

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(51) Output 2.1: Settlement Services

Senator Ludwig asked:

How much did it cost to develop COLD and what were the estimated costs of developing the replacement?

Answer:

COLD was developed over a number of years by Departmental officers in the Settlement Branch. The Internet based access mechanism for COLD was originally a composite of several proprietary software products. As a result, the development costs are not available.

DIMIA has upgraded and replaced the COLD internet access mechanism with the Settlement Reporting Facility (SRF). The SRF was developed at a capital cost of \$105,596. The SRF continues to use the underlying COLD datastore.

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SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(52) Output 2.1: Settlement Services

Senator Ludwig asked:

How much has been spent developing the replacement to COLD and what additional features does the new system offer that the previous did not?

Answer.

The Settlement Reporting Facility (SRF) was developed in-house, using the Department's established electronic business protocols, at a capital cost of \$105,596.

The SRF provides a more user friendly interface for external users to the aggregated settlement data in COLD, as well as a technical infrastructure which facilitates the addition of new reports as they are identified and developed.

The SRF allows the user to select multiple reports for generation in a single transaction and also allows the user to select multiple geographical locations, such as Local Government Areas, to provide a consolidated regional picture.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(53) Output 2.1: Settlement Services

Senator Ludwig asked:

What was the nature of the technical difficulties that forced COLD offline and what arrangements were made during the database downtime to ensure continued access to the types of information that COLD offered?

Answer:

The Department moved to a new server environment which did not support the underlying software required to run COLD. Failure occurred in the software that controlled the internet pages and its interface with the e-mail system. Requests for reports were not being received by the report generation system.

During the downtime users were able to request information by e-mail or telephone. Departmental Settlement officers in Central Office, Sydney and Melbourne accessed data directly from DIMIA's mainframe and provided the required information by e-mail to those requesting it.

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(54) Output 2.1: Settlement Services

Senator Ludwig asked:

Further, what alternative arrangements were made for electronic access to the sorts of information provided by COLD during the downtime?

Answer:

During the downtime users were able to request information by e-mail or telephone. Departmental Settlement officers in Central Office, Canberra, Sydney and Melbourne accessed data directly from DIMIA's mainframe and provided the required information by e-mail to those requesting it.

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(55) Output 2.1: Settlement Services

Senator Ludwig asked:

(a) Has the COLD Database (or equivalent) returned to operation following the technical difficulties?

(b) If yes, at what date did it become operational and, if this date was later than the scheduled date, what was the cause of the delay?

(c) If the replacement is not yet operational, at what date is it expected to become operational?

Answer:

(a) Yes.

(b) The new Settlement Reporting Facility (SRF) was released on the DIMIA website on 12 July 2004. This was slightly behind the scheduled date of 30 June 2004. The delay was a result of the correction of errors found during the testing phase.

(c) Not applicable.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(56) Output 2.1: Settlement Services

Senator Ludwig asked:

(a) Regarding the development of the replacement for COLD, did the department develop a replacement in-house, or has it engaged an external body to do this?

(b) If it has engaged an external body...

(i) What was the tender process?

(ii) Was the tender open or closed?

(iii) Who was on the tender committee and what were their qualifications?

(iv) How much is the external body receiving in remuneration?

Answer:

(a) The Settlement Reporting Facility (SRF) was developed In house by DIMIA's e-Business unit. Testing was undertaken by staff within the Settlement Branch in Central Office.

(b) Not applicable

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES: November 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(57) Output 2.3: Australian Citizenship

Senator Ludwig asked:

Can the Department advise whether there is a requirement for an adopted child to be a permanent resident before being eligible to apply for Citizenship?

Answer:

Permanent resident status is not required prior to application for Australian citizenship in every adoption case. It depends on where the child is adopted, whether in Australia or overseas, and the child's migration status on entry into Australia. The following situations and provisions apply.

(a) Child adopted in Australia – Permanent Resident

A child adopted in Australia on or after 22 November 1984 by an Australian citizen parent and where the child is a permanent resident at the time of adoption, automatically acquires Australian citizenship under section 10A of the *Australian Citizenship Act 1948* (the Act).

(b) Child adopted in Australia – non-Permanent Resident

A child legally adopted in Australia by an Australian citizen parent where the child is **not** a permanent resident, as a matter of policy, may be considered for the grant of Australian citizenship under the provisions of Section 13 (9)(a) of the Act.

Under Section 13 (9)(a) of the Act, the Minister has a discretion to grant a certificate of Australian citizenship to a child (ie a person who has not attained the age of 18 years). The Minister need only take into account matters of character or previous Australian citizenship.

(c) Overseas adoption - child overseas

If the adoption has occurred and the child is overseas*, as a matter of policy, the child may be eligible for Australian citizenship under section 13(9)(a) of the Act, if:

- at least one adoptive parent is an Australian citizen; and
- whilst the child does not have to be a permanent resident, she or he should meet the usual health and character requirements required for a subclass 102 visa, and
- at least one adoptive parent has been resident overseas for more than 12 months prior to the adoption taking place; and
- the laws and regulations of the overseas country have been complied with and

the child welfare authorities in that country approve of the child travelling to Australia with the adoptive parents; and

- the rights and best interests of the child would not be infringed by travel to Australia to live with the adoptive parents; and
- the adoption order gives full parental rights to the adoptive parents and severs all legal links to the birth parents. Orders which only grant guardianship, custody or other lesser rights would not satisfy this requirement.

(d) Overseas adoption – child in Australia

If the adoption takes place overseas* and the child has been brought to Australia on a migrant visa and the adoption is recognised by an Australian Court (as opposed to the child being adopted under Australian law) or if the adoption occurred prior to 22 November 1984, as a matter of policy, the child may be granted Australian citizenship under section 13(9)(a) of the Act if the following requirements are met:

- at least one adoptive parent is an Australian citizen; and
- the child is a permanent resident; and
- unless the child is aged 16 or 17, a responsible parent consents to the application; and
- either:
 - the adoption order has been recognised or validated under Australian law; or
 - certain other requirements are satisfied and the adoption authority in the relevant state or territory has no objection to the grant.

*** Note**

Australia is a party to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption (known as the Hague Convention). The objectives of the Hague Convention are to eliminate abduction, trafficking or sale of children, and to make sure that intercountry adoptions take place in the best interests of the children concerned, and according to consistent law and practices. State and territory adoption legislation and Australia's immigration and citizenship laws and policies are designed to uphold the principles of this Convention.

Australia has a specific bilateral agreement in relation to adoptions with the People's Republic of China known as The Australia-China Bilateral Adoption Arrangement.

Current procedures for both Hague Convention and China Agreement adoptions require that the child meet Australia's health requirement before Australian authorities authorize the adoption to proceed. This process requires that a visa application be lodged before the adoption has occurred. For this reason, children adopted under these programs will already have satisfied the health requirements and will usually have been granted a subclass 102 Adoption visa and have arrived in Australia before applying for citizenship.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(58-61) Output 2.3: Australian Citizenship

Senator Ludwig asked:

- (58) Who or which committee in the Department are the Citizenship Instructions developed by, and what are their qualifications?
- (59) What procedures are in place to ensure that the Citizenship Instructions comply with the Citizenship Act and Regulations?
- (60) Has the Department received any complaints regarding the Citizenship Instructions in relation to their accuracy to the Citizenship Act and Regulations?
- (61) Are the Citizenship Instructions accurate with the Citizenship Act?

Answer:

By way of a consolidated response to the above questions, the Australian Citizenship Instructions (ACI) contain guidance in relation to the interpretation of, and exercise of the powers in, the *Australian Citizenship Act 1948* ('the Act') and the *Australian Citizenship Regulations 1960* ('the Regulations') by officers who carry out citizenship functions in Australia and overseas.

The ACI are developed by Departmental officers who have experience with and knowledge of the operation of the Act and Regulations. The ACI and any changes to them are approved by the Minister.

As the ACI are administrative policy guidelines, in order to be lawful they must be consistent with the Act and Regulations. The Department is not aware of any complaints received regarding the consistency of the ACI with the Act and Regulations.

Officers who carry out citizenship decision making are routinely trained in the application of the Act and Regulations, including how to use the ACI.