral College at the time of its collapse.

The Department has also obtained copies of attendance records in respect of students previously enrolled at Astral College from the former Principal. This information was supplied following the issue of a production notice under Section 268BA of the *Migration Act 1958*. No new information was provided other than that already provided to ACPET and passed on to the Department.

ACPET had previously advised that 212 students were enrolled at Astral College at the time of its closure. DETYA records indicate that a further 22 students were granted visas to study at Astral College prior to its closure. Cancellation action has commenced in respect of those visas.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(15) Output 1.1: Non-Humanitarian Entry and Stay

Senator Carr (L&C 206) asked, "How do the Europeans do English proficiency testing? Do they have a different test? Do they apply the Cambridge test or do they apply the Oxbridge test?"

Answer:

The Cambridge test is known as the International English Language Testing System (IELTS). This test is jointly owned by the University of Cambridge Local Examinations Syndicate, IPD Education Australia and the British Council.

IDP Australia advises that the Oxbridge test does not exist as an English language proficiency test. The Oxbridge test assesses British secondary students seeking admission into Oxford or Cambridge universities.

The Test of English as a Foreign Language (TOEFL) is also widely used, and measures the ability of non-American speakers of English to understand North American English as it is used in college and university settings.

IRELAND

- The Irish Embassy advises that Irish educational institutions recognise the International English Language Testing System (IELTS) and the Test of English as a Foreign Language (TOEFL). Upon passing the required IELTS or TOEFL score, the educational institution would then authorise the student and offer them a place in a course. The Garda National Immigration Bureau (GNIB) then uses this written offer and, subject to meeting remaining criteria, may grant a student visa.

UNITED KINGDOM

- The British Home Office in London has advised that the British Council conducts all official language proficiency testing outside of the United Kingdom.
- The British Council in Sydney advises that IELTS and TOEFL are both recognised in the United Kingdom, although IELTS is more commonly used and is tested by the British Council. British educational institutions require a test of written English as well as the TOEFL if they do not undertake IELTS.

CANADA

- The Canadian High Commission in Canberra advises that both IELTS and TOEFL are recognised by Canadian educational institutions. However, Citizenship and Immigration Canada can not have a recognised standard English language proficiency test as there are no standard proficiency tests that test competency in French. Both English and French are weighed equally under Canadian law.

NEW ZEALAND

- The New Zealand Immigration Service (NZIS) advises that educational institutions in New Zealand recognise IELTS and TOEFL. Upon passing the required IELTS or TOEFL score, the educational institution would then authorise the student and offer them a place in a course. NZIS then uses this written offer and, subject to other remaining criteria, grant a student visa.

UNITED STATES

- The United States Embassy in Canberra advises that the English proficiency test used depends on the level of education being undertaken. For example, if an applicant seeks to undertake postgraduate studies in the United States, they must pass the Graduate Record Examination (GRE). The GRE tests a student's language comprehension and reasoning skills. The applicant must pass the GRE before being offered a place at an institution and applying for a student visa.

In Australia the preferred test of English language proficiency is IELTS. In the three highest risk assessment levels (3, 4 and 5), regulations require visa applicants to produce a suitable IELTS score to demonstrate English proficiency. There are provisions for the Minister to gazette an alternative test and score if circumstances demand it. Key criteria include the unavailability of IELTS tests, the rigour and integrity of the alternative test and any anti-fraud measures in place. DIMA has written to all its posts requesting that they consult with IELTS providers to identify markets where there may be insufficient IELTS testing capacity. No post has identified any shortages of testing capacity to date. The ability to test English proficiency has been a feature of the student visa program for many years and is an immigration integrity measure for citizens of countries that present a high risk of immigration abuse. English language proficiency can be a relevant factor when determining the ability of an applicant to meet the conditions of a student visa (particularly condition 8202 'satisfy course requirements').

The introduction of an IELTS test as the standard English test introduces greater consistency, transparency and rigour to the English language proficiency requirements as well as greater integrity. IDP Education Australia has advised that the advantage of the IELTS test is that it ensures an accurate reflection of the applicant's English language proficiency. The integrity of the IELTS test exists in its mode of testing. If failed, or an unsatisfactory result is achieved, the IELTS test can only be resat within a certain period of time. This means therefore that an IELTS test cannot be resat repeatedly within a short period of time. This ensures that an applicant is less able to perfect their answers by 'cramming'.

The operating environment for IELTS changed on 1 April 2001. As a consequence, the IELTS market in PRC, for example, has increased from three to seventeen test centres. IDP Australia, who manages IELTS in the PRC, does not anticipate any trouble in meeting anticipated demand. In 2000 there were more than 21,000 candidates for IELTS in the PRC and IELTS test centres coped with what has been an appreciable increase in applicants over the last three years. IELTS is experiencing a 35%+ annual growth in test candidature worldwide and are developing systems and processes to ensure that this demand can be met.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(16) Output 1.1: Non-Humanitarian Entry and Stay

Senator Carr (L&C 206) asked, "Is it the same criteria that are applied by OECD countries – comparable countries – in terms of their English language tests?"

Answer:

There are five major OECD member states whose educational institutions teach in English – Canada, Ireland, New Zealand, the United Kingdom and the United States.

CANADA

- The Canadian High Commission in Canberra advises that Citizenship and Immigration Canada does not have a recognised standard English language proficiency test for student applicants. Immigration officers can request an applicant to attend an interview with them to determine their language proficiency. This often increases the time taken to make a decision on an application and the applicant may incur a significant travel cost to the Canadian mission. No formal written testing is done. While there are many proficiency tests assessing English competency, there are none that test competency in French. Both English and French are weighed equally under Canadian law.
- The Canadian High Commission advises that each institution sets its own English language proficiency standards. The institutions themselves need to be satisfied that the applicant has the required level of English proficiency before they will confirm the applicant's place at their institution.

IRELAND

- The Irish Embassy in Canberra advises that all English language proficiency testing is conducted by the educational institution during the application process for the course. The educational institution would then authorise the student and offer them a place in a course. The Irish Embassy would then grant a student visa based on this offer.
- Irish immigration officials have the right to refuse entry to a student on arrival in Ireland if they consider that the student's level of English language proficiency is insufficient to undertake studies in the nominated course. This assessment is usually undertaken on the basis of an interview.

NEW ZEALAND

- The New Zealand Immigration Service (NZIS) advises that applicants seeking to study at an institution in New Zealand need to satisfy the English language proficiency requirements that are set by the education institution. NZIS does not require student applicants to undertake English language proficiency tests as a part of their application process. The institutions themselves need to be satisfied that a student has the required level of English proficiency before they will confirm the applicant's place at their institution. This confirmation is required in order for the applicant to be granted a student visa.

UNITED KINGDOM

- The British Home Office advises that for nationals who require visas to enter the United Kingdom, the Entry Clearance Officer must be satisfied that the student applicant has the required English proficiency for the approved course. If the officer is not satisfied that the applicant has an acceptable standard of English, the applicant is referred to the British Council to undertake English language testing or the applicant could be refused.
- The Home Office also advised that for those students who do not require visas to enter the United Kingdom, the Immigration Official at the point of entry makes an initial assessment on their English proficiency. If the official is not satisfied that the person has a satisfactory level of English, they are allowed into the country provided that the educational institution conducts proficiency testing and reports the results to the Home Office.

UNITED STATES

- The United States Embassy advised that the niche market for the United States is postgraduate students. To be accepted into a Graduate School, the applicant must satisfactorily pass the Graduate Record Examination (GRE). This examination is only conducted in English. In order to pass the GRE, the applicant must have a high proficiency in English. It is only after the applicant has passed the GRE that they can lodge an application for a student visa to attend a post graduate institution.
- If the applicant does not intend to undertake postgraduate studies, the education institution conducts the English language proficiency testing or enrolls the applicant in an English language course prior to offering the applicant a place. It is only if the applicant is proficient in English or enrolled in an English language course that they will be granted a student visa for the United States.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(17) Output 1.3: Enforcement of Immigration Law

Senator Carr (L&C 206) asked, "Are you able to tell me whether or not there are any recruitment activities taking place within the Maribyrnong detention centre by employers or labour hire companies, or by any other people?"

Answer:

There are no formal recruitment activities permitted in the Centre, and DIMA does not undertake such activities.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(18) Output 1.1: Non-Humanitarian Entry and Stay

Senator Carr (L&C 209) asked, "Can we have details of the 14 cases that have raised their adverse treatment with the Department and how many workers were involved in each case? What action was taken by the Department in each of those cases? Could I also get advice on the period 1998-99?"

Answer:

Details of the 14 cases of alleged exploitation in 2000-01 are provided in the attached table.

Statistics on instances of alleged exploitation of long stay temporary business visa (subclass 457) holders were not separately maintained in 1998-99. The only means to extract this data would be a manual check of all sponsorship files for that period. This would be a very substantial task as around 10,000 sponsors and around 30,000 subclass 457 visas are granted each year.

**SUMMARY OF
CASES OF
ALLEGED
EXPLOITATION
INVOLVING 457
VISA HOLDERS
2000/01**

Case/employer	State	Summary of allegation	Depart
Korean tilers	NSW	Allegation that employer/subcontractor had assaulted one of the Korean tilers	Inquiries into this matter have been made. A report has been lodged into the ICSE. Further information to understand still to be made as to whether the employer should be charged. We have not been advised whether an employee or subcontractor has been site visited.
Restaurant	NSW	Sri Lankan chef claimed to have been exploited by employer: worked 51 hours per week but only paid for 38, payment below the award rate (\$546 net per week), employer did not meet full cost of medical insurance	Interview conducted at new place of work. ICSE as client of concern but no further action is subject of possible visa cancellation.
Hotel	NSW	Allegation from LHMU that Indonesian and Hong Kong housekeeping staff were being employed at below award rates.	Department contacted hotel manager and DEWRSB for advice on whether there was a breach of relevant award. DEWRSB has advised there is no breach, but has voluntarily rectified the situation. A letter has been sent to the hotel seeking confirmation that the award should not be cancelled.
Temple workers	NSW	Employer of 8 temple workers had employed workers in breach of relevant award, Australian conditions of employment and OH&S legislation. Workers were housed in sub-standard accommodation.	Interviews held with workers and employer. DIR and ATO. Letter sent to employer stating standing should not be cancelled. Arrangements between parties and workers.
Hairdresser	QLD	In November 2000 had a hairdresser complaining of being exploited re wages. He was not prepared to make a formal complaint and left A/a shortly afterwards.	Sponsor was noted on ICSE (no further action date). Visa holder advised that he was not prepared to make a formal complaint and left A/a shortly afterwards.
Case/employer	State	Summary of allegation	

Restaurant	QLD	Allegation received from 4 Indian chefs that they had been paid less than agreed salary and had been threatened and intimidated by employer. Employer also alleged to have held passports of workers.	Interviews held with chefs in India. Sponsor has sponsorship undertakings.
Restaurant	SA	Chef applying to change employer made significant allegations against his previous employer in Sydney	Matter is currently under investigation and referred
Restaurant	SA	Malaysian chef alleged exploitation by his sponsor.	Matter is currently under investigation and referred
Restaurant	SA	Chef stated he was overworked, underpaid, medical treatment not provided, charged an "immigration bond" by the employer.	Details of alleged bond referred to DIMA fast tracked a charge
Religious Society	SA	General allegation of underpayment/adverse employment conditions	Matter resolved by employer. Details of employer.
Restaurant	SA	General allegation of underpayment/adverse employment conditions	Matter resolved by employer.
Restaurant	SA	General allegation of underpayment/adverse employment conditions	Matter resolved by employer.
Czech tunnel diggers	TAS	Dob-in received from CFMEU concerning micro tunnelling in Devonport with allegation that the company was not paying the award rate.	Site visit was undertaken by CFMEU. Unable to substantiate claim. Site visit was undertaken in March 2008 and completed in December 2008.
Temple Workers	ACT	CFMEU alleged that workers at a temple site may be working for below award wages	The department refused a sponsor's application to doubts that they could meet the needs of the workers. This decision was overturned by Departmental officers. The sponsor's management and workers

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(19) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan (L&C 218) asked, "What is the average delay between the date of lodgement and the queue date allocated to applicants for aged parent migration?"

Answer:

Median Processing time to Queue date
Offshore and Onshore Parent Visas (Subclasses 103 & 804)

Period	Persons Queued	Median processing time to Q date (Weeks)
1/9/2000 – 28/2/2001	1,291	116

Note: Offshore Parents (Subclass 103) includes both aged and working age parents.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(20) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan (L&C 218) asked, "How much revenue is the consolidated revenue fund holding in terms of application fees relating to the aged parent class?"

Answer:

Estimated number of parent cases in the pipeline as at 31 May 2001 where a first instalment of the Visa Application Charge (VAC) was paid: = 12,328

Estimate of the total amount of the first Instalment of the VAC collected by DIMA: = **A\$ 13.4 million**

The VAC is a charge for each application (case) and not for individual applicants. Application charges have varied over time. The estimated number of parent cases includes both aged and working age parents offshore as they are in the same visa subclass (subclass103). Onshore application is only available to aged parents (subclass 804).

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(21) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan (L&C 226) asked, "Are you able to provide the committee with any details on the number of 457 visas that have been issued to workers in the building industry?"

Answer:

Building workers form a minor part of the "construction" industry group. In 2000-01 to end March a total of 651 nomination applications (3.4% of total nominations) were lodged by employers in the "construction" industry seeking to fill vacancies with overseas workers on a temporary basis. The majority of positions nominated in this industry relate to professional or associate professional occupations such as building and electrical engineers.

Looking just at "building" workers, departmental data shows that in 2000-01 to end March there were 21 subclass 457 visa applications lodged overseas for workers in the "building" occupations (ASCO minor group 44) including bricklayer, stonemason, carpenter/joiner, tiler and plasterer. Eleven were approved, 7 were refused and 3 withdrawn before a decision was made (this can occur when an employer withdraws their support for their nominee or an applicant realises that they cannot satisfy the regulatory criteria to be granted a visa).

Figures for onshore visa grants by occupation are not yet readily available. However, by assuming the same occupational breakdown onshore for subclass 457 visa grants that exists overseas, the Department estimates that it will grant between 50 to 100 subclass 457 visas (up to 0.5% of total visa grants to primary applicants) to building industry workers (ASCO minor group 44) in 2000-01.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(22) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Cooney (L&C 228) asked:

- (a) What proportion of the IAAAS remote detention centre referrals of asylum seekers has gone to the two main private contractors?
- (b) What proportion has gone to the community providers and why?

Answer:

(a) Eighty seven percent of the IAAAS remote detention centre (Port Hedland, Woomera and Curtin) asylum seekers were referred to the two main private contractors between 1 July 2000 and 30 April 2001.

(b) Four per cent of the asylum seekers were referred to the sole community IAAAS provider between 1 July 2000 and 30 April 2001.

The remaining nine percent of asylum seekers were referred to the third private contractor and the sole government organisation contracted to provide IAAAS services in IRPCs in the period 1 July 2000 to 30 April 2001.

Following an open tender process in 1999, 5 contractors (3 private, 1 government and 1 community) were selected to form a panel of providers to deliver IAAAS services to protection visa (PV) applicants at Port Hedland. With the opening of additional IRPCs at Curtin and Woomera these providers are now available to deliver services at these centres.

The Department refers cases to contractors on the basis of a range of operational, pricing and performance factors. This includes the contractor's capacity to provide the services within the processing timeframes and lead times required by DIMA to minimise the time people spend in detention before receiving a PV decision.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(23) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Cooney (L&C 228) asked, "What proportion of the total IAAAS allocation, including detention centre cases, went to community and non-profit organisations?"

Answer:

Ten percent of total IAAAS expenditure went to community and non-profit organisations for the period 1 July 2000 until 15 June 2001.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(24) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Cooney (L&C 228) asked:

- a) How many asylum seekers in the community were provided with full application assistance under the IAAAS last year and, of these, how many disadvantaged migrants?
- (b) What is the per state breakdown?

Answer:

(a) A total of 316 asylum seekers in the community were provided with full application assistance during the period 1 July 2000 - 15 June 2001. Providers target this assistance to the most needy applicants, taking into account such factors as financial hardship and whether the applicant can afford or obtain the services of a registered migration agent, or whether the applicant has suffered torture and trauma and whether they have a case of merit.

(b) The State breakdown is as follows:

State	No of asylum seekers who received Full Application Assistance
NSW	133
VIC	146
QLD	21
SA	8
WA	8
TAS	
Total	316

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(25) Output 1.3: Enforcement of Immigration Law

Senator Cooney (L&C 228) asked, "What percentage of the estimated \$140 per day for an asylum seeker in detention is spent on security?"

Answer:

The Department pays Australian Correctional Management on a per diem basis for the totality of the services they provide.

It is not possible to identify the 'security' component separately from other services such as catering or medical services.

In addition, some of the Departmental costs are security related, for example the cost of infrastructure such as fencing. These costs are not calculated on a per detainee basis.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(26) Output 1.3: Enforcement of Immigration law

Senator Cooney (L&C 228) asked, " How many breaches of the performance agreement did ACM incur last year, and what were they?"

Answer:

In 2000, penalty points were applied against Immigration Detention Standards 48 times in quarterly assessments of ACM performance. These occurred against the following Immigration Detention Standards:

Privacy; Selection & Training of Personnel; Management & Security of detention facility; Management of detainees; Monitoring & Reporting; Individual Care Needs; and, Safety.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(27) Output 1.3: Enforcement of Immigration Law

Senator Cooney (L&C 228) asked, " How many asylum seekers from remote detention centres were released on bridging visas on account of torture/trauma last year?"

Answer:

No unauthorised arrivals were released on bridging visas from remote detention facilities on account of torture or trauma in 1999-2000, or in the current financial year.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(28) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Cooney (L&C 228) asked, " How many overseas police clearance requests for asylum seekers in detention have disclosed a criminal conviction?"

Answer:

Departmental systems do not reliably track this level of detail. However, consultation with State processing areas has indicated at least three cases in the last year of asylum seekers in detention having overseas criminal convictions.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(29) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Cooney (L&C 228) asked, " How many 200 visa class refugees did Australia accept from Burma in 2000-01 and what proportion of the overall program is this?"

Answer:

Of the total of 7 392 visas of all subclasses granted under the offshore component of the Humanitarian Program so far in 2000-01, 3 286 were subclass 200 (Refugee) visas, of which 47 went to Burmese nationals. As in previous years, a total of 150 places (50 under the Refugee category, 50 under the Special Humanitarian Program and 50 under the Special Assistance Category) have been set aside for Burmese nationals in 2000-01. As at the end of May this year, 125 of those places (47 Refugee, 28 SHP and 50 SAC) had been filled.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(30) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 228) asked what the top 10 source countries of successful onshore protection visa applicants were within this financial year.

Answer:

The top 10 source countries are as follows:

Afghanistan	2189	
Iraq	2117	
Iran	172	
Federal Republic of Yugoslavia		100
Sri Lanka	77	
Stateless	46	
Palestinian Authority		40
Pakistan	35	
Turkey	29	
Russian Federation		21

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(31) Output 1.3: Enforcement of Immigration Law

Senators McKiernan and Ludwig (L&C 229) asked:

- a) How many unaccompanied minors do we still have in detention?
- b) Could you provide the age and gender of those children and the distinction of whether they have a near relative with them or they are in fact unaccompanied minors in the sense that they are alone and without relatives in the country?
- c) Could you provide the length of time they have been in detention and the stage of processing of their protection visas?
- d) Could you provide details of the number, if any, who have been screened out of the process and the number who have gone through all stages of the review process and been rejected?

Answer:

The term Unaccompanied Humanitarian Minors includes the following categories of children:

- Minors who have no parents in Australia but who are being cared for by an adult relative (detached minors);
- Minors whose care relationship in (a) has broken down (isolated detached minors);
- Minors who have no parents or adult relatives to care for them in Australia (unattached minors). Most children in this category will be wards of the Minister for Immigration and Multicultural Affairs in accordance with the *Immigration (Guardianship of Children) Act 1946* (IGOC Act).

a) There were 84 unaccompanied minors in detention as on 12 June 2001. Of these 84 unaccompanied minors 5 were detached and 79 were unattached minors

b) The Table below provides figures on the age gender and

familial attachment of unaccompanied minors in detention.

Age in years	6	10	11	12	13	14	15	16	17	Total
Detached Males	1	0	0	0	1	0	0	1	2	5
Unattached Males	0	1	1	1	4	5	4	24	36	76
Total Males	1	1	1	1	5	5	4	25	38	81
Detached Females	0	0	0	0	0	0	0	0	0	0
Unattached Females	0	0	0	0	0	1	1	0	1	3
Total Females	0	0	0	0	0	1	1	0	1	3
Total	1	1	1	1	5	6	5	25	39	84

c) The following is a summary of the unaccompanied minors by gender and their length of time in detention:

Length of Detention as on 12 June 2001	Female	Male	Total
< 1 Month	2	19	21
1 – 3 Months	0	39	39
3 – 6 Months	1	19	20
6 – 12 Months	0	2	2
> 12 Months	0	2	2
Total	3	81	84

The following is a summary of the number of unaccompanied minors at the various stages of processing.

Stage of Processing	No. of Detainees
Recent Unauthorised Arrivals	7
Screened Out	8
Onhand Primary	49
Onhand Review	10
Within Review Lodgement Window	2
Remitted Review - Awaiting Grant	1
Affirmed Review - No. s417	2
Judicial Review	4
Finalised Primary - No Review	1
Total	84

d) 8 unaccompanied minors were screened out. 1 unaccompanied minor has gone through all stages of the review process and has been rejected, and is therefore awaiting removal pending travel documentation.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(32) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 234) asked for the processing times from date of lodgement to finalisation for the offshore humanitarian program at a sample of posts.

Answer:

As of 31 May 2001, the following are average processing times in weeks for Refugee and Humanitarian Program visa classes across a sample of posts.

Ankara	55 weeks
Athens	48 weeks
Beirut	67 weeks
Belgrade	39 weeks
Cairo	65 weeks
Islamabad	43 weeks
Nairobi	50 weeks
New Delhi	87 weeks
Vienna	50 weeks

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(33) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 236) asked for the notional allocations for Iraqis by posts.

Answer:

Notional allocations are made on the basis of regions rather than nationalities. The notional allocations for 2001-02 for the Middle East and South West Asia by post are contained in the following table. It is estimated that approximately 35% of the total allocation will be to Afghans, 30% will be to Iraqis and 25% to Iranians. The balance is for Ahmadis and others who have been identified as being in need of resettlement.

Middle East and South West Asia Allocations			
Posts	2001-2002 (Proposed Numbers)		
	Ref	SHP	Total
Ankara	340	220	560
Athens	180	250	430
Beirut	350	270	620
New Delhi	80	50	130
Islamabad	370	330	700
Total	1,320	1,120	2,440

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(34) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 239) asked, " that the committee be kept further informed by way of taking on notice the ... [Attorney-General's proposal to use the Federal Magistrates Service to undertake judicial review of immigration cases] and responding in the time frame that the committee sets for the return of questions that are taken on notice" .

Answer:

Officers from the Department of Immigration and Multicultural Affairs and the Attorney-General's Department are currently examining whether it is appropriate for the Federal Magistrates Service to undertake judicial review of immigration cases. The Departments will provide advice to their Ministers on this matter when their examination is completed.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(35) Refugee Review Tribunal

Senator McKiernan (L&C 244) asked for the processing times of applications before the Tribunal from lodgement to finalisation.

Answer:

Please see the attached table "Timeliness of Decisions Finalised between 1 July 1995 and 31 May 2001" .

RRT: Timeliness of Decisions Finalised between 1 July 1995 and 31 May 2001

Financial Year	EFT**	Lodgements	Decisions	Lodgement* to Constitution	Constitution* to Decision	Lodgement* to Decision
1995/96	45	4,013	3,380	188.2	180.3	368.5
1996/97	36.5	7,593	4,246	224.4	115.3	339.7
1997/98	45.5	7,383	6,504	211.4	80.2	291.5
1998/99	45.7	5,432	6,527	304.9	90.4	395.3
1999/00	45.5	6,133	6,193	315.0	87.8	402.8
2000/01	43.1	6,057	5,123	227.0	94.3	321.2
Total		36,611	31,973	252.3	101.2	353.5

* Average number of days. **Effective full-time Members.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(36) Refugee Review Tribunal

Senator Ludwig (L&C 248) asked, " Has your area been consulted in relation to the use of the Federal Magistrates Service for immigration work?"

Answer:

No.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(37) Refugee Review Tribunal

Senator McKiernan (L&C 249) asked for information on the applicants and the backlog by top 10 nationalities, and the set aside rates and refusal rates by nationality.

Answer:

Please see the attached table " Top 10 Countries Finalised by Priority and Decision" .

RRT: Top 10 Countries Finalised by Priority and Decision

For All Decisions Finalised between 1 July 2000 and 30 April 2001

Country	Set Aside	Affirmed	Other*	Total	% Set Aside
Detention					
IRAN	43	144	2	189	22.8
IRAQ	88	31	0	119	73.9
AFGHANISTAN	45	29	0	74	60.8
SYRIA	12	12	0	24	50.0
PEOPLE'S REPUBLIC OF CHINA	2	18	3	23	8.7
STATELESS	6	16	0	22	27.3
SRI LANKA	9	9	1	19	47.4
PALESTINE (SO STATED)	2	13	0	15	13.3
BANGLADESH	0	11	1	12	0.0
INDIA	0	10	2	12	0.0
Other	20	97	4	121	16.5
<i>Total</i>	227	390	13	630	36.0
Non-Detention					
INDONESIA	4	754	106	864	0.5
PEOPLE'S REPUBLIC OF CHINA	12	622	30	664	1.8
PHILIPPINES	0	408	24	432	0.0
SRI LANKA	54	201	8	263	20.5
INDIA	6	211	42	259	2.3
MALAYSIA	0	138	11	149	0.0
FIJI	0	122	17	139	0.0
BURMA (MYANMAR)	63	67	3	133	47.4
THAILAND	0	129	3	132	0.0
SOUTH KOREA	0	86	7	93	0.0
Other	115	663	61	839	13.7
<i>Total</i>	254	3,401	312	3,967	6.4
Total	481	3,791	325	4,597	10.5

* Other includes 'No Jurisdiction', 'Set Aside - Invalid' and 'Departed Australia'

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(38) Output 1.3: Enforcement of Immigration Law

Senator Cooney (L&C 260) asked whether advice was sought from the DPP about the statements made to the press concerning the arrest of 22 people at Port Hedland.

Answer:

The Department issued a media release on Saturday 26 May 2001, entitled *Detainees charged over detention centre riot* about the operation to charge 22 detainees in relation to their involvement in a riot at the Centre on Friday 11 May and to remove them from the Port Hedland detention facility to the South Hedland Police lockup.

The release said it had been a combined operation by the Western Australia Police Service, Australian Federal Police, the Department of Immigration and Multicultural Affairs, Australasian Correctional Management and Australian Protective Services.

The release was cleared by the Department and the Western Australian Police media unit. The police media unit was also advised of media talking points used by the Department to respond to media enquiries on the issue.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 MAY 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(39) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update of Question on Notice No. 56 asked by Senator Schacht in February 2001 concerning bridging visas.

What is the average length of time of a bridging visa - those that are granted to give them a chance to make arrangements to leave the country - a month, 28 days?

Answer:

The average length of Bridging E visas (financial year 2000-2001 to 31 May 2001) issued on the basis that the holder was making, or is the subject of, acceptable arrangements to depart Australia, was 13.5 days.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(40) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update on question on notice number 61 asked by Senator McKiernan in February 2001, pertaining to prosecutions for people smuggling offences under sections 232A and 233 of the Migration Act 1958.

- (a) How many people have been prosecuted for their involvement in people trafficking activities?
- (b) Along with the number of prosecutions, can you provide me with the number of convictions that have been secured?
- (c) The penalties that go with those convictions?
- (d) The nationalities of the persons who were convicted of people smuggling or indeed the countries they have been operating in?
- (e) If the persons were charged whilst in Australia, can you inform the Committee what form of publicly funded legal assistance they are receiving, if they are receiving any?

Answer:

(a) According to the DPP in Western Australia and the Northern Territory, between the previous update in February 2001 and 15 May 2001, 37 members of Indonesian boat crews were detained for offences against Sections 232A and 233 of the Migration Act 1958.

- Of the 37 boat crew detained, all have been prosecuted as of 15 May 2001;
- 29 of the 37 boat crew detained were juveniles.

(b) Between the previous update in February 2001 and 15 May 2001, there have been 14 convictions for offences against Sections 232A and 233 of the Migration Act 1958.

(c) Penalties under the Migration Act 1958:

- Section 233. Penalty: Imprisonment for 10 years or 1,000 penalty units, or both.
- Section 232A. Penalty: Imprisonment for 20 years or 2,000 penalty units, or both.

Juveniles have generally been given lighter sentences, the most common being a six-month suspended sentence or a good behaviour bond with a condition not to enter Australia for five years.

One significant penalty recently handed down in the Northern Territory was six years imprisonment, with a non-parole period of three years.

In Western Australia, the longest sentence has been seven years, given to the skipper of the *Donnybrook*, which arrived on 1 February 2000, carrying 282 passengers.

(d) All boat crew members prosecuted and convicted between February 2001 and 15 May 2001 have been Indonesian nationals on boats arriving from Indonesia.

(e) The Australian Federal Police and the Director of Public Prosecutions have advised that at the time of arrest boat crews are offered legal aid. They all have legal aid when they first attend court and during the entire court process.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 MAY 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(41) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update of Question on Notice No. 57 asked by Senator Schacht in February 2001 concerning overstayer numbers.

- a) Are most of the overstayers that you catch of that nature - that have been here for only a short time after the visa ran out - or are you catching people who have been here for years as overstayers?

- b) Have the three quarters who are not caught been here for a long time? Is it possible to give, of the approximately 50,000 illegal overstayers, the time? Is it 10 per cent that have been here illegally for five years and just disappeared into the community?

Answer:

- a) For the financial year 2000-01 to 31 May 2001, the department located 6,848 overstayers in field operations.

The table below shows length of overstaying for these overstayers.

	Numbers	%
1 year or less	4726	69.01
More than 1 year, up to 2 years	999	14.59
More than 2 years, up to 3 years	537	7.84
More than 3 years, up to 4 years	306	4.47
More than 4 years, up to 5 years	116	1.69
More than 5 years, up to 6 years	69	1.01
More than 6 years, up to 7 years	30	0.44
More than 7 years, up to 8 years	15	0.22
More than 8 years, up to 9 years	9	0.13
More than 9 years, up to 10 years	7	0.10
More than 10 Years	34	0.50
Total	6848	100.00

b) At 31 December 2000 there were an estimated 58,674 overstayers which represented a slight decrease (0.12%) over the June 2000 total of 58,748. The length of overstaying is shown in the table below.

	Numbers	%
12 months or less	15963	27.20
Between 1 and 2 years	8177	13.94
Between 2 and 3 years	5414	9.23
Between 3 and 4 years	3968	6.76
Between 4 and 5 years	2457	4.19
Between 5 and 6 years	1803	3.07
Between 6 and 7 years	1705	2.91
Between 7 and 8 years	1354	2.31
Between 8 and 9 years	1324	2.26
Between 9 and 10 years	2119	3.61
More than 10 years	14390	24.53
Total	58674	100.00

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 MAY 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(42) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update of Question on Notice No. 58 asked by Senator Schacht in February 2001 concerning detection of overstayers.

How many are actually - after you detect them as overstayers - defined as being risky: people who, if you gave them a bridging visa, would just disappear back into the community until next time they were unlucky enough, in their view, to be caught again? At any one stage, do we have 50 of these people detained as overstayers who are a risk until we get them out of the country? Is it 500? I just want to get a rough idea of what we are dealing with.

Answer:

For the financial year 2000-01 to 15 June 2001, the Department located 6,853 overstayers in field operations. Of these:

- 5,296 were granted Bridging Visas
- 1,557 were not granted Bridging Visas and were detained.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(43) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update of Question on Notice No. 59 that was asked by Senator Schacht in February 2001 concerning UK overstay rates.

Of that 5,000 (UK overstayers), how many are literally the backpackers who stayed an extra month and how many have just disappeared into the system for years?

Answer:

- (1) At 31 December 2001 there were an estimated 6,161 UK overstayers in Australia. The following table shows the length of overstay of those 6,161 UK citizens.

Length of overstay	All UK Overstayers (irrespective of age)
One Month or less	360
More than 1 month, up to 3 months	311
More than 3 months, up to 6 months	324
More than 6 months, up to 1 year	710
More than 1 year, up to 2 years	735
More than 2 years, up to 3 years	441
More than 3 years, up to 4 years	376
More than 4 years, up to 5 years	264
More than 5 years, up to 6 years	205
More than 6 years, up to 7 years	248
More than 7 years, up to 8 years	189
More than 8 years, up to 9 years	182
More than 9 years, up to 10 years	246
More than 10 years	1570
TOTAL:	6161

- (2) There is no visa category for backpackers as such, but generally young people from the UK aged between 18 and 30 who backpack in Australia hold Working Holiday Maker or Tourist-Visitor visas.

At 31 December 2001 the Department's records show that:

- 447 UK Working Holiday Makers (WHM) and
- 492 UK Tourist Visitors aged between 18 and 30, were overstayers.

The table below shows the length of overstaying of these two groups.

Length of overstaying	WHMs	Tourists (aged 18-30)
less than 1 month	56	89
1 to 3 months	54	65
3 to 6 months	49	48
6 to 12 months	98	58
more than 12 months	190	232
Totals	447	492

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(44) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update of Question on Notice No. 76 asked by Senator Schacht in February 2001 concerning Olympic sports overstayers.

Can I have a breakdown of the sports (Olympic Overstayers)?

Answer:

As at 31 May 2001, the Department's records indicate that there were 25 Olympic athletes in Australia unlawfully. While DIMA records do not specify which sport athletes competed in, we have sought information from other sources and identified the sport for all except two athletes who have overstayed. A break down of sport type and number is outlined below.

Breakdown of Athlete Type

Sport	Number
Athlete (not specified)	2
Boxing	6
Cycling	1
Hockey	1
Judo	1
Kayak	1
Rowing	1
Swimming	3
Table Tennis	1
Taekwondo	1
Track & Field	6
Weight Lifter	1
Total	25

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(45) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update on Question on Notice No. 77 asked by Senator Schacht in February 2001 concerning 'other' Olympic position holders.

Provide any information about the 'other' Olympic position holders, including which countries they came from.

Answer:

DIMA records (as at 31 May 2001) show that people from the following countries in the 'other' category have not left Australia. It is not possible to identify the individuals by the role they held in the Olympics as any further information regarding the position these people held may lead to identification and hence is confidential.

Citizenship	Number
Ecuador	1
Equatorial Guinea	1
Ethiopia	1
Germany	1
Moldova	1
Mongolia	1
Nauru	2
Somalia	1
Sudan	1
Slovakia	1
Tonga	2
United Kingdom	1
Total	14

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(46) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 263) asked for an update of the figures in relation to question on notice 81 concerning the number of nationals that would be affected as a result of the negotiations with Vietnam:

Answer:

As at 15 June 2001 thirty-one Vietnamese nationals whose deportation has been ordered or whose permanent visa has been cancelled because of crimes they have committed in Australia are in detention under the Migration Act 1958. This is the group that would be immediately affected by the conclusion of negotiations with Vietnam.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(47) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked (L&C 264), in relation to question on notice 82 asked by Senator McKiernan in February 2001:

Provide a breakdown of nationals that are held in prisons awaiting deportation by state and by length of stay.

Answer:

The number of persons, by nationality, held in custody under the Migration Act 1958 in prisons and awaiting removal because of crimes committed in Australia as at 15 June 2001 is:

NSW	PERIOD AWAITING REMOVAL					Total
	0-1 month	1-3 months	3-6 months	9-12 months	> 1 year	
Cuban					1	1
Iranian					1	1
Romanian					1	1
Turkish					1	1
Vietnamese		1	1	1	17	20
Yugoslavian					1	1
QLD						
New Zealander			2	1		3
Vietnamese					4	4
SA						
Vietnamese		1			1	2
Yugoslavian					1	1
VIC						
Cambodian					1	1
Iranian					1	1
Vietnamese		1			2	3
WA						
Chilean					1	1
German					1	1
Polish					1	1
British			1			1
Vietnamese					2	2
					Grand Total	46

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(48) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 264) asked for the cost of each bill for the detention of detainees in state correctional institutions.

Answer:

For immigration detainees in State correctional facilities in the financial year 2000-01 to date, the Department has so far been charged the following:

NSW	\$1.368million
VIC	\$0.358 million
QLD	\$0.524 million
WA	no invoices submitted
SA	\$0.471 million
TAS	\$0.023 million
NT	\$0.024 million
ACT	no invoices submitted

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(49) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 265-266) asked that the Committee be provided with any booklet the Department has produced since January and provide information on what booklets are going to be produced in the future for use in the Middle East or elsewhere in combating people smuggling. If this information is not available, broadly outline the areas that will be targeted in future campaigns.

Answer:

Since January 2001 the Department has not produced any booklets.

The overseas information campaign will continue to be developed in ways which are appropriate to the changing circumstances. For example, the Department is currently working with the International Organisation for Migration (IOM) to investigate the feasibility of, and possible approach to, an information campaign to counter people smuggling in the Middle East and South West Asia. This campaign will be developed by the IOM in cooperation with authorities in the target countries and the support of a range of destination countries for irregular migrants will be sought.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(50) Output 1.4: Safe Haven

Senator Ludwig (L&C 266) asked for an update to the figures in relation to question on notice no. 88 concerning detailed costings on what occurred in Safe Havens, including ongoing costs.

Answer:

The answer given in relation to question on notice no. 88 asked by Senator McKiernan at the Committee's consideration of the 2000-01 Additional Budget Estimate in February 2001 related to the safe haven operations for Kosovo people only. It was stated that the cost to DIMA was estimated at \$46.9 million. Subsequent to the provision of this response, DIMA has been working progressively to close off outstanding accounting issues for the safe haven operations. This includes the attribution of overheads. The total estimated cost for the Kosovo component of the safe haven taskforce is assessed at \$46.7m as at 31 May 2001.

In addition to the Kosovo safe haven operation, Australia also provided safe haven for 1,936 displaced East Timorese people during 1999-2000. The cost of providing safe haven for these people is estimated at \$8.9m, bringing the total estimated cost to DIMA of the safe haven operations since their commencement in 1998-99 to \$55.6m as at 31 May 2001.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(51) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 266) asked for an update of the figures in relation to question on notice 53 concerning the forcible medical treatment of hunger strikers.

Answer:

The Senator's request relates to information provided for a previous question. Data included have been obtained since 10 March 2001.

The question is taken to relate to Migration Regulation 5.35, which covers the medical treatment of persons in detention under the Act.

(1) In this regulation:

Detainee

Means a person held at a detention centre in detention under the Act;

Medical treatment includes:

- (a) the administration of the nourishment of fluids; and
- (b) treatment in a hospital

(2) The Secretary may authorise medical treatment to be given to a detainee if:

- (a) the Secretary, acting in person and on the written advice of:
 - (i) a Commonwealth Medical Officer; or
 - (ii) another registered medical practitioner;

forms the opinion that:

- (iii) that detainee needs medical treatment; and
- (iv) if medical treatment is not given to that detainee, there will be a serious risk to his or her life or health; and

(b) that detainee fails to give, refuses to give, or is not reasonably capable of giving, consent to the medical treatment

(3) An authorisation by the Secretary under subregulation (2) is authority for the use of reasonable force (including

the reasonable use of restraint and sedatives) for the purpose of giving medical treatment to a detainee.

- (4) A detainee to whom medical treatment is given under an authorisation under subregulation (2) is taken for all purposes to have consented to the treatment.
- (5) Medical treatment that is given under an authorisation under subregulation (2) must be given by, or in the presence of, a registered medical practitioner.
- (6) Nothing in this regulation authorises the Secretary to require a registered medical practitioner to act in a way contrary to the ethical, moral or religious convictions of that medical practitioner.

Previous records for the period 1 January 2000 until 10 Mar 2001 show the regulation was used for the rehydration of 29 detainees on hunger strikes. The updated information shows the regulation has been used for the rehydration of 8 detainees on hunger strikes since 10 March 2001:

	<u>1 Jan 2000 - 10 March 2001</u>		<u>10 March 2001 - 18</u>
	<u>June 2001</u>		
Villawood IDC	14 people	0	
Woomera IRPC	14 people	0	
Port Hedland IRPC	0		1
Perth IDC	0	1	
Maribyrnong IDC	0		0
Curtin IRPC	1 person		6

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(52) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 266) asked for the overall cost of detention by centre and the cost per detainee per day for 2000-2001.

Answer:

The attached table provides the direct costs for detention, for each centre and on a cost per detainee day basis. The costs include payments made under the contract for managing the detention centres as well as departmental expenses such as those for employees, travel, motor vehicles, telephones, interpreting costs, depreciation and other administrative costs. The costs shown do not include departmental head office corporate costs, capital costs or those for detainees located in state correctional facilities.

DETENTION CENTRE COSTS AND DETAINEE DAYS 2000-01

	Total Expenses	Total Detainee Days	Cost per Day
Immigration Detention Centres			
Villawood	\$9,512,468	140,991	\$67
Maribyrnong	\$4,671,291	30,282	\$154
Perth	\$2,782,1191	10,209	\$273
sub total	\$16,965,950	181,482	\$93
Immigration Reception and Processing Centres			
Port Hedland	\$17,362,106	199,511	\$87
Curtin	\$31,056,873	256,725	\$121
Woomera	\$37,130,930	230,298	\$161
sub total	\$85,549,908	686,534	\$125
Central Office direct costs	\$1,671,197		
Total	\$104,187,055	868,016	\$120

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(53) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 268) asked, "There is a 2000 edition of *Protecting the Border: Immigration Compliance*. On page 76, the right-hand column is headed 'The Work Rights Information Line – 1800 040 070'. It is pilot freecall service, we are told. Can you give me an update as to whether that pilot service is still proceeding, whether it is being reviewed, how effective it has been, whether there has been any decision to extend it, to broaden its hours of operation, the cost and whether there have been any compliance issues that have arisen out of it that resulted in any action to be taken by the Department?"

Answer:

The Pilot Work Rights Information Line is a freecall service primarily for employers or labour suppliers who want to know how to check work rights, want assistance with reading work conditions and other information on visa labels and/or information on warning notices and the proposed sanctions regime.

The Pilot commenced on 30 November 2000 and will continue for 19 months until 29 June 2002.

A formal evaluation of the Pilot Work Rights Information Line will be commencing in the near future. A decision has not yet been made on whether the service will continue, however, if it is decided to proceed to a permanent service the tender process for the service is expected to commence in November 2001.

The phone line hours of operation are 7am to 7pm Monday to Friday and 8am to 4pm Saturdays across all the time zones in Australia. There is an after-hours answering machine for all other times. The existing operating hours were established to respond to requests from employers for an out of hours service although to date very few calls have been received on Saturdays or outside normal working hours. We will be reviewing the hours of operation of the Pilot Work Rights Information Line as part of the formal evaluation.

As at 31 May 2001, the Pilot Work Rights Information Line had received in excess of 6880 calls although a number of these calls have related to DIMA business other than work rights, interpreting visa conditions, the warning notice or the proposed sanctions regime.

The response times for the Pilot Work Rights Information Line have been well within the performance standards established for the line. The standard is that 90% of calls are answered within 90 seconds. During the first six months of operation the average speed of answer on the Pilot Work Rights Information Line was 10.7 seconds with the longest wait being 67 seconds.

Of the callers using the service who have been surveyed approximately 74% have recorded that they are satisfied or very satisfied with the service provided, including the quality and relevance of the information provided, response times and operating hours.

The establishment costs for the phone line were \$69,700. The costs for the first four months of the pilot were \$173,226.

The Pilot Work Rights Phone Line often receives calls relating to overstayers or people working illegally in Australia. Calls of this nature are referred to the Compliance Section in the Regional Office in the relevant State/Territory for follow up action. During the month of May, 19 such calls were referred.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(54) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&C 269) asked for statistics about each of the medical staff employed in each of the detention centres and (2) their registration.

Answer:

- (1) Medical Staff employed in each detention facility as of 14 June 2001.

Centre	Medical Staff
VILLAWOOD	<i>Doctors (GPs): 1 x FTE = 2 x part-time Registered Nurses (RNs): 10 x FTE = 8 permanent, 6 casual Clinical Psychologist: 1 x FTE Health Services Coordinator (HSC): 1 x FTE who is also a RN Counsellor: 1 x FTE</i>
MARIBYRNONG	<i>Doctor (GP): 1 x visiting Doctor (GP) = 2 sessions per week Registered Nurses (RNs): 1 x FTE and 2 x Casual (all dual qualified in mental health and general nursing)</i>
PERTH	<i>Registered Nurse (RN): 1 x FTE Doctor (GP): 1 x visiting Doctor (GP) = 1 session per week</i>
PORT HEDLAND	<i>Doctors (GPs): 1 x FTE (Vacant) = currently 2 x locum GPs who 'fly-in' for 1-2 weeks at a time Registered Nurses (RNs): 6 x FTE = 5 permanent, 1 casual (one who is a mental health nurse) Health Services Coordinator (HSC): 1 x FTE who is also a RN Clinical Psychologist: 1 x FTE Counsellor: 1 x FTE</i>
CURTIN	<i>Doctor (GP): 1 x FTE Registered Nurses (RNs): 8 x FTE (includes 2 x mental health nurses) Health Services Coordinator (HSC): 1 x FTE who is also a RN Psychologist: 1 x FTE Counsellor: 1 x FTE</i>
WOOMERA	<i>Doctors (GPs): 1.5 x FTE Registered Nurses (RNs): 9 x FTE (includes 3 x mental health nurses, 2 of which are dual qualified) Clinical Psychologists: 3 x FTE = 1 x permanent, 2 x contractors</i>

**Full-time equivalent (FTE)

- (2) Australasian Correctional Management Pty Ltd (ACM) as the detention services provider is responsible for the employment of all medical service personnel. All doctors, nurses and psychologists must be registered in the relevant state of practice. Counsellors do not have to be registered in any state.

ACM has advised that all current medical service personnel are registered accordingly.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(55) Output 1.3: Enforcement of Immigration Law

Senator Coonan (L&C 269 - 270) asked for further details of the comparison between incidents at detention centres before and after ACM

Answer:

The Department undertook a comparison of incidents that have occurred at detention centres in response to a question upon notice. The question was asked by Dr Andrew Theophanous MP on 7 December 2000, and was concerned with "acts of rebellion" by detainees that have occurred since ACM became involved in the provision of detention services.

Due to time and resource constraints, the Department was unable to manually retrieve data from files of more than 4000 incident reports dating back to the time detention centres were first established, with the Australian Protective Service (APS) providing detention services. Consequently, the comparison was limited to 1 January 1999 to 19 December 2000 for ACM records, and 2 January 1996 - 3 December 1997 for APS records. Given that "acts of rebellion" is difficult to define, the Department defined the question within the following parameters: assault on staff, wilful damage to Commonwealth property, Hunger strike, Failure to comply with lawful directions, escapes and mass breakouts. The result was:

Table 1: ACM Incident Reports 1 January 1999 - 19 December 2000

Centre	Assault on Staff	Wilful Damage to C'wealth Property	Hunger Strike	Failure to comply with lawful directions	Escapes		Mass Breakouts
					1999	2000	
Maribyrnong			1	3	3	2	
Perth		2	12	6	3	3	
Villawood	1	1	22	9	-	1	
Port Hedland	2	5	16	3	7	3	1
Curtin		2	11	1	6	5	1
Woomera		1	16	2	-	-	1
Total	3	11	78	24	19	14	3

Table 2: APS Incident Reports: 2 January 1996 - 3 December 1997

Centre	Assault on Staff	Wilful Damage to C'wealth Property	Hunger Strike	Failure to comply with lawful directions	Escapes		Mass Breakouts
					1996	1997	
Maribyrnong	1	4	3	1	2	1	-
Perth	4	4	1	1	1	-	-
Villawood	6	3	13	4	6	-	-
Port Hedland	8	3	1	11	4	2	1
Total	19	14	18	17	13	3	1

Comparisons of these figures showed the following changes in the nature of incidents under ACM vis-à-vis APS:

Table 3

Assault on Staff	Wilful Damage to C'wealth Property	Hunger Strike	Failure to comply with lawful directions	Escapes	Mass Breakouts
↓84%	↓21.4%	↑33.3%	↑41%	↑106.3%	↑200%

While "assault on staff" and "wilful damage to Commonwealth Property" decreased under ACM during the period under comparison, other "acts of rebellion", including "hunger strike" and "escapes" increased significantly.

This trend is a reflection of increasing non-compliant behaviour by immigration detainees. These incidents also need to be viewed within the context of the number of persons held in detention over the period under review.

The environment within which APS operated and the environment within which ACM operates, are very different. Under APS, there were 4 detention facilities. We now have 6 detention facilities. The population in detention centres under APS was significantly less than current levels. There were more detainee days in 1999 - 2000 than in the three preceding years combined. Table 4 shows the number of detainee days for the period 1996 - 2001 (a detainee day refers to a day each immigration detainee spends in detention).

Table 4: Number of detainee days for the period 1996 - 2001.

Period	No of detainee days
00 - 01 (Year to date Jul - 26 Jan)	453, 345
99 - 00	928, 931
98 - 99	201, 205
97 - 98	152, 061
96 - 97	173, 798

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(56) Output 1.3: Enforcement of Immigration law

Senator Coonan (L&C 270) asked for a table listing the definitions of incidents.

Answer:

The following table lists the incident definitions as currently used. DIMA is constantly refining the list as new issues emerge.

INCIDENT TYPES	DEFINITIONS
3rd Party	Involving individuals who are not from DIMA, ACM or are detainees. Eg visitor
Behaviour - Altercation - Adult	Detainee behaviour occasioning an incident report -
Behaviour - Altercation - Minor	Detainee behaviour occasioning an incident report -
Behaviour - Assault - ACM	Alleged assault by an ACM officer on a detainee.
Behaviour - Assault - Adult	Alleged assault by a detainee on a detainee - adults.
Behaviour - Assault - Minor	Alleged assault by a detainee on a detainee – involving minors
Behaviour - Attempted Assault	Incident where assault prevented through intervention.
Behaviour - Disturbance	Detainee behaviour occasioning an incident report – eg demonstration
Behaviour - Riot	Detainee behaviour occasioning an incident report -
Behaviour - Sexual Assault - ACM	Alleged sexual assault by an ACM officer against a detainee.
Behaviour - Sexual Assault - Adult	Alleged sexual assault by detainee against a detainee - adults
Behaviour - Sexual Assault - Minor	Alleged sexual assault by detainee against a detainee – involving minors
Behaviour other - Adult	Any detainee behaviour ACM has formed a view that needs reporting.
Behaviour other - Minor	Any detainee behaviour ACM has formed a view that needs reporting.
Contraband	Discovery of prohibited items.
Court Appearance	Denotes transport of a detainee/s to court
Damage - Accidental	Damage to property - accidental
Damage - Deliberate	Damage to property - malicious
Detainee Complaint	Detainee complaint
Escape	Detainee/s have escaped detention centre
Escape - Risk	Detainee/s identified as escape risks eg intelligence report
Fire Alarm	Fire alarm
Hospital - Death	Detainee transfer to hospital or incident that occurs at hospital for the specified reason.
Hospital - Illness	Detainee transfer to hospital or incident that occurs

	at hospital for the specified reason.
Hospital - Injury	Detainee transfer to hospital or incident that occurs at hospital for the specified reason.
Hospital - No Positive Results (NPR)	Detainee transfer to hospital or incident that occurs at hospital for the specified reason.
Hospital - Pregnancy	Detainee transfer to hospital or incident that occurs at hospital for the specified reason.
Hospital - Psychiatric	Detainee transfer to hospital or incident that occurs at hospital for the specified reason.
Instrument – Re-hydration	Involuntary re-hydration order applied
Intelligence	Information report by ACM intelligence officer
Medical - Appointment	Notification of attendance at appointment.
Medical - Centre wide	A centre wide medical incident.
Medical - Death	Death of detainee at the centre.
Medical - Injury	Detainee injury requiring medical attention at centre.
Medical - Notifiable Disease	Detainee identified with a notifiable disease at centre.
Medical - Pregnancy	Medical report concerning a pregnancy.
Medical - Psychiatric	Medical report concerning an assessment of detainee's psychiatric health.
Misuse of Telephone	Report on misuse of telephones at centre.
New Arrivals	Report on new arrivals to centre.
Recreation	Report on recreational programs eg excursions
Releases	Report on releases. ie Detainee/s granted a visa.
Refurbishment	Report on facility upgrades.
Removal - Aborted	Removal of detainee aborted and detainee returned to centre-
Removal - Successful	Successful removal of detainee ie repatriation
Removal - Use of restraints	Restraints used when removing a detainee ie repatriation
Self Harm - Adult	Report on self harm involving adult
Self Harm - Minor	Report on self harm involving adult
Self Harm - Hunger Strike - Adult	Report on individuals who have refused food for specified time.
Self Harm - Hunger Strike - Minor	Report on individuals who have refused food for specified time.
Separation	Breach of separation detention.
Staff	Incidents involving ACM staff not in above categories. Eg staff injury
Theft	Report on theft within centre
Transfer	Record of a transfer of detainee/s between centres
Use of restraints - Behaviour	Where restraints are applied for the safety of the detainee or for the safety of other detainees and staff.
Use of restraints - Transit	Where restraints are applied during transfer between centres.

According to the contract, incidents are defined in the following way:

"incident" (reportable through Incident Reporting Procedures detailed in Operational Orders) means a variation from the ordinary day to day routine of a facility which threatens, or has the potential to threaten, the good order of the facility, or, which threatens the success of escort/transfer/removal activities, or may impact on immigration processing, including but not limited by:

- . escape from lawful detention or attempted escape
- . attempted self harm
- . hunger strike in excess of 12 hours
- . solitary confinement of detainee
- . transfer of detainee/s to another facility, state institution
- . indications of rising tension within a facility, eg prior/post major removal activity, prior/post visa decision advice
- . approaches to staff by, or presence at the facility of, media representatives
- . industrial action by staff

"minor incident/disturbance" (major incidents/disturbance would usually be covered by Emergency Procedures in Operational Orders) means an incident or event which affects, but to a lesser degree than a major incident, the good order and security of the facility or which threatens the success of escort/transfer/removal activities, including but not limited by:

- . attempted self harm
- . transfer of detainee/s to another facility, state institution
- . indications of rising tension within a facility, eg prior/post major removal activity, prior/post visa decision advice
- . approaches to staff by, or presence at the facility of, media representatives

"major incident/disturbance" (major incidents/disturbance would usually be covered by Emergency Procedures in Operational Orders) means an incident or event which seriously affects the good order and security of the facility or which threatens the success of escort/transfer/removal activities, including but not limited by:

- . medical emergency eg serious accident, serious self inflicted injury, infection contamination of facility
- . serious assault eg sexual assault, assault causing serious bodily harm
- . riot
- . hostage situation
- . hunger strike (of over 24 hours)
- . sit-in, barricade (if not dealt with within 4 hours)
- . rooftop demonstration
- . food poisoning/epidemic
- . bomb threat
- . failure of mains system/power failure; electronic security system

- . hazardous materials contamination
- . fire, storm and tempest
- . damage caused to facility

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(57) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 273 - 274) asked for details of the unsuccessful prosecutions arising from the Woomera incident in August 2000.

Answer:

The Australian Federal Police conducted investigations.

- 26 detainees were charged.
- Six of these cases did not proceed due to insufficient evidence.
- As detailed in the following matrix, there were no convictions recorded against the 20 detainees who advanced to court proceedings.

CHARGED BUT CASES FINALISED

**POA-Public Order Act 1971
CA-Crimes Act 1914**

CHARGE	CURRENT STATUS
Charged under POA, 1 count of throwing rocks, section 10(1)(d). On separate information CA property damage, Section 29.	Charges dropped (DPP) 16/3/01.
Charged under POA, 1 count throwing rocks, Section 10 (1)(d). NIC 22/9/00.	Charges dropped (DPP) under S20BQ of Crimes ACT 03/05/01. Charges dropped (DPP) 24/4/01.
Charged under S29 of Crimes Act 1914 – damage to Commonwealth property (perimeter fence).	Charges dropped (DPP) 16/3/01.
Charged under POA, 2 counts throwing rocks and assault. Sections 10 (1)(d) and 6(2) respectively. Separate information, property damage Section 29 CA.	Defendant acquitted 7/3/01
Charged under POA S 10(1) (d) of the Public Order (Protection of Persons & Property) Act 1971-threw numerous rocks in a manner likely to cause injury to persons or property.	Charges dropped (DPP)
Charged under POA, 1 count throwing rocks, section 10(1) (d).	Charges dismissed 4/1/01.
Charged under POA S 10(1) (d) of the Public Order (Protection of Persons & Property) Act 1971 – threw numerous rocks in a manner likely to cause injury to persons or property.	Charges dropped (DPP) 9/1/01.
Charged under POA, 2 counts throwing rocks and 1 count assault. Sections 10(1)(d) and 6(2) respectively.	Charges dropped (DPP) 22/12/00.
Charged under POA 2 counts assault and throwing rocks. Section 6(2) and 10(1)(d) respectively.	Summary charges dropped by (DPP). Defendant excused 11/1/01.
Charged under POA, 4 counts under section 10(1)(d). Also charged with 4 counts under POA section 6(2) and 1 count for property damage by fire as per section 29 CA. The prosecution does not consent to summary determination.	Charges dropped (DPP) 17/1/01.
Charged under POA S6 (2) of the Public Order (Protection of Persons & Property) Act 1971 – physical violence to another persons.	
Charged under POA, 2 counts, property damage, throwing bricks and throwing rocks, sections 6(2) and 10(1)(d) respectively	Charges dropped (DPP) 16/1/01.
Charged under POA, 2 counts throwing rocks and assault, section 10(1)(d) and 6(2) respectively. Separate on information, property damage Section 29 CA.	Charges dropped (DPP) 22/12/00.

Charged under POA, 1 count assault (Using a pole to cause injury). Section 6(2).	Charges dismissed by court 16/1/01.
Charged under POA 3 counts property damage, throw bricks and throw rocks. Section 6(2), 10(1)(d) and 10(1)(d) respectively. On separate information, 2 counts of property damage by fire as per section 29 CA. The prosecution does not consent to summary determination.	Charges dropped (DPP) 31/1/01.
Charged under POA 7 counts. Property damage (x5) and throwing rocks (x2). Sections 6(2) and 10(1)(d) respectively. On separate information, property damage by fire as per section 29 CA. The prosecution does not consent to summary determination.	Charges dropped (DPP) 1/2/01.
Charged under POA 1 count on information property damage, section 29 CA. Charged with 2 counts under POA S 6(2) of the Public Order (Protection of Persons & Property) Act 1971 – physical violence to another person, throwing rocks in a manner likely to cause injury to person or property. Also 2 counts under S29 of the crimes Act 1914 – damage to Commonwealth property – perimeter fence.	Charges dropped (DPP) 6/2/01. Charges dropped (DPP) 13/2/01.
Charged under POA 2 counts property damage and throwing rocks. Section 10(1)(d). This defendant is also to be charged with 2 counts under section 29 of Crimes Act. The prosecution will not consent to summary determination.	Charges dropped (DPP) 8/2/01.
Charged under CA property damage 1 count section 29. NIC 22/9/00.	Charges dropped (DPP) 23/1/01

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(58) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 274) asked for details of the charges laid following the April incident at Curtin

Answer:

Two hundred detainees rioted and lit fires which destroyed two buildings at the Curtin Detention Centre in Western Australia on 4 April 2001.

The following charges have been laid:

- threatening a commonwealth officer – 3 counts
- hindering a commonwealth officer – 1 count
- damage/destroying commonwealth property – 4 counts
- using violence against a commonwealth officer – 1 count
- intimidating a commonwealth officer – 1 count

The five detainees were charged by the Australian Federal Police and appeared in court on 16, 17 and 18 June 2001. Each detainee's case has been adjourned until either 2 or 3 July 2001.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(59) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 274) asked, "Do you know the amount of damage that has been done to public property in those detention centres in this financial year as a result of those disturbances?"

Answer:

Port Hedland

January 2001

\$16,000 – The damage consisted of broken windows, one wash basin pulled from the wall, one TV destroyed, two internal gates and an internal fence line.

May 2001

\$167,000 (estimate) - The damage was concentrated in the kitchen, mess and canteen area.

Curtin

January 2001

\$1000 (estimate) - Damage was limited to removal of towel rails and blinds from walls.

April 2001

\$250,000 (estimate) - The damage consisted of 2 officer stations and 2 ablution blocks being destroyed, minor damage to one of the accommodation blocks, broken windows and a television set.

Total damage to public property from the incidents referred to: **\$ 434,000**

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(60) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 274) asked for an update of the convictions

Answer:

To date, there have been no convictions recorded for the charges laid following the disturbance at Curtin IRPC on 4 April 2001 and Port Hedland IRPC on 11 May 2001.

Charges relating to both cases are currently being heard before the courts.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(61) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 274) asked, "Is a tear gas canister distinct from capsicum spray?"

Answer:

Yes, a tear gas canister is distinct from capsicum spray.

Capsicum Spray (or Oleoresin Capsicum-OC) is a naturally occurring substance, normally found in small hand-held directional aerosol dispensers.

CS gas (orthochlorobenzalmalononitrile) or tear gas, as it is commonly referred to, is a quick acting respiratory irritant, also found in hand-held directional aerosol dispensers, but able to be delivered in a number of forms.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(62) Output 1.3: Enforcement of Immigration law

Senator McKiernan (L&C 275) asked, "What was the result of that inquiry in the sense of what did it tell the department as to the causes of the disturbance?"

Answer:

In summary, the review conducted by Knowledge Enterprises (Australia) Pty Ltd found that the critical factors at play in the disturbances of the 8, 9 June 2000 at Port Hedland, Curtin and Woomera IRPCs and 28 August 2000 at Woomera IRPC were:

- The detainees perception of the visa processing system;
- The lack of secure infrastructure;
- The perception by DIMA and ACM of a compliant population.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(63) Output 1.3: Enforcement of Immigration law

Senator McKiernan (L&C 277) asked, "Could the Committee be supplied with a copy of the assessment – using your term – of the events in Woomera in August of last year?"

Answer:

The key findings of the consultant's assessment of the events at Woomera IRPC in August 2000 were as follows:

"Findings Concerning the Incident (Riot at Woomera IRPC 28 August 2000)

- A significant number of the detainees at the centre had been there for at least eight months, which was well beyond their perception that they would be detained for no longer than eight weeks.
- These detainees became more frustrated and embittered when they saw other detainees being released especially those who had arrived at the centre after them.
- In the week prior to the 25 August 2000 the number of releases from the centre had been reducing from that over the previous nine weeks.
- The detainees involved probably interpreted the reduction in releases to mean that they may not be released.
- The beginning of work on the perimeter fence to make it more secure probably exacerbated their concerns about not being released.
- The detainees probably perceived that the high number of releases following the breakouts in June 2000 were a direct consequence of the detainee actions.
- The detainees probably thought that a substantial demonstration of their frustration would expedite their release.
- Whilst it cannot be excluded that the riots of 26, 27 and 28 August were a result of suspected ringleaders being removed from the detainee population, it is more probable that the detainees intended to conduct a major disturbance/s on or around that time.
- It would be prudent for DIMA and ACM to reassess the process used to extract suspected ringleaders from the detainee population.
- The removal of suspected ringleaders might have brought forward a planned major disturbance.

- The minimum-security nature of the centre's infrastructure was such that once the detainees were intent of rioting, they constituted a formidable opposition to authority."

"Findings Concerning the Subsequent Management of the Incident (Riot at Woomera IRPC 28 August 2000).

- DIMA, ACM and APS staff performed in a commendable way in bringing the incidents of the riots to a successful conclusion.
- The infrastructure of the Woomera IRPC meant that the detainees were a formidable opposition to authority and were a serious threat to the security of the centre and the safety of staff.
- There was a clear understanding between DIMA and ACM as to what were DIMA's expectations of the management of the incidents.
- ACM managed the incidents in a manner that met DIMA's expectations.
- The allowance by DIMA for the use of chemical agents contributed significantly to the suppression of the riots of 26/27 and 28 August 2000 and prevented more serious injuries.
- ACM and APS personnel sustained eleven casualties on the 26/27 August and thirty-two casualties on 28 August 2000.
- There were no injuries suffered by the detainees.
- The informal policy that chemical agents may be employed by ACM only when there was an imminent threat of serious injury to staff contributed to the casualties sustained by ACM and APS personnel.
- This policy probably contributed to the prolonging of the riots.
- The policy attends the welfare of detainees threatening the security of the centres at the expense of the safety of staff and the security and good order of the centres.
- The use of chemical agents by ACM much earlier in the incidents would have constituted a use of reasonable force and probably suppressed the riots and reduced the incidence of injury to personnel and damage to the centre.
- There is an urgent need for DIMA and ACM to review the policy and the operational orders with respect to the use of force particularly with respect to the control of potentially riotous assemblies and the suppression of riots."

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(64) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 279) raised concerns about the sequence of events during a series of incidents at Port Hedland Immigration Reception and Processing Centre (PHIRPC) and the relationship between those incidents and sought clarification.

Answer:

A chronology of events commencing 20 January 2001 is as follows:

A group of forty-six detainees who were transferred from Woomera IRPC arrived at PHIRPC at approximately 6.30pm on the evening of 20 January. They were housed in D block.

The new arrivals were apparently disappointed with conditions as they found them at Port Hedland and are reported as being restive and not settling. Tensions were noted as developing in the group.

Soon after arrival, one of the newly arrived detainees (referred to hereafter for privacy reasons as "A") required medication as part of an ongoing treatment regime. He became distressed because he believed that the medication he was being given was not equivalent to that which he was used to receiving at Woomera. In order to assist him, at approximately 9.00pm, a decision was made to move him to K block. It was reported that during that move detainee "A" struggled and needed to be restrained and that he bit an ACM officer.

Shortly after 10.00pm on 20 January, and after detainee "A" was moved, some ex-Woomera detainees who were already somewhat agitated, began rock throwing and breaking windows. Other detainees joined them. This situation was brought under control by approximately one o'clock Sunday morning.

After he was moved to K block, detainee A was subject to a now confirmed assault by another ACM officer. This was not witnessed by any other detainee. This assault could not have been known by other detainees at the time that the second incident took place on Sunday 21 January. From the time that "A" was moved to K block at 9.00pm Saturday 20 January until he returned to the main compound on 31 January he would not have been in communication with other detainees in the main compound.

On Sunday 21 January a decision was made to move a small group of ex-Woomera detainees and a group of other detainees, all of whom were thought to have been instrumental in the escalation of events on Saturday night, 20 January. This is

believed to be what provoked the second more serious incident shortly after 4.00pm on Sunday 21 January. This seems to be confirmed by the fact that the focus of the detainees involved in the incident on 21 January was to get into the area where the detainees had been taken in order to have them rejoin the main group. This incident was brought under control by approximately 7.00pm. Considerable damage was done to I block in the process, necessitating relocation of some detainees to J Block.

In addition, following this incident, a further group of detainees was placed in J Block. All detainees accommodated in J block were progressively moved to alternative accommodation. J block has not been used since Friday 2 February 2001. Since then a detailed refurbishment plan for J Block has been completed.

When members of the Human Rights Sub-Committee of the JSCFADT visited PHIRPC on 30 January, they were given a short briefing about the events on 20-21 January. At that time mention was made of an assault by a detainee on an ACM officer as being a contributing cause. No mention was made of the assault of a detainee.

The allegations of assault on "A" were reported to ACM senior management on 2 February, and by ACM to DIMA on 2 February. The allegations were immediately referred to WAPOL on 2 February, and the ACM officer concerned was suspended.

Concerns have subsequently been expressed that it was the assault on "A" that prompted the incident on Sunday 21 January and that therefore advice provided to the committee on 30 January was misleading. DIMA and Senior Management of ACM were not aware of the assault on "A" at the time of the Committee's visit. The foregoing chronology suggests that the assault on "A" was not known to other detainees until sometime later and therefore is not considered to have been the catalyst for the incident on 21 January.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(65) Output 1.3: Enforcement of Immigration Law

Senator Cooney (L&C 280) asked whether ACM has lost a contract in Victoria.

Answer:

Our enquiries indicate that Australasian Correctional Services (Australasian Correctional Management Pty Limited) has not lost a contract in Victoria.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

Immigration and Multicultural affairs portfolio

(66) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 283) asked for the table of the Flood recommendations, related recommendations from the Ombudsman's report and what action the Department is taking.

Answer:

The table is attached.

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
1.	ACM should be asked to issue revised policy instructions to staff to incorporate the requirements of relevant State legislation on child welfare and sexual assault. The draft currently being prepared by ACM should be completed as quickly as possible and issued in all centres.	Supported ACM advises that revised policy instructions incorporating these requirements are close to finalisation.	Flood 2,8, 15 OSCF 8 OIDC 8,9	<p><i>Monitor ACM progress with revising and issuing new instructions</i></p> <p>ACM has had its training program evaluated externally. ACM advises that they have updated and revised training they provide to new officers. Ongoing issues regarding ACM training are addressed through the Contract Operations Group (COG).</p> <p><i>Ensure ACM training is consistent with MOUs signed between DIMA and other agencies</i></p> <p>DIMA will continue to monitor ACM training to ensure it remains consistent with agreements as they are finalised.</p> <p><i>DIMA module for ACM New Officers Training</i></p> <p>A specific component of the ACM training for which DIMA is responsible is being redeveloped. This module contains information about entry, protection visa, merits review and judicial processes, contract requirements, the Immigration Detention Standards with particular emphasis on dignity, cultural sensitivity and managing difficult behaviour.</p>
2	ACM should be obliged to ensure there is in place adequate induction briefing and orientation before any staff commence duty at a detention centre. In particular staff should be carefully briefed on the Immigration Detention Standards. ACM should reinforce existing guidelines to its Centre Managers that unacceptable behaviour by	Supported Selection and training of ACM staff is a key component of the detention services contract. Cross-cultural training modules are included in ACM's standard	Flood 1,8, 15 OSCF 8 OIDC 8,9	<p><i>DIMA module for ACM New Officers Training</i></p> <p>A specific component of the ACM training for which DIMA is responsible is being redeveloped. This module contains information about entry, protection visa, merits review and judicial processes, contract requirements, the Immigration Detention Standards with particular emphasis on dignity, cultural sensitivity and managing difficult behaviour.</p>

Key:

Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)

Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
	detention officers will not be tolerated. Staff must receive comprehensive training in cultural awareness and guidance to deal with issues of racism, sexism and religious intolerance.	training package. The training program for detention staff is being reviewed to ensure comprehensiveness in the areas Mr Flood has focussed on.		
3	DIMA should conclude quickly the negotiation of a memorandum of understanding with the South Australian Police and with the police forces of other states in which detention centres are located, to articulate clearly and unambiguously the role of the state police in any incidents that occur at Commonwealth detention facilities which may require police involvement.	Supported Negotiations with South Australian police are in progress with a view to prompt finalisation. Development of protocols with other state police services is being given priority.	Flood 4 OSCF 3,7 OIDC 5	MOU with SAPOL MOU with DOCs NSW MOU with other States Negotiations commenced with SA Police (SAPOL) in 2000. DIMA is currently seeking legal advice to assist in drafting the MOU for further consultation with SAPOL. State police authorities in NSW, Victoria and WA have been approached seeking appropriate contacts in their organisations for ongoing consultations. The draft MOU with SAPOL will be used as a basis for discussions with other state police.
4	DIMA should clarify quickly the role of State authorities in removal of a	Supported	Flood 3 OSCF 3,7	MOU with FAYS

Key:

Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)
Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
	<p>child from a detention centre and conclude appropriate protocols with State child welfare authorities.</p>	<p>Negotiations with child welfare authorities in South Australia are in progress with a view to prompt finalisation. Development of MOUs with other state child welfare authorities is being given priority.</p>	<p>OIDC 5</p>	<p>Significant progress has been made towards finalising the agreement with Family and Youth Services (FAYS) in South Australia (SA). Negotiations have been continuing with FAYS since 2000 and we have reached an in principle agreement which is expected to be signed shortly.</p> <p>State child welfare authorities in NSW, Victoria and WA have been approached seeking appropriate contacts in their organisations for ongoing consultations. The draft MOU with FAYS SA forms the basis for negotiations with these states.</p>
5	<p>DIMA should introduce more systematic procedures for assessment of incident reports and take steps to address the current variation in the quality and substance of matters being</p>	<p>Supported</p> <p>Increased resourcing and restructuring of functions within DIMA's Detention</p>	<p>Flood 14</p>	<p>Restructuring of the Detention Operations area has been completed to enable better incident reporting and analysis.</p> <p>Procedures are in place to enable a Monthly Incident</p>

Key:

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PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
	<p>reported across immigration detention centres and the coverage of follow-up action. In addition to the immediate handling of major incidents, there should be a monthly summary for the Minister's office and senior DIMA and ACM management of all incident reports received in the previous month classified by current categories and indicating action taken, pending or outstanding. DIMA should also review the current Immigration Detention Standards in advance of the renegotiation of the service provider contracts.</p>	<p>Operations area will ensure enhanced focus on improved monitoring of incidents and on assessment of the performance of the detention services provider. This includes the preparation of a monthly summary of incidents for consideration by the Minister and senior DIMA and ACM management.</p> <p>Review of the current Immigration Detention Standards in advance of the renegotiation of the service provider contracts will be undertaken with appropriate legal advice.</p>		<p>Analysis Report to be prepared. Copies of these reports are being provided to the Minister.</p> <p><i>Review of Immigration Detention Standards (IDS) by working Group</i></p> <p>A working group has been formed to review the Immigration Detention Standards (IDS). Consultations are underway with a view to enhancing, where necessary, the IDS by mid June 2001.</p>

Key:

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PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
6	<p>DIMA should strengthen its management arrangements at the Woomeera centre by the appointment of an additional DIMA officer to assist the DIMA Business Manager, and should review the need for similar appointments at Curtin and Port Hedland. DIMA should also expedite production of its proposed Business Manager's Handbook.</p>	<p>Supported</p> <p>Deputy DIMA Business Managers for the Woomeera, Curtin and Port Hedland IRPCs are being recruited.</p> <p>A DIMA Business Manager's Handbook is in preparation.</p>		<p>Deputy Business Managers are now on site in all IRPCs.</p> <p>Development of the Business Manager's Handbook is progressing. It is intended that the Handbook be published progressively as each component is finalised.</p>
7	<p>The Detention Operations area in DIMA Central Office should be appropriately resourced to enable it to better manage the substantially increased workload that has been generated by the increase in unauthorised arrivals, both in the</p>	<p>Supported</p> <p>There are now additional resources in the restructured Detention Operations area in DIMA Central</p>		<p><i>Appropriate Resources for Detention Activities</i></p> <p>Creation of a separate Detention Policy Branch has enabled not only an enhanced focus on detention policy and legislation, but greater capacity within the Detention Operations Section to address day to day management of incidents, and better</p>

Key:

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PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
	case management of detainees and the performance management of the contract with ACM.	Office.		monitoring and reporting.
8	ACM should be asked to ensure that fewer of its staff at the Woomera centre are on short term six week contracts and that more are employed on long term contracts.	Supported ACM advises that employees on long term contracts have recently been engaged at Woomera. Increased numbers of employees will be engaged on this basis.	Flood 1,2, 15 OSCF 8 OIDC 8,9	On 25 May 2001 ACM advised that 92 staff are engaged on long term contracts at Woomera and a further 10 are casuals pending permanent placement.
9	ACM should urgently review security of detainee data and personal files at the Woomera centre and put in place clear policies and procedures covering authorised removal of documents, classification of documents and transmission, copying and storage	Supported DIMA will ensure that ACM has more accountable records management procedures in place in detention facilities.	OSCF 5	DIMA is addressing this issue through revision of the Detention Standards, through the training module being revised for ACM staff, and through the installation of better facilities such as a file compactus for Port Hedland IRPC. DIMA Centre Managers have been instructed to ensure that file keeping practices meet DIMA's requirements for quality and security. In WA, DIMA Centre

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PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
	of documents.			managers have undertaken training in TRIM, DIMA's electronic records management system. Planning for the proposed new detention centres in Darwin and Brisbane will include specifications for appropriate file storage and access.
10	DIMA and ACM should make urgent efforts to improve the physical environment of the Woomera centre with improved landscaping, trees, more garden areas and the installation of playground equipment and shade areas.	Supported Once basic infrastructure was in place, attention turned more directly to improving amenity at the Woomera centre. Shade structures have already been erected throughout the centre and landscaping is planned with a particular emphasis on screening the centre and improving the overall appearance.		A number of measures have been taken to improve the living environment and amenity at Woomera. These include the erection of shade structures throughout the centre to reduce the ambient temperature by increasing shade (adequacy of the shade is being kept under review). These shade structures have been placed where people congregate, meet and relax. Additional recreation areas are proposed as follows: one volleyball court and one soccer pitch with a basketball ring off to the side in Phase 2 Compound 1 and a volleyball court and a basketball court in Compound 2. There is already a soccer pitch in the original compound, a volleyball court in India and one in Oscar. DIMA has developed comprehensive plans for the placement of children's playgrounds, additional outdoor recreational areas such as soccer pitches and basketball courts, and landscaping such as flower and vegetable gardens and other plantings around the meeting areas within the centre. These plans are being progressively implemented, with the

Key:

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PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
11	<p>While acknowledging there may be situations where detainees themselves request that their names not be used, sometimes because they do not wish their identity revealed to others in the centre, ACM and DIMA management at detention centres should as far as possible continue the recently revised practice of referring to detainees by names rather than their registration numbers.</p>	<p>Supported</p> <p>It is no longer practice in detention centres for ACM or DIMA staff to refer to detainees by registration numbers.</p>		<p>first of 700 plantings undertaken recently. In addition the detainees are encouraged to plant individual gardens within their living areas or help maintain existing gardens. The possibility of using advanced trees, relocated from Woomera township, is currently being explored.</p> <p><i>Training for DIMA staff</i></p> <p><i>Monitor training for ACM</i></p> <p>It is no longer practice in detention facilities for ACM or DIMA staff to refer to detainees by registration numbers alone. However, in some circumstances it is necessary to use both name and number to differentiate where there may be confusion for detainees with the same name. The general dignity and privacy of detainees is being considered in the revision of the IDS, the training module for ACM staff, in the development of the DIMA Business Manager's Handbook, and is regularly raised with ACM in the Contract Operations Group (COG) and Contract Management Group (CMG) meetings.</p>
12	<p>DIMA should expedite its examination of the scope for</p>	<p>A separate announcement is</p>	<p>Flood 13 OIDC 1, 3,4,6</p>	<p>Work is underway in developing MOUs with relevant</p>

Key:

Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)

Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
	<p>women and children in certain circumstances to live outside of detention centres, while respecting the fact many women and children, especially but not only from an Islamic background, will be opposed to being separated from other members of their families.</p>	<p>being made on this matter.</p>		<p>State authorities to enhance the general welfare of detainees, but particularly children. DIMA is focusing on better use of existing facilities to enable a more private environment for women and children. Courtesy fences have been erected at Woomera allowing for families and children to be accommodated in areas which can be closed off at night. Plans have been developed for a children only education and recreation area. Following the Minister's announcement to proceed with the trial of some alternative detention arrangements for women and children at Woomera, DIMA is expediting the necessary operational matters.</p>

Key:
 Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)
 Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
13	<p>In its management of long-term detainees DIMA should seek to ensure children are not obliged to spend very long periods in detention at the Woomera centre.</p>	<p>Supported</p> <p>Subject to changes in the composition of the caseload, best efforts will be made to ensure that children do not spend very long periods in detention in the Woomera centre.</p>	<p>Flood 12 OIDC 1, 3,4,6</p>	<p>See recommendation 12 above.</p> <p>Significant decreases in protection visa processing for unauthorised arrivals have already occurred. While 80% of protection claims made by boat arrivals in late 1999 received a decision within 32 weeks, this had reduced to less than 15 weeks for applications made in late 2000. Processing time may be prolonged if people have no proof of identity and/or if they are required to obtain police clearances from their countries of last residence to confirm they are of good character, which may take several months. Some straightforward cases with strong refugee claims can have a primary decision in as little as four to six weeks.</p>
14	<p>The Contract with ACM should be amended to make it explicit that the reporting as such of allegations, instances or suspicion of child abuse has no impact whatsoever on performance payments. Performance payments should be affected by failure to report, failure to report in a timely way and of course by poor management of an</p>	<p>Sanctions already exist in the contract for failing to report incidents within prescribed timeframes. Contract issues will require further consideration including legal advice.</p>	<p>Flood 5</p>	<p>Reporting and sanctions are being considered in the context of the review of Immigration Detention Standards.</p>

Key:

Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)

Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

No.	Recommendation	Response	Related recommendations	Project(s)/Status
15	<p>allegation, instance or suspicion of child abuse.</p> <p>DIMA should expedite its processes for quarterly assessment of ACM performance. In general there should be a more pro-active review by DIMA of ACM management of detention centres, with spot audits of specific issues, including welfare of children, health, hygiene, food, etc.</p>	<p>Supported</p> <p>Additional resources already assigned will ensure that appropriate timeframes are met as well as facilitate a more pro-active approach to contract management and monitoring, including spot audits of specific issues.</p>	<p>Flood 1,2,8 OIDC 8,9 OISCF 8</p>	<p>An indicative contract performance monitoring plan has been developed for the remainder of 2001. Audits are being undertaken of specific parts of the service contract and performance, for example selection and training of personnel, fire safety, and food and hygiene. Results of these audits will be incorporated into future quarterly performance assessment reports.</p>
16	<p>DIMA should continue its efforts to reduce the average processing time for people receiving primary decisions on applications for Temporary Protection Visas.</p>	<p>Supported</p> <p>DIMA has significantly re-engineered protection visa processing and processing times have been significantly reduced. Many factors which delay visa decisions are, however, outside DIMA's control.</p>	<p>OIDC 2 OSFC 4</p>	<p>See recommendation 13 above.</p>

Key:

Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)
Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

PROGRESS IMPLEMENTING FLOOD RECOMMENDATIONS

Updated 6 June 2001

Key:
Ombudsman Report of an Own Motion Investigation into Immigration Detainees held in State Correctional Facilities (OSCF)
Ombudsman Report of an Own Motion Investigation into the Department of Immigration and Multicultural Affairs' Immigration Detention Centres (OIDC).

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(67) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 286) asked, “How many of the people who overstayed their visa – who had a tourist visa to get into the country – ended up being detained in a detention camp?”

Answer:

Between 1 July 2000 and 11 June 2001 (2000/2001 year to date), 829 unlawful non-citizens were held in immigration detention as a consequence of overstaying their tourist visas in Australia.

Overstayers arrive in Australia with valid temporary visas, mainly as tourists but also as working holiday makers, students and temporary residents. All but a small proportion of visitors (around 0.2%) leave Australia before their visas expire.

When a visa overstay is detected, the person can apply for a bridging visa to legitimise his/her stay for a short period while making arrangements for voluntary departure from Australia. If an overstay is unwilling or unable to apply for a bridging visa, or the application is refused, the person would be detained and removed from Australia as soon as practicable in accordance with the *Migration Act 1958*.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 MAY 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(68) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 287) asked:

- (a) Can you provide information as to how many of the bridging visas are issued to overstayers to enable them to leave the country as soon as possible?
- (b) How many of these overstayers have had to pay a bond?
- (c) How many of these overstayers, once given a bridging visa, have also broken the bridging visa conditions?

Answer:

- (a) From December 2000 to 31 May 2001, 5,423 Bridging E visas were issued to people on the basis that they were making, or were the subject of, acceptable arrangements to depart Australia.
- (b) From December 2000 to 31 May 2001, some 411 people who were granted Bridging E visas, lodged a security.
- (c) From December 2000 to 31 May 2001, 8 of those 5,423 Bridging E visas (referred to at (a)), were cancelled.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(69) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 286) asked, "How many British citizens have ended up in a detention centre since 1995?"

Answer:

Between 1 July 1994 and 15 June 2001, 289 British citizens were held in immigration detention for overstaying their visas in Australia.

Overstayers arrive in Australia with valid temporary visas, mainly as tourists but also as working holidaymakers, students and temporary residents. All but a small proportion of visitors (around 0.2%) leave Australia before their visas expire.

When a visa overstayer is detected, the person can apply for a bridging visa to legitimise his/her stay for a short period while making arrangements for voluntary departure from Australia. If an overstayer was unwilling or unable to apply for a bridging visa, or the bridging visa application was refused, the person would be detained and removed from Australia as soon as practicable in accordance with the *Migration Act 1958*.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(70) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Schacht (L&C 287) asked, "Has anyone from Great Britain claimed refugee status because they have a well-founded fear of persecution if they return to Great Britain?"

Answer:

Yes. The Department has received 5 applications this program year.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(71) Output 1.3: Enforcement and Immigration Law

Senator Schacht (L&C 289-290) asked for information about a South African national who overstayed their visitor visa.

Answer:

The person in question first applied for a visitor visa in January 1999 and was granted a subclass 676 visa valid for travel until 10 November 2002. This particular visa allows multiple entries to Australia for stays of no more than three months duration on each entry. The visa holder entered Australia in January 1999 and departed on 11 June 1999. By overstaying the three month period of stay granted by the visa by more than 28 days, the person had breached the terms of their visa and, as such, is excluded from re-entering Australia for a period of three years from their date of departure.

The delegate granted the initial subclass 676 visa on the basis that the applicant had a long-term relationship with the family they intended to visit in Australia, and that they would comply with the terms and conditions of the visa.

The person then made a further application for a visitor visa in Pretoria in January 2000. Migration legislation does provide for the exclusion period to be waived in certain circumstances. Clause 4014 of the *Migration Regulations 1994*, which deals with the exclusion period to be imposed when a person overstays their visa, states that the exclusion period can be waived if the Minister is satisfied that, in the particular case:

- (i) *compelling circumstances that affect the interests of Australia; or*
- (ii) *compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;*

justify the granting of the visa within 3 years after the departure.

On this occasion, the decision-maker determined that the applicant did not satisfy the criteria for waiving the criteria. Unless a decision-maker waives the exclusion period as part of their assessment for a further application, the person is excluded by legislation from being granted any further visas until 3 years after they departed Australia, in this case until 11 June 2002.

The person has advised DIMA staff in South Africa that they believed that the visa they applied for in 1999 was a Long Stay visitor visa. However, this is not reflected

on the data base or the visa granted to them. The DIMA staff in South Africa have advised that visitor visa applications lodged on or about the date of the person's first application in (January 1999), have been destroyed in accordance with the Archives Act 1983. The second visitor visa application lodged by the person in January 2000 was for a short stay visa.

The visa label would have clearly stated the period of stay, in this case 3 months and, the travel validity of the visa, in this case, until 10 November 2002.

Although the circumstances of this case are unfortunate, each and every visa holder is personally responsible for being aware of the terms and conditions attached to their visa.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(72) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 295) asked, "Is there any evidence that some networks are developing false identities, under which people then go and apply for unemployment benefits and drivers licences to build up a profile of a new identity? Is it possible that that could develop into a bit of a racket?"

Answer:

Centrelink has advised DIMA that there is some evidence that there are networks developing false identities to enable unlawful non-citizens to claim Centrelink payments and to avoid detection as unlawful non-citizens. Centrelink is currently dealing with a handful of cases that fall into this category.

Centrelink and the Roads and Traffic Authority (RTA) have in place a range of Proof of Identity measures, which facilitate identity and document validation and verification and allow them to expose and prevent organised fraud cases. Both agencies work closely with DIMA to identify and prosecute the perpetrators and participants.

DIMA, along with other government agencies and financial institutions, is acutely aware that establishing the integrity of identity checks and documents used for identity verification is a major factor in ensuring an effective identification system. We are working together with these other agencies to strengthen and support our proof of identity efforts.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(73) Output 2.3: Australian Citizenship

Senator McKiernan (L&C 309) asked, "Provide details of the consultancies being used for the citizenship campaign, for example the cost".

Answer:

The Department engaged four agencies to assist with designing and implementing the Citizenship Promotion campaign during the Centenary of Federation year.

Details of the agencies engaged are as follows:

The Research Forum

The Research Forum, a Sydney based research agency, was engaged to undertake research for the Citizenship promotion campaign, including developmental research, concept testing and evaluation research. It is estimated that the Department will spend \$200,000 on services provided by the Research Forum.

Kelly Gee Coo'ee

Kelly Gee Coo'ee, a Brisbane based creative advertising agency, was engaged to develop and implement an advertising creatives strategy for the Citizenship promotion campaign. It is estimated that the Department will spend \$350,000 on services provided by Kelly Gee Coo'ee.

The Quay Connection

Quay Connection, a Sydney based public relations agency was engaged to develop and implement a public relations strategy as part of the Citizenship promotion campaign. It is estimated that the Department will spend \$650,000 on services provided by Quay Connection.

Cultural Perspectives

Cultural Perspectives, a Sydney based ethnic communications agency, was engaged to develop and implement a communication strategy for people from culturally and linguistically diverse backgrounds as part of the Citizenship promotion campaign. It is estimated that the Department will spend \$200,000 on services provided by Cultural Perspectives.

All expenditure identified is exclusive of GST.

The Department also used Mitchell Media, the Government's master media planning and placement agency, for planning and placement of media advertising for the campaign.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(74) Output 2.3: Australian Citizenship

Senator Schacht (L&C 309) asked, "How much did the three consultancies total".

Answer:

Estimated expenditure on agencies engaged by the Department for the Citizenship promotion campaign is as follows (GST exclusive):

The Research Forum	\$200,000
Kelly Gee Coo'ee	\$350,000
Quay Connection	\$650,000
Cultural Perspectives	\$200,000

In addition an estimated \$3,500,000 will be paid to Mitchell Media, the Government's media planning and placement agency, for the planning and placement of advertising.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(75) Output 2.3: Australian Citizenship

Senator Schacht (L&C 309) asked for information on which television stations the citizenship campaign will be advertised.

Answer:

The citizenship promotion television campaign will be broadcast nationally, on both metropolitan and regional television, as follows:

Metropolitan Television

Sydney

Stations – Seven, Nine, Ten

Melbourne

Stations – Seven, Nine, Ten

Brisbane

Stations – Seven, Nine, Ten

Adelaide

Stations – Seven, Nine, Ten

Perth

Stations – Seven, Nine, Ten

Regional Television

Northern NSW

Stations – Prime, Win & Ten Affiliates

Southern NSW (inc Canberra)

Stations – Prime, Win & Ten Affiliates

Victoria

Stations – Prime, Win & Ten Affiliates

Queensland

Stations – Prime, Win, Ten Affiliates & Mount Isa Satellite

South Australia

Stations – Central and Imparja

Western Australia

Stations – Prime, Win & Ten Affiliates

Tasmania

Stations – Win & Ten Affiliates

Darwin

Stations – Prime & Win

Mildura

Stations – Prime & Win

Griffith

Stations – Prime & Win

SBS and Pay TV (UK TV, Sky News, BBC News, CNN, National Geographic)

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(76) Output 2.3: Australian Citizenship

Senator Schacht (L&C 312) asked, "When you did the previous one, which started in 1994, what sort of TARP level did you have for that on the commercial stations?"

Answer:

The previous Citizenship Promotion campaign ran from 4 November 1994 until 1 January 1996.

Television advertising was in three stages. Stage 1 targeted people aged 24 – 45 years plus and was run during November 1994 and February - March 1995. Stage 2 was advertising for the essay competition, targeting teenagers aged from 13 – 17 years and was run in October 1995. Stage 3 targeted people aged 18 years plus and was run from 26 December, 1995 until 1 January, 1996.

The planned TARP levels for each of the campaign's three stages were as follows:

Stage 1: 900 Tarps

Stage 2: 220 Tarps

Stage 3: 100 Tarps

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(77) Output 2.4: Appreciation of Cultural Diversity

Senator McKiernan (L&C 321) asked, "What is the timetable for the grants contained within the \$1.5 million?"

Answer:

It is expected that the grants program will be advertised, applications received, assessments made and decisions announced within the first four months of the 2001-02 financial year. This will enable successful agencies to undertake activities and expend the funds largely within the 2001-02 financial year.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 and 30 May 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(78) Output 2.4: Appreciation of Cultural Diversity

Senator McKiernan (L&C 322) asked for "a list of the sorts of things that were put on around the country for Harmony Day".

Answer:

Harmony Day has arisen from the Commonwealth Government's Living in Harmony initiative. It occurs on 21 March each year and coincides with the United Nations' International Day for the Elimination of Racial Discrimination. Harmony Day 2001 was the largest celebration since the event began in 1999 and featured Commonwealth, State/Territory and local government and community activities.

At the Commonwealth level, the Minister for Immigration and Multicultural Affairs and Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs, Philip Ruddock, and the Chairman for the Council for Multicultural Australia, Neville Roach AO, addressed the National Press Club on 21 March 2001. The event was televised by the ABC to about 40,000 viewers.

Most State and Territory Governments organised Harmony Day activities. Premiers and Chief Ministers attended events in the ACT, Victoria, the Northern Territory and Western Australia. State/Territory Government-sponsored activities included a youth seminar in South Australia; community receptions in Victoria and the Northern Territory; student activities in the ACT and Western Australia; a school-based arts competition in Tasmania and a concert in Queensland.

There was a 12-fold increase in the number of community organisations participating in Harmony Day (up from 68 in 2000 to 848 in 2001) including 62 local councils and 289 schools. Activities ranged from wearing orange lapel ribbons; "wrapping" buildings in Harmony Day bunting; organising concerts and social functions; and planting commemorative gardens.

A number of leading businesses supported Harmony Day 2001, including AMP, Coca-Cola Amatil, Drake International, Microsoft, McDonalds, Telstra, SBS and Woolworths.

Senate Legal and Constitutional Legislation Committee
Immigration and Multicultural Affairs Portfolio
 Questions on notice from Budget Estimates Hearing 28-30 May 2001

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