

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 30 October 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(138) Output 1.1: Migration and Temporary Entry

Senator Carr asked:

1. Can you confirm that DIMA has agreed that it needs to submit a second revised statement to the Senate concerning its handling of the complaint by Mr Mark McBurney to correct its first revised submission? When did DIMA realise it needed to make a second correction to its Senate submissions? Why is it taking you so long to submit this revision? When will the revision be supplied?

2. Can you confirm that DIMA's National Office was completely unaware of Mr. McBurney's complaint until some 10 months after he filed it with DIMA in Melbourne on 5 July, 2005?

3. Mr McBurney claims that DIMA has missed at least 10 deadlines for its responses to the OPC and other entities, and that DIMA's response to his FOI request is several months overdue. Could you please comment on this?

Answer:

1. Yes.

By email dated 18 August 2006 Mr McBurney detailed in three paragraphs where he believed the Department had provided, "...untruthful information to the Australian Senate...". The Department immediately commenced an examination of the information provided.

The time taken in preparation of the second revised statement was necessary to examine the serious allegations made by Mr Mc Burney by re-examining information provided and seeking new information.

The second revised statement will be supplied to the Senate in January 2007.

2. Mr McBurney made a complaint to the Victorian State Office of the Department on 5 July 2005.

National Office (NatO) first became aware of Mr McBurney's complaint on 23 July 2005.

3. The Department considers it has acted diligently in processing Mr McBurney's FOI request as well as responding to the OPC and other entities. Where necessary, the Department had sought and obtained approval for extensions from the OPC and the Ombudsman's Office in order to provide detailed responses.

Delays in processing the FOI request were due to:

- the number of FOI requests that the Department has at any one time (on average, over 1000) and time was needed by FOI staff to locate the files, copy them, and prepare the redactions;
- the large number of documents involved in processing his request (over 1300), and;
- the need to consult with and involve third parties and other agencies.

Throughout the process, however, Mr McBurney has been regularly advised of progress and documents have been progressively released to him as they have been assessed/reviewed.