

# **CHAPTER 2**

## **IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO**

### **Introduction**

2.1 This chapter summarises areas of interest and concern raised during the Committee's consideration of the Additional Budget Estimates of the Immigration and Multicultural Affairs portfolio for the 2005-2006 financial year.

### **Department of Immigration and Multicultural Affairs (DIMA)**

2.2 Both the Minister and the Secretary of DIMA took the opportunity to make opening statements to the committee in order to provide an update on the department's progress in implementing a variety of changes following the Comrie and Palmer investigations.<sup>1</sup>

2.3 The Secretary of DIMA, Mr Andrew Metcalfe, advised of progress in a number of areas including:

- the development of a holistic case management framework for the case management of clients with exceptional circumstances;
- the ongoing review of cases involving a decision to detain a person;
- improved staff training and accountability measures; and
- the appointment of a national training manager to develop and lead department-wide training programs in leadership, values, standards and management skills.<sup>2</sup>

2.4 The committee questioned officers concerning DIMA's response to the arrival at Cape York, on 18 January 2006, of 43 Indonesians from West Papua. Officers advised the committee that the group was transferred to Weipa on the same day that they arrived. The group underwent medical checks in Weipa which were conducted by Queensland health authorities and was cleared to be flown to Christmas Island. A number of further follow up questions were asked regarding the subsequent health of the group and the costs associated with the air evacuation of two of the group from Christmas Island to Perth with suspected tuberculosis.<sup>3</sup>

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1 *Proof Committee Hansard*, 13 February 2006, pp 3-7.

2 *Proof Committee Hansard*, 13 February 2006, p. 6.

3 *Proof Committee Hansard*, 13 February 2006, pp 22-29.

2.5 The committee sought a range of information on the Integrated Humanitarian Settlement Services (IHSS) scheme in the Newcastle area. The committee questioned officers regarding the staffing levels of service providers, tender processes, the ACL Pty Ltd/DIMA complaints handling system and a number of specific cases, including that of Richard Niyonsaba, a Burundian child who died shortly after his arrival in Australia from Africa.<sup>4</sup>

2.6 Other issues canvassed by the committee included:

- the responsibilities of employers who sponsor employees under the 457 visa category;<sup>5</sup>
- consular visits by Indonesian officials to West Papuans detained on Christmas Island;<sup>6</sup>
- the detention of illegal fishers;<sup>7</sup> and
- an update on the progress of the 220 immigration cases referred to the Commonwealth Ombudsman following the Palmer report.<sup>8</sup>

### **Migration Review Tribunal (MRT)**

2.7 Officers were asked whether the MRT gave specific training to members regarding the issues of natural justice and procedural fairness. Officers advised that there was ongoing training for Tribunal members in these areas and in a variety of forms. Officers advised that the training is reinforced by principal member directions as issued from time to time and that court decisions were also used for guidance in relation to the training of members.<sup>9</sup>

2.8 Officers were also questioned regarding the use of expert evidence and the credibility of evidence provided to the Tribunal. The committee heard that the Tribunal is moving towards a set of credibility guidelines which it plans to make widely available. The Tribunal expects that the guidelines will be enthusiastically adopted by members and will be of great assistance when assessing credibility issues.<sup>10</sup>

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4 *Proof Committee Hansard*, 13 February 2006, pp 73-95 & 99-103.

5 *Proof Committee Hansard*, 13 February 2006, pp 31-36.

6 *Proof Committee Hansard*, 13 February 2006, pp 38-40.

7 *Proof Committee Hansard*, 13 February 2006, p. 46.

8 *Proof Committee Hansard*, 13 February 2006, pp 49-53.

9 *Proof Committee Hansard*, 13 February 2006, pp 96-97.

10 *Proof Committee Hansard*, 13 February 2006, p. 97.