

**OPENING STATEMENT  
ESTIMATES, NOVEMBER 2005**

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SECRETARY, DEPARTMENT OF IMMIGRATION AND MULTICULTURAL  
AND INDIGENOUS AFFAIRS**

Madam Chair

Senator Vanstone has already expressed her sorrow for the loss of the Malu Sara and her passengers, and her sympathies for the people of the Torres Strait Islands affected by this tragedy. I would like to reiterate her sentiments and convey my support to the families, friends, local communities, the Torres Strait Islanders and departmental officers during this difficult time. This is clearly a tragic event and given the length of time that has now passed, we fear the worst. This would be the first loss of departmental employees in the course of their work since that of Michael Herwig, who died in an air crash near Bangkok in 1988. For cultural reasons it is inappropriate to mention the names of those involved in the Malu Sara incident and I ask that we all respect that during any discussion of the matter during the course of this hearing.

I commenced as Secretary of DIMIA on 18 July 2005. The circumstances of my appointment are well known so I do not intend to go into the detail again today. Suffice it to say my appointment followed a period of focused public scrutiny of the Department.

The agenda which has been set for me is substantial and one of my first actions was to establish a Change Management Taskforce in DIMIA to lead the Department in a process of administrative and cultural reforms. This process is focused on shifting DIMIA from an organisation that was described by Mr Mick Palmer as 'process rich and outcomes poor' to one that is client-focused, and effective in its decision-making and operational roles. The Taskforce has been an effective mechanism, working closely with me and the other members of the senior executive to develop both the responses to the Palmer Report on the Circumstances of the Immigration Detention of Cornelia Rau and the Comrie Report on the Circumstances of the Vivian Alvarez Matter and to develop initiatives to address the broader concerns both Mr Palmer and Mr Comrie expressed about the culture in DIMIA.

My initial task was to develop a costed Implementation Plan responding to the 49 recommendations in the Palmer Report. As you know, this Implementation Plan was tabled in Parliament on 6 October 2005. I have also provided a report to the Minister in response to the Comrie Report and this too was tabled in Parliament. I have copies with me today that I can table should members of the Committee so wish.

Three major themes emerge from the Palmer Report. In order to meet the expectations of the Government, the Parliament and the wider community DIMIA must:

- become a more open and accountable organisation;
- deal more fairly and reasonably with clients; and
- have staff that are well trained and supported.

These key themes go to the heart of the recommendations in the Palmer Report but for me and my senior executive they go further. Leadership, governance, values and behaviour; our dealings with clients; a lack of openness; a lack of clear instructions, insufficient training and support for staff, including the need for better integrated systems are all areas which need attention in DIMIA. I am addressing these through over 60 initiatives developed to respond to the Palmer Report and through my broader change agenda.

As you know the Government accepted the findings and recommendations of the Palmer and Comrie Reports and I fully accept the criticisms made. Let me quote from page XV of the main Findings of Mr Comrie's Report: "DIMIA's overall management of Vivian's case can only be described as catastrophic." I can only agree. I have publicly apologised to Ms Alvarez. I do so again now.

Changing an organisation of around 6000 people will take time, resources and ongoing commitment. I recognise that, quite correctly, we will be under close scrutiny. This is not a task that I can do alone. It will be successful because of the strong support and commitment I have from my Minister, Senator the Hon Amanda Vanstone. Over the last three months Senator Vanstone has openly engaged with me in the change agenda. She has clearly articulated her expectations of me and the Department and together we have established a process of open dialogue. The Government has committed over \$230 million over five years to achieve the change process.

I have also been encouraged by the strong support I have from DIMIA staff, in Australia and overseas, and colleagues across the Australian Public Service. I am heartened by the enthusiasm and drive shown by existing and new staff. One of my key goals has been to harness that enthusiasm and the range of ideas that have been put forward to improve the way DIMIA operates. Both I and the Change Management Taskforce have discussed the issues facing us widely with staff and with many key people and organisations who have a legitimate interest in the activities of DIMIA.

To assist with this agenda for change I quickly moved to restructure the organisation and to build the capacity of the senior executive to both lead and embed the change process. Three new Deputy Secretaries were appointed to assist me and provide clearer lines of responsibility and accountability for the Department's activities. Just last week, the Acting Secretary, Mr Correll, announced over 40 promotions, transfers and appointments to DIMIA's Senior Executive ranks. These include a number of new positions I established under the new structure and will involve many appointments from outside the Department. I was overwhelmed at the number of officers at these senior

levels who sought to join DIMIA and am encouraged that they too recognised that with challenge comes opportunity.

I would also like to take this opportunity to put on record my thanks to Bob Correll and Abul Rizvi for their support, their professionalism and their enthusiasm over the past 100 or so days. Andrew Tongue has been a key driver of the Change Management agenda and has my thanks for his outstanding effort over the last three months and I wish him well in his new position as Deputy Secretary in the Department of Transport and Regional Services.

Bob, Abul and Andrew have shown the benefits of bringing together capable, experienced people from different portfolios to work across difficult key policy issues. Each is a respected leader and together they demonstrate the depth of experience and skills we have across the Australian Public Service.

### **The Change Agenda**

So, how am I going to change a large, diverse Department and how can I demonstrate to you and the wider public that change is happening?

First let me say what I have been doing.

Each Monday and Friday I send an all staff message to let people know about a current issue. In return I am asking staff to contribute their ideas, their energy and their commitment to rebuilding DIMIA and its reputation. Hierarchy is important in any large organisation, but great organisations go beyond hierarchy to encourage engagement across all levels of the organisation. This is how I work. That is how I want people in the Department to work.

Over the last few months I have been to several DIMIA offices around Australia and, among other things, had the great pleasure of sitting down and talking with many of our staff and some newly arrived refugees from Africa and Afghanistan. I have had some very good discussions with our clients, our critics and people we work with in other organisations. The feedback has been wide-ranging and constructive. We are taking it into account.

I have presented three keynote addresses to all staff to outline to them the thrust of the criticisms in the Palmer and Comrie Reports and to set the vision and tone for the responses to these reports and the broader change agenda.

It might be useful here if I use our three key themes to demonstrate what the initiatives underway.

### **An open and accountable organisation**

Becoming an open and accountable organisation is multi-layered objective. Part of the solution is to improve departmental structure and governance arrangements. As I mentioned earlier, this process is well underway and will be fully implemented by the end of December 2005. A high level Values and Standards Committee with external representation, including from the

Commonwealth Ombudsman's Office and the Australian Public Service Commission, has been established to ensure that the Department is meeting community expectations and focusing on meeting the Australian Public Service values.

I have created a new branch led by a Chief Internal Auditor to manage an enhanced internal audit programme that will strengthen compliance checking. The auditor will be checking whether DIMIA officers are actually doing what the law and instructions require. In addition, a new national quality assurance framework, particularly around decision-making will be developed. \$12.9 million has been set aside to improve quality assurance and decision-making in DIMIA.

A Strategic Policy Group will monitor and report on the implementation of the Palmer program and will play a pivotal role in the coordination, development and delivery of policy in DIMIA.

I have also established DIMIA National, a project to examine State and Territory office arrangements, including current internal funding mechanisms. I need to have the resources where the work is being done. The DIMIA National team is working with State and Territory offices to examine these issues and will report before the end of the year.

#### **Fair and reasonable dealings with clients**

DIMIA has a diverse client base. It is therefore important that we listen to our clients and provide them with a range of choices to contact us. Some people like face-to-face contact, others prefer telephone or email. Visa applicants can apply in paper and in a number of visa categories over the internet.

It is because of the range of services we provide, the monopoly we hold and the diversity of our clients that we must provide the best service that we can. We must be fair and reasonable dealings with clients and provide clear, commonsense and lawful decisions that are properly recorded.

To put DIMIA on a much better footing to respond to client needs a newly created Client Service Branch will develop and introduce new tools so that clients can let us know how we are doing. \$25.5 million has been allocated for Centralised Client feedback response management, the finalisation of a Client Service Charter and Strategy, overseas call handling arrangements, Client Surveys and Integrated email/telephony enquiries.

There has already been wide community consultation on the draft Client Service Charter and Client Services Strategy for Visa and Citizenship Services. Much of the feedback received has been positive and constructive. Both documents, along with improved client feedback handling arrangements, will be finalised in the near future. A program of client surveys will start in early 2006.

Senator Vanstone has already outlined the many projects we are undertaking to improve the delivery of health services to detainees so I won't go into more

detail here, except to advise that in all some \$17.9 million will be directed at improving immigration detention health services.

\$19.2 million has been allocated to improving immigration compliance and detention case management and coordination, including the pilot of a community care model. A national case management framework will be developed in the new Compliance Policy and Case Coordination Division. In keeping with my objective to drastically improve governance and accountability arrangements, this new division will have better organisational arrangements, better systems support and a more clearly defined role for the non-government sector. The framework will be developed by the end of 2005 for implementation during 2006. The community care pilot study will run in Melbourne and Sydney for 12 months, commencing early next year.

\$15.7 million has been made available for improving detention facilities, including in Queensland. A detention services strategy, developed by the end of 2005 will examine infrastructure issues in light of the changing detention population. The Minister has already announced a major development program for Baxter and spoke to you earlier about her concerns around the lack of an appropriate facility in Queensland.

#### **Well trained and supported staff**

Additional funding will provide a very significant boost to training. As you know both Mr Palmer and Mr Comrie were critical of the leadership with the Department and the apparent lack of specific training for staff to undertake their roles.

\$50.3 million will be provided for the establishment in 2006 of a College of Immigration Border Security and Compliance. This will not be a bricks and mortar site, but we will partner with training providers and educational institutions to ensure that we can provide all new compliance and detention staff with a comprehensive induction program across five streams:

- compliance,
- investigations,
- detention management,
- border management, and
- immigration intelligence.

Existing staff in these operational areas will complete regular refresher training each year. Importantly, the funding is based on increasing staffing capacity so that staff on initial training can be back-filled, meaning that there will be no reduction of operational capacity while that training is being delivered.

What does all this mean? It means that each year, some 200 or so of our State and Territory network staff will spend 15 weeks learning the business of DIMIA operations. In the interim, enhanced training will be provided focusing on the application of 'reasonable suspicion', emerging legal issues, identity investigations, search warrant training and capacity to search and interrogate all DIMIA systems.

A further \$16.6 million is being provided to support training initiatives beyond the College. I have appointed an SES level National Training Manager to head the newly developed Training Branch. One of the early tasks for new Training Branch will be to develop a national training strategy for DIMIA. In the meantime, a number of training initiatives have started.

An Executive Leadership Programme started on 19 September. This course is mandatory for every EL1 and EL2 in the department and all staff at these levels will have undertaken the course by mid-2007.

A Development Programme for APS6 level officers will start before the end of November with three courses planned each year. This course is intended to increase participant's knowledge and awareness of the complexity of DIMIA's business, and increase skills in the development and implementation of policy and legislation, and better prepare them to perform their jobs.

A records management improvement plan is being developed and \$10.3 million has been set aside for this task. The plan will be developed in consultation with the National Australian Archives and will include a training component so that DIMIA staff understand their role and responsibilities in relation to records management.

Both Mr Palmer and Mr Comrie stressed the need for better information management systems. DIMIA has taken this criticism on board and an independent review of information requirements and systems is underway and expected to be completed by the end of January 2006. Medium and long term actions will be presented for consideration by the Government. We have also commissioned a review which I call a 'health check'. This review will examine whether we have the right mix and deployment of our technical platforms to support the work we are doing now and our future business needs.

#### **How will you know that we have been successful?**

We have been given a significant budget for our task. Last month the Government agreed to a budget of some \$230 million to make the changes in DIMIA. \$165 million is new funding. I have committed a further \$44 million in existing funding to the task and my Department will work to make savings of some \$22 million.

I accept that this money comes with an equally serious commitment to deliver and an expectation that we will be closely scrutinised as we do so.

To monitor progress on the implementation of the Palmer Projects I have established a Palmer Program Office. To ensure that DIMIA staff, including those in the Senior Executive Service understand the principles of project management, a series of information sessions and one and two day workshops are underway. Response to project training has exceeded my expectations and regular project management training will be part of the long term training strategy.

There will be regular reporting to the executive via the Executive Management Committee. We are required to report quarterly on implementation to the Cabinet Implementation Unit (CIU) of the Department of the Prime Minister and Cabinet. This task will be facilitated by the Program Office who have been working closely with the CIU to develop an appropriate reporting model.

I am also required to report to the Minister on progress, for tabling in Parliament in September 2006.

Our success in achieving change will be measured by improvements in reputation and the confidence the Department is able to inspire in the broader community. This will be achieved through the development of national strategies for client service, case management, detention health service delivery, detention infrastructure, and staff training and their implementation through the remainder of the 2005 and 2006. Success will be reflected in the fact that our decisions are fair and reasonable, that implementation of policy is open and there are clear lines of accountability through the DIMIA executive, to the Minister and Government and to the Parliament and the broader community.

#### **The Comrie Report - action under the Public Service Act**

You would be aware that on 6 October 2005, I announced that a senior external consultant would be appointed to undertake an investigation into the conduct on two officers who were referred to adversely in the Comrie Report.

It is important to ensure the integrity of that process and a fair and just outcome for the officers under investigation. It is also important to preserve the confidentiality and privacy of the process. I am therefore concerned to ensure that I, or senior staff of the Department, are not drawn into making comments:

- that identify, or have the potential to identify, officers under investigation – that may include identifying officers who are not under investigation;
- on the conduct of staff or the circumstances in which they were involved in the Vivian Alvarez case that might suggest pre-judgement of the issues.

To do so could put at risk the decision-making of the members of the Executive who will be exercising delegations in relation to this matter and could also compromise the independent investigator.

It may be necessary for me to request that particular officers not answer questions in this hearing and for some questions to be taken on notice pending legal advice. In that circumstance, it may be possible to provide confidential answers to the Committee in writing subsequent to the hearing as I believe has been the case with other departments providing evidence in relation to code of conduct investigations that were underway.

### **DIMIA's successes**

The deserved criticism in some areas should not mean that we lose sight of the very real and significant achievements of the Department and the substantial programs it manages. In his announcement regarding administrative reform in DIMIA on 14 July 2005 Dr Peter Shergold noted that "those who work in DIMIA do a difficult and demanding job". I can only agree.

We are a Department serving people both in Australia and overseas, 24 hours a day, 7 days a week. The Minister has outlined for you some statistics on the scale of activity undertaken in the Department. Beyond statistics, I would like to share with you two significant examples of the excellent work DIMIA is doing for the national benefit. Senator Vanstone and I have recently returned from an overseas trip where we had first hand and very positive feedback on some of our programs. I will mention two examples.

### **Australia Needs Skills Expos**

As you know Australia is experiencing strong economic growth in a number of areas. This means that in some industries we are facing skill shortages. To assist, the Government announced an additional 20,000 places in the Skilled Migration Program for 2005-06. The additional places will be targeted through three visa options – employer sponsored, state/territory sponsored and applicants with an occupation on the national skill shortage list – we call it the MODL.

To assist in matching prospective employees to Australian employers, the Department recently arranged a series of 'Australia Needs Skills' Expos in London, Amsterdam, Berlin, Chennai, Brisbane and Melbourne. The Expos were arranged to provide Australian employers and State/Territory Governments with an opportunity to meet people who may have the skills and experiences they need to meet their skill shortage gaps.

The response to the Expos has been overwhelming. Senator Vanstone and I met with State Government representatives in London for a formal debrief on the recent Expos. The Agents' General and other State representatives were effusive in their praise of the professionalism and positive attitude of the DIMIA staff that organised the Expos. The response from employers was outstanding and they too were impressed with the level of organisation and the enthusiasm of participants and DIMIA staff.

The Expos also demonstrated the benefits of a whole-of-government approach to a problem. The involvement of staff from the Department of Employment and Workplace Relations and Trades Recognition Australia provided participants with an opportunity to learn about wages and conditions in Australia and about the skill assessment process.

### **Approved Destination Status (ADS) Scheme**

In 1999 DIMIA made arrangements with the China National Tourism Administration which provides an avenue for large numbers of PRC tourists to enter Australia.



Since 1999 we have seen some 167,000 PRC tourists arrive under this program with some 45,000 people arriving during 2004-05. The benefit of the ADS scheme is that it ensures high levels of integrity and compliance with visa conditions. For example, the non return rate for this group in 2004-05 was 0.34% in comparison to the global non return rate of 1.22%.

The scheme currently operates in nine provinces in China. During our visit the Minister announced that the scheme will be extended to tourists from all provinces in the PRC. Chinese tourism to Australia is forecast to grow at more than 16 per cent per annum to reach about 1.2 million visitors per year by 2014, with substantial benefits for the national economy.

By any measure, this has been an outstanding success. The benefits to the tourism industry include substantial growth. The program is an opportunity to bring about people to people contact between countries. It was innovatively conceived and has been very well managed.

#### **Commitment to change**

Clearly the task facing DIMIA is substantial and I do not underestimate the commitment necessary to achieve the changes necessary. I have mentioned the high level of support I have from the Minister, staff and the wider public service. We have been given the necessary financial resources and the recent recruitment rounds give me access to a diverse and capable SES to lead the change process. While under no illusions about the scale of the task, I am very confident that we have the capacity to deliver on the change agenda.

Thank you.



Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

## **Report from the Secretary**

**To**  
**Senator the Hon Amanda Vanstone**  
**Minister for Immigration and Multicultural and**  
**Indigenous Affairs**

**RESPONSE TO THE RECOMMENDATIONS OF**  
**THE REPORT OF THE COMMONWEALTH**  
**OMBUDSMAN OF THE INQUIRY INTO THE**  
**CIRCUMSTANCES OF THE VIVIAN ALVAREZ**  
**MATTER**

**October 2005**

**people our business**

## 1. Background

On 2 May 2005 the Acting Minister for Immigration and Multicultural and Indigenous Affairs, the Hon Peter McGauran MP, referred to the Palmer Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau a request to examine the circumstances surrounding the removal from Australia of Ms Vivian Alvarez, an Australian citizen. The Palmer Report was released on 14 July 2005 and included comments on the progress of the investigation into Ms Alvarez's case. The Government asked the Commonwealth Ombudsman to take responsibility for completing the investigation into the removal of Ms Alvarez from Australia. The Ombudsman accepted the request and Mr Neil Comrie AO APM was retained to continue the investigation.

The Ombudsman's report of the Inquiry into the Circumstances of the Vivian Alvarez Matter (referred to as the Comrie Report) was provided to me on 29 September 2005 and will be made public by the Ombudsman on 6 October 2005 under section 35A of the *Ombudsman Act 1976*.

An additional 201 immigration matters, covering the period July 2000 to April 2005, have been referred to the Ombudsman by the Minister for Immigration and Multicultural and Indigenous Affairs (the Minister) for investigation. Until improved arrangements are in place to ensure cases of particular concern (out of those cases recorded in the system as 'released not unlawful') can be more easily identified, there will be ongoing discussion with the Ombudsman regarding any cases which appear to involve unlawful detention. To date an additional 20 matters, covering the period May to June 2005, have been referred.

The Comrie Report is highly critical of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and makes twelve recommendations covering training, record-keeping, case management, information systems and the prevailing culture in some parts of the Department. These are very serious issues. Clearly, the circumstances surrounding Ms Alvarez's case were highly unsatisfactory. The Prime Minister publicly conveyed an apology to Ms Alvarez on 14 July 2005. I would like to take this opportunity to apologise most sincerely on behalf of DIMIA.

Mr Comrie also reinforces the findings and recommendations made in the Palmer Report, the broad thrust of which has already been accepted by the Government. New initiatives to address both his specific recommendations and the broader concerns he raised have been underway for some time. Further measures have also been announced by the Government. Their implementation is set out in more detail in my response to the Palmer Report, which I have provided to the Minister and which I understand is to be tabled in the Parliament on 6 October 2005 (a copy is available at [www.immi.gov.au](http://www.immi.gov.au)). These measures also provide an effective response to the matters raised in the Comrie Report, as set out below, and will ensure that DIMIA becomes an organisation that meets the expectations of the Government, the Parliament and the wider community. An organisation that is: more open and accountable; deals more reasonably and fairly with clients; and has staff that are well trained and supported and who embrace the first two themes.

## 2. Response to the recommendations in the Comrie Report

### Recommendation 1

The Inquiry recommends that the Secretary of DIMIA take all necessary steps to:

- redress the culture in the Brisbane Compliance and Investigations Office – as demonstrated by the failure of a number of officers to take action on becoming aware that an Australian citizen had been unlawfully removed from Australia
- ensure that the problems and deficiencies identified in relation to the Brisbane Compliance and Investigations Office do not exist in other regional offices and in related areas in DIMIA head office.

### *Response*

Agreed. I have appointed a new SES Band 1 level Deputy State Director to assist the Queensland State Director in implementing change throughout DIMIA's Queensland Offices. The new Deputy State Director will commence duties as soon as possible and will focus on improvements in the compliance, border security and detention areas to ensure higher standards in decision-making and operational activity.

As previously recommended by Mr Palmer, I have also appointed a consultant to provide independent ongoing advice on compliance and detention activities within DIMIA and the detention services contract. Mr Mick Roche, a former Deputy CEO of the Australian Customs Service, Deputy Secretary in the Department of Health and head of the Defence Materiel Organisation, will commence his contract in the very near future and will provide advice to me by the end of 2005.

I announced the restructure of the detention, compliance and border security areas of the Department on 31 August 2005. Three new divisions, Detention Services, Compliance Policy and Case Coordination, and Border Security have been established to provide a better balance of responsibility and accountability for these activities. The key positions at the head of the detention and compliance divisions have been filled by experienced external senior executive officers. The new head of the Compliance Policy and Case Coordination Division will, in close consultation with me, the relevant Deputy Secretary and Mr Roche, address the wider issues in relation to compliance activity in DIMIA's National and State and Territory Offices.

The restructure in these areas forms part of my broader plan to improve departmental structures and governance frameworks within DIMIA to address concerns about the culture in the wider Department. Three Deputy Secretaries (one more than at present) will ensure there are clear lines of responsibility and accountability. The improved governance arrangements include a high level Values and Standards Committee with external membership (including from the Commonwealth Ombudsman's Office, the Australian Public Service Commission and the community) to ensure the Department is meeting community expectations and focusing on meeting the Australian Public Service values. There will also be a significantly enhanced internal audit programme to strengthen compliance checking (i.e. are DIMIA officers actually doing what the law and our instructions require?) and areas

identified as high risk by either Mr Palmer or Mr Comrie. The Chief Internal Auditor will report regularly to the Department's Executive Management Committee.

Better structure and governance models are not the full answer to improving the culture in DIMIA. Better training and support for staff is a significant driver for cultural change. Dramatic improvements to the provision of technical training are described under Recommendation 5 below. A new national training strategy that directly addresses concerns about values, ethics and standards and excellence in leadership is being implemented in DIMIA.

### Recommendation 2

The Inquiry recommends that the Secretary of DIMIA instruct staff to comply with the requirement of Migration Series Instruction 267 that a compulsory checklist be completed to record the actioning of a removal be approved by a senior compliance officer – the Officer in Charge of Compliance. The checklist should be attached to every compliance file.

### *Response*

Agreed. MSI 267 has been revised and will be reissued in the near future. In the interim the removals checklist has been replaced by a 'removal availability assessment' which was distributed to State and Territory Directors and Removals Managers by Deputy Secretary Bob Correll on 25 August 2005. This assessment includes the same rigorous checks as contained in MSI 267 and, in addition, it requires that the assessment be signed off by either the relevant State or Territory Director or a Senior Executive Service officer prior to a removal taking place. The assessment is required to be attached to every compliance file.

As part of the Government's response to the Palmer Report, DIMIA is also reviewing all MSIs to ensure they facilitate and guide effective management action.

### Recommendation 3

The Inquiry recommends that the formal interview of detainees be constructed in such a way as to require that, where necessary, responses from a detainee be further investigated. The interview process should be dynamic and designed to elicit information useful to the making of decisions about detention and removal.

### *Response*

Agreed. All compliance and detention Migration Series Instructions will be reviewed as part of the response to the Palmer Report and this report, including instructions on the conduct and recording of interviews. In the interim I will issue procedural advice in relation to the specific issue raised in this recommendation.

The new National Identity Verification and Advice Section has been in place since May 2005 to ensure identity issues in relation to persons of compliance interest are resolved as quickly as possible. Updated instructions on identity checking are currently being trialled operationally before being finalised in the near future.

#### Recommendation 4

The Inquiry recommends that, as an urgent priority, DIMIA commission a thorough, independent review and analysis of its information management systems. The review should be carried out by an experienced, qualified IT systems specialist and should aim to do the following:

- identify the real organisational policy and operational information management requirements – particularly requirements for interconnectivity, compliance management functionality, and growth
- explore the potential for single-search entry to all DIMIA databases
- formulate an implementation plan for consideration by the DIMIA executive.

#### *Response*

Agreed. A request for proposal for a consultant to review information requirements and systems was issued on 24 August 2005 following the Government's acceptance of a similar recommendation from Mr Palmer in his July report on the Cornelia Rau matter. The consultant is to report by the end of January 2006 with an implementation plan over the medium and long term for consideration. A second review is also underway to provide a 'health check' in regard to the appropriateness of the mix and deployment of DIMIA's technical platform to support current and future business needs. The focus of both reviews will be to ensure that DIMIA systems adequately support decision-making and case management in the longer term.

A single entry client search facility is being developed. A pilot using existing search capabilities will be rolled out later this year. A second phase facility incorporating more powerful search tools will be available by late March 2006. Training in more effective use of name searching facilities will be rolled out as part of the response to the Palmer Report.

#### Recommendation 5

The Inquiry recommends that DIMIA commission a thorough independent review and analysis of the IT training requirements for the Border Control and Compliance Division and the Unlawful Arrivals and Detention Division. The review should identify the requirements for the various functional responsibilities.

#### *Response*

Agreed. As part of his consultancy, Mr Mick Roche will examine the training needs of DIMIA officers working on compliance and detention activities.

The Government has also announced that it will establish a College of Immigration Border Security and Compliance to deliver comprehensive, tailored operational training for DIMIA officers. All new compliance and detention staff will be required to complete a 15 week programme of training and existing staff will complete regular refresher training. We anticipate that the College model will be developed by mid-December 2005 and established by mid-2006. In the meantime, enhanced training for compliance and detention staff will be provided by December 2005, focusing on the application of 'reasonable suspicion', emerging legal issues, identity investigations,

search warrant training and capacity to search and interrogate all DIMIA systems. The latter specifically picks up on IT training requirements.

#### Recommendation 6

The Inquiry recommends that in the training program for compliance and investigations officers there be a focus on objectivity in decision-making and a strong warning that false assumptions will contribute to poor decisions. Further, all staff at DIMIA should be reminded of the need for great care in the spelling and recording of names in files and records.

#### *Response*

Agreed. Quality decision-making will be a key focus in the curriculum at the College of Immigration Border Security and Compliance. These messages will be part of the training programme. The curriculum will address the need for objectivity, care in the recording of names and the need to take extra care in the handling of people who may have mental health problems (in line with Recommendation 8 below).

On my first day as Secretary I reminded staff of the need for care and diligence in all aspects of decision-making – the need to be fair, reasonable and lawful. I have repeatedly reinforced this message to all staff and in particular, I have made it clear on several occasions that should any staff member become aware that we have acted in an unlawful way they must advise their State or Territory Director or Branch Head immediately. I have placed a personal responsibility on those officers to resolve the matter quickly and effectively.

A specific project is being undertaken as part of the Records Management Improvement Plan to correct the large number of multiple 'Person Identifiers' already recorded.

#### Recommendation 7

The Inquiry recommends that DIMIA institute a review of the operations of contact centres, to determine more effective procedures for dealing with information those centres received.

#### *Response*

Agreed. DIMIA will further review the operation of the contact centres to address these concerns. DIMIA has introduced improved protocols, scripts and training for call handling in contact centres (which handle telephone inquiries to DIMIA). Collectively, these centres handle over 1.3 million calls per year.

#### Recommendation 8

The Inquiry recommends as follows:

- that compliance staff be trained to exercise greater caution in performing their duties – including verification of information – where it is known or suspected that a possible unlawful non-citizen may have mental health problems;
- that any training program developed as a result of the recommendations in the Palmer report and this report include a component designed to better equip compliance officers to deal with people with known or suspected mental health problems.

*Response*

Agreed. These issues are being addressed in the development of enhanced training for compliance officers (see Recommendations 5 and 6 above).

Recommendation 9

The Inquiry recommends as follows:

- that DIMIA take all necessary action to ensure that appropriate standards for health care needs are developed and introduced for situations involving detainees in transitional detention;
- that where it is necessary or appropriate to conduct a medical examination to determine the fitness to travel of an unlawful non-citizen, DIMIA officers make all reasonable efforts to ensure that the medical practitioner concerned receives the medical history and record of the unlawful non-citizen and that the medical practitioner – who, if possible, is someone who has previously treated the patient – is advised of the factual circumstances, including the behaviour of the unlawful non-citizen, that have led to the need for the medical examination.

*Response*

Agreed. The existing guidelines for fitness to travel and fitness to depart are to be examined by DIMIA in consultation with Health Services Australia and the Department of Health and Ageing, with a view to their revision. The current arrangements for fitness to travel assessments will also be considered at a workshop being convened by DIMIA's Detention Health Services Branch in October 2005. The detention service provider, Global Solutions Limited, International Health and Medical Services and Professional Support Services (all involved in health care delivery to detainees, including those in transitional detention) will be involved in the discussions.

Mr Comrie focuses more broadly on shortcomings in arrangements for detainees in transitional detention, which is exacerbated in Queensland because there was at the time of Ms Alvarez's detention no immigration detention facility (IDF) in that State. The Government has decided to establish better transitional detention arrangements in Queensland. DIMIA has entered into negotiations with the CEO of Shaftesbury Campus (at Burpengary, just outside Brisbane) who has offered the facility to assist with accommodation of people in detention in Queensland. The Queensland Government has raised concerns about whether the CEO is entitled to sublease campus facilities for this purpose. DIMIA cannot proceed until this issue is resolved between the Queensland Government and the lessee.

Recommendation 10

The Inquiry recommends that the Secretary of DIMIA take all necessary steps to ensure that email business records are kept in accordance with the requirements of the *Archives Act 1983*.

*Response*

Agreed. Following the Government's acceptance of the similar recommendations from Mr Palmer in his July report on the Cornelia Rau matter, a comprehensive Records Management Improvement Plan is being developed in close consultation with the National Archives of Australia. The Plan includes: a strong training component to ensure all staff are aware of



obligations under the Archives Act; a focus on the links between electronic and paper records; and an upgrade to DIMIA's email management system. The administrative instruction on internet and email usage will be revised and reissued to ensure alignment with recordkeeping policies and statutory obligations.

#### Recommendation 11

The Inquiry recommends that the Minister for Immigration and Multicultural and Indigenous Affairs write to Mr Robert William Young to commend him for his diligence in pursuing the matter of Vivian Alvarez and bringing it to the attention of the Australian Government.

#### *Response*

Agreed. The Minister has written to Mr Young along these lines.

#### Recommendation 12

The Inquiry finds that the conduct of officers A, B and C, as described in this report, might constitute a breach of one or other of the requirements of the Australian Public Service Code of Conduct, as detailed in s.13 of the *Public Service Act 1999*. The Inquiry recommends that this opinion be brought to the attention of the Secretary of DIMIA, in accordance with s.8(10) of the *Ombudsman Act 1976*.

#### *Response*

Noted. Having considered this recommendation from the Ombudsman, and pursuant to section 13 of the Public Service Act (PSA), I appointed Deputy Secretary Bob Correll as my delegate to examine these issues and to consider whether there may be a basis for DIMIA instituting a formal disciplinary process to determine whether or not any DIMIA employees have breached the APS Code of Conduct. Mr Correll has now advised me that, pursuant to section 13 of the PSA, he has formed a view that a Code of Conduct investigation is needed. He has also advised me that he intends to appoint Mr Dale Boucher, a former Australian Government Solicitor and a senior administrative lawyer and consultant, to undertake the investigation. The investigation will commence as soon as possible.

Andrew Metcalfe

Secretary

Department of Immigration and Multicultural and Indigenous Affairs

4 October 2005