

CHAPTER 2

IMMIGRATION AND CITIZENSHIP PORTFOLIO

Introduction

2.1 This chapter summarises areas of interest and concern raised during the committee's consideration of the budget estimates for the Immigration and Citizenship portfolio for the 2008-09 financial year.

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

2.2 The committee received an update from officers on the current workload for both the MRT and RRT (the Tribunals).¹ Officers told the committee that for the period 1 July 2007 to 30 April 2008 the MRT received 5,280 lodgements, up from 4,809 for the same period in 2006-07.² For the period 1 July 2007 to 30 April 2008 the RRT had received 1,882 lodgements compared to 2,403 lodgements for the same period in 2006-07.³ Officers told the committee that a range of factors affected the Tribunals' workloads including overseas events and changes to relevant legislation.⁴

2.3 The committee also received an update on the number of complaints lodged against the Tribunals.⁵ In relation to the MRT officers told the committee that:

In the year to date there have been 15 complaints against members. These complaints are investigated internally and, of the complaints received, three were upheld and 12 were dismissed. There were no complaints against staff.⁶

2.4 Officers then went on to outline the number of complaints lodged against the RRT, stating that:

...six complaints against members were received and investigated, with two being upheld, one partially upheld and three dismissed. Again, there were no complaints against staff.⁷

1 *Committee Hansard*, 28 May 2008, p. 3.

2 *Committee Hansard*, 28 May 2008, p. 3.

3 *Committee Hansard*, 28 May 2008, p. 3.

4 *Committee Hansard*, 28 May 2008, p. 4.

5 *Committee Hansard*, 28 May 2008, p. 3.

6 *Committee Hansard*, 28 May 2008, p. 3.

7 *Committee Hansard*, 28 May 2008, p. 3.

2.5 Committee members questioned officers on the complaint handling procedures for both the MRT and RRT.⁸ Officers told the committee that when it receives a complaint about a member, a senior member carries out an investigation, the results of which are communicated to the complainant.⁹ Officers went on to explain that members of the Tribunals have their performance appraised by a senior member every 12 to 18 months.¹⁰ Officers agreed to provide the committee with the details of the complaints received on notice.¹¹

Department of Immigration and Citizenship (DIAC)

2.6 The committee continued lines of questioning from previous estimates rounds concerning DIAC's financial position. Senators sought information about efficiency initiatives referred to in Budget Paper No.2 for DIAC.¹² The Minister told the committee that the efficiency measures were a result of a financial 'health check' sponsored by the Department of Finance and Deregulation,¹³ explaining that the efficiency measures consisted of 'work that could be done differently or ceased within the department.'¹⁴

2.7 Committee members questioned officers on the effects of the one-off increase in the efficiency dividend.¹⁵ Specifically, senators sought details on how individual outputs and programs would be affected. Officers told the committee that final decisions had not yet been made in relation to the application of the efficiency dividend and undertook to provide the information on notice.¹⁶

2.8 The committee also questioned officers on staffing levels at DIAC,¹⁷ seeking details of the projected reduction in staffing from 7,401 in 2007-08 to 7,176 in 2008-09.¹⁸ Officers told the committee that the majority of the staffing reductions would come from DIAC's national office in Canberra¹⁹ with a reduction of 16 on-going staff

8 *Committee Hansard*, 28 May 2008, pp 4-5.

9 *Committee Hansard*, 28 May 2008, p. 4.

10 *Committee Hansard*, 28 May 2008, p. 5.

11 *Committee Hansard*, 28 May 2008, p. 8.

12 *Budget Paper No.2 2008-09*, p. 383.

13 *Committee Hansard*, 28 May 2008, pp 12-13.

14 *Committee Hansard*, 28 May 2008, p. 13.

15 *Committee Hansard*, 28 May 2008, p. 13

16 *Committee Hansard*, 28 May 2008, pp 13-14.

17 *Committee Hansard*, 28 May 2008, pp 23-26.

18 *Committee Hansard*, 28 May 2008, p. 23.

19 *Committee Hansard*, 28 May 2008, pp 23-24.

at overseas posts.²⁰ Officers explained that the reduction in staffing was a result of a range factors including the 'health check'.²¹

Subclass 457 visas

2.9 The committee continued its interest from previous estimates hearings in the subclass 457 visa. The committee questioned DIAC on the current backlog of 457 visa applications.²² Officers told the committee that as of 13 June 2008 there was an on-hand caseload of 10,359 applications and that of those, 3,999 were outside the respective published service standards.²³ This compared with 14,300 on hand and 7,800 outside the service standard at the end of March 2008.²⁴ Officers also told the committee that following a directive from the Minister, extra resources had been allocated to the processing of subclass 457 visa applications in order to improve processing times.²⁵ Senators also questioned officers on a decision taken to increase the Minimum Salary Level (MSL) for subclass 457 visa holders.²⁶ Officers told the committee that the increase would apply from August 2008 and that the MSL had not been increased since May 2006.²⁷

Maritime Crew Visa

2.10 The committee sought an update on the implementation of the Maritime Crew Visa (MCV).²⁸ Officers told the committee that the MCV had been a 'terrific success'²⁹ and that DIAC had received 'terrific feedback from the shipping industry'.³⁰ Officers told the committee that over 300,000 MCV's had been issued which had exceeded original projections.³¹ Officers explained that 99.8 per cent of applications had been lodged electronically resulting in savings of approximately \$2.6 million.³²

2.11 During its inquiry into the provisions of the *Migration Amendment (Maritime Crew) Bill 2007* the committee received evidence from DIAC and industry submitters that extensive formal and informal consultation had taken place during the

20 *Committee Hansard*, 28 May 2008, p. 25.

21 *Committee Hansard*, 28 May 2008, pp 22-25.

22 *Committee Hansard*, 28 May 2008, pp 64-67.

23 *Committee Hansard*, 28 May 2008, p. 64.

24 *Committee Hansard*, 28 May 2008, pp 64-65.

25 *Committee Hansard*, 28 May 2008, p. 60.

26 *Committee Hansard*, 28 May 2008, pp 37-42.

27 *Committee Hansard*, 28 May 2008, p. 40.

28 *Committee Hansard*, 28 May 2008, p. 110.

29 *Committee Hansard*, 28 May 2008, p. 110.

30 *Committee Hansard*, 28 May 2008, p. 110.

31 *Committee Hansard*, 28 May 2008, p. 110.

32 *Committee Hansard*, 28 May 2008, p. 110.

development of the MCV.³³ The committee is of the view that this consultation has made a significant contribution to the success of the MCV. The committee believes that the implementation of the MCV is a good example of effective stakeholder engagement when developing and implementing new policies and encourages DIAC to continue this into the future.

Citizenship Test

2.12 The committee sought an update from DIAC on the operation of the citizenship test. The committee heard that the number of applicants undertaking the citizenship test had increased significantly and that 15,000 applicants were currently booked to sit the test.³⁴ Officers also told the committee that waiting times to sit the test had reduced significantly.

2.13 The committee also heard that humanitarian entrants continue to have significantly lower pass rates than other migrant cohorts. The committee has previously expressed concern at the lower pass rates for humanitarian cohorts³⁵ and awaits with interest the outcome of the Minister's review of the citizenship test.

Procedural Issues

2.14 During the hearings committee members questioned officers on how increases in the migration intake would affect housing demand.³⁶ Committee members raised concerns that these questions went to the matters currently under consideration by the Senate Select Committee on Housing Affordability.³⁷ Under standing order 25(13):

A committee shall take care not to inquire into any matters which are being examined by a select committee of the Senate appointed to inquire into such matters and any question arising in this connection may be referred to the Senate for determination.³⁸

2.15 Following a request from the committee, the clerk provided written advice (Appendix 3) regarding standing order 25(13).

Senator Trish Crossin
Committee Chair

33 Senate Standing Committee on Legal and Constitutional Affairs, *Migration Amendment (Maritime Crew) Bill 2007 [Provisions]*, April 2007, p. 7.

34 *Committee Hansard*, 29 May 2008, p. 19.

35 Senate Standing Committee on Legal and Constitutional Affairs, *Additional Estimates 2007-08*, March 2008, p. 6.

36 *Committee Hansard*, 28 May 2008, pp 17-19.

37 *Committee Hansard*, 28 May 2008, pp 17-18.

38 The Senate, *Standing Orders and other orders of the Senate*, September 2006, SO 25(13).