

## **APPENDIX 3**

# **PALMER REPORT - FINDINGS AND RECOMMENDATIONS AND GOVERNMENT RESPONSE**

## **Main findings**

1. When Ms Cornelia Rau came to the attention of immigration authorities in north Queensland and throughout her detention in Brisbane Women's Correctional Centre and Baxter Immigration Detention Facility, Ms Rau consistently maintained that she was a German tourist. She gave several names and dates of birth and conflicting accounts of how and when she had arrived in Australia. She conducted her discussions with German consular officers in German.
2. On the evidence then reasonably available, the responsible compliance officer in the Department of Immigration and Multicultural and Indigenous Affairs had a proper and lawful basis for forming a 'reasonable suspicion' that 'Anna' (as Ms Rau called herself) was an unlawful non-citizen, sufficient to justify her detention. Nevertheless, officers should not only have continued inquiries aimed at identifying Anna; they should also have continued to question whether they were still able to demonstrate that the suspicion on which the detention was originally based persisted and that it was still reasonably held.
3. DIMIA's inquiries concerning Ms Rau focused on establishing her identity for the purpose of enabling her removal from Australia. There was no corporate policy for or instruction to review the continued validity of the 'reasonable suspicion' that Ms Rau was an unlawful non-citizen.
4. There is no automatic process of review sufficient to provide confidence to the Government, to the Secretary of DIMIA or to the public that the power to detain a person on reasonable suspicion of being an unlawful non-citizen under s. 189(1) of the Commonwealth's *Migration Act 1958* is being exercised lawfully, justifiably and with integrity.
5. The case complexity and workload associated with enforcing and managing immigration detention policy have placed much pressure on DIMIA staff. Individual workloads are high, and many of the matters to be dealt with are sensitive and difficult. The speed of change in the immigration detention environment since 2000 has led to policy, procedures and enabling structures

being developed on the run. This has created challenges for DIMIA and its compliance and immigration detention staff.

6. A strong government policy calls for strong executive leadership, together with careful management, to ensure that enforcement and application of the policy are justified and equitable. Such a policy places on the accountable department an onerous responsibility for having in operation systems and processes designed to ensure integrity of application and demonstrable accountability and for engendering public confidence in the policy's operation. Initiatives are now being introduced, but the Inquiry found inadequate evidence of the required systems and processes in the compliance and immigration detention areas of DIMIA during the period of Ms Rau's detention.
7. There is considerable evidence of highly committed DIMIA staff—particularly at Baxter Immigration Detention Facility—having heavy workloads and trying to operate effectively despite instructions and requirements that inhibit or prevent effective performance rather than facilitate it.
8. There is a serious cultural problem within DIMIA's immigration compliance and detention areas: urgent reform is necessary. The combination of pressure in these areas and the framework within which DIMIA has been required to operate has given rise to a culture that is overly self-protective and defensive, a culture largely unwilling to challenge organisational norms or to engage in genuine self-criticism or analysis.
9. DIMIA officers are authorised to exercise exceptional, even extraordinary, powers. That they should be permitted and expected to do so without adequate training, without proper management and oversight, with poor information systems, and with no genuine quality assurance and constraints on the exercise of these powers is of concern. The fact that this situation has been allowed to continue unchecked and unreviewed for several years is difficult to understand.

10. During Ms Rau's detention the DIMIA management approach to the complexities of implementing immigration detention policy appeared to be 'process rich' and 'outcomes poor', with the predominant, and often sole, emphasis being on the achievement of quantitative yardsticks rather than qualitative performance. The organisational structure and arrangements fail to deliver the outcomes required by the Government in a way that is firm but fair and respects human dignity.
11. The lack of comprehensive 'cradle to grave' case management and of any effective accumulated assessment and review process in relation to mental health care, general treatment, and the identity inquiries conducted during Cornelia Rau's 10 months in immigration detention significantly affected the quality of care she received and the amount of time she spent in detention.
12. Ms Rau was detained in Brisbane Women's Correctional Centre for six months—an excessively long time. She was not a prisoner, had done nothing wrong, and was put there simply for administrative convenience. These facts alone should have been sufficient to prompt immediate consideration by DIMIA of her early transfer to a more suitable facility.
13. Ms Rau was held in immigration detention at Brisbane Women's Correctional Centre for six months because of a failure in DIMIA processes. It was not a failure of instructions. Migration Series Instruction 244 is well written and clear. The instructions were not followed. It was a failure of management processes and corporate oversight.
14. Statements by DIMIA operational and field staff make it obvious that many of DIMIA's compliance officers have received little or no relevant formal training and seem to have a poor understanding of the legislation they are responsible for enforcing, the powers they are authorised to exercise, and the implications of the exercise of those powers. The induction training package for compliance officers is inadequate.
15. Officers with direct responsibility for detaining people suspected of being unlawful non-citizens and for conducting identity and immigration status inquiries often lack even basic investigative and management skills. The Vivian Alvarez matter has also demonstrated that their knowledge of the capability of DIMIA information systems is inadequate.

16. The DIMIA database infrastructure is 'siloed', with little connectivity between systems. Important information that needs to be linked frequently for reasons of operational effectiveness and integrity is not effectively networked. There is limited search capacity and until recently little evidence—despite the problems caused by these deficiencies—of any structured attempt to improve the systems and so remove gaps and vulnerabilities.
17. There are serious problems with the handling of immigration detention cases. They stem from deep-seated cultural and attitudinal problems within DIMIA and a failure of executive leadership in the immigration compliance and detention areas.
18. The Vivian Alvarez incident occurred in 2001 and entailed events, practices and actions in 2003 and 2004, most of which confirm the systemic nature of the problems identified by the Inquiry into Cornelia Rau's detention.
19. During Ms Rau's detention there seemed to be a 'disconnect' between DIMIA detention policy development and management in Canberra and the realities of time frames for dealing with operational requirements in Baxter and the Queensland Regional Office. This is reflected in the lack of responsiveness to operational concerns and the failure to achieve desired performance outcomes.
20. Reform will need to come from the top, and external professional assistance will be necessary. The current immigration compliance and detention executive management team is unlikely—without significant independent leadership and support—to have the perspective or capacity to lead and bring about the major changes in mindset and practice that are required.
21. During the term of this Inquiry DIMIA continued to introduce new arrangements to overcome deficiencies. In a statement to the Senate Estimates Committee on 25 May 2005, the Secretary expressed profound regret at what has happened in some cases and acknowledged that DIMIA had made mistakes and that there is a need for change. The Minister also made a statement to the Senate Estimates Committee on the same day, outlining the initiatives taken and emphasising that, although changes can be made to policy, processes and legislation, these will be of little benefit without cultural change.

22. Anna's mental health assessment at Princess Alexandra Hospital, Brisbane, was inadequate, and the finding that she did not fulfil any diagnostic criteria for mental illness seems to have influenced the treatment she received throughout her time in immigration detention. The Inquiry is not critical that a diagnosis of mental illness failed to be made: that was difficult in the circumstances. But the fact that illness behaviour does not seem to have been considered a reasonable possibility and actively pursued and evaluated over the 10 months Anna was in immigration detention is cause for concern.
23. In the mental health assessment of Anna insufficient weight was given to her behaviour patterns and her 'odd' presentation features and history. Collateral history should have been sought from officers, other contact people and fellow detainees at both Brisbane Women's Correctional Centre and Baxter. Collection of integrated, cumulative data is an essential basis for assessment, particularly when a patient is uncooperative. Anna was uncooperative.
24. The mental health care delivered to Cornelia Rau while she was detained at Baxter was inadequate. Clinical pathways had been agreed between DIMIA and the South Australian Department of Health, but they were not effective. There was evidence of a significant communication problem between Glenside Hospital and Baxter, which delayed Ms Rau's admittance to Glenside for assessment by more than two months.
25. The detainee population requires a much higher level of mental health care than the Australian community. The infrequency of the consulting psychiatrist's visits to Baxter constitutes a serious shortcoming. Expert mental health opinion has it that more frequent, regular visits—together with a sufficient number and structure of mental health-trained nurses, psychologists and primary practitioners who could initially assess and triage for mental illness—would allow a more effective clinical system of care.
26. The lack of any focused mechanism for external accountability and professional review of standards and arrangements for the delivery of health services is a significant omission. An expert body specifically focused on health matters is recommended, to complement and strengthen the efforts of the Immigration Detention Advisory Group and the Commonwealth Ombudsman.

27. The infrastructure and operations at Baxter do not allow the Government's policy expectations for the environment for immigration detainees to be realised. Structural modifications are needed, and greater flexibility should be allowed in the care and management of detainees and the treatment of problems associated with mental health.
28. The current detention services contract with Global Solutions Limited is fundamentally flawed and does not permit delivery of the immigration detention policy outcomes expected by the Government, detainees and the Australian people.
29. The systems and processes at Baxter that derive from the detention services contract make it impossible to deliver the desired policy outcomes. The problems result from a mix of poor procedures and processes; an excessive focus on auditing compliance with performance measures that often provide little information about the outcomes actually being delivered; limited management flexibility; and lack of oversight by executive management in Canberra.
30. The arrangements governing surveillance of female detainees in Red Compound and the Management Unit at Baxter are unacceptable. Contract requirements should insist that, in all but emergency or extraordinary circumstances, surveillance of female detainees should be done by female detention officers.
31. The primary deficiency in DIMIA's efforts to identify Anna was the lack of an organised, systematic approach to the inquiry process. Individual officers did their best, but their efforts were not coordinated and there was nothing to guide them in their actions. There was no coherent methodology, and nobody was in charge.
32. There is an urgent need for the establishment of a national missing persons database or capacity that will provide a national recording and search capability and enable searches against a range of biometric data—including photographic facial recognition, personal description and distinguishing features—that would aid in personal identification. This is a national priority, and it calls for a whole-of-government approach.

33. The links between managing 'missing patients' and 'missing persons' are not well defined in Australia. They do not consistently allow for the exchange of personal information between medical facilities and police sufficient to enable police to identify the level of risk and vulnerability of a mental health patient who goes missing.
34. DIMIA's attitude to the provisions of the Commonwealth *Privacy Act 1988* is unduly cautious and has operated to limit the range and effectiveness of inquiries into the status and identity of suspected unlawful non-citizens in a way that is clearly against the public interest and the intent of the Act. Had a photograph of Anna been released early, her journey might have been a short one.



## Recommendations

The Inquiry's recommendations are numbered according to the report section in which they appear.

### 3.1 Immigration detention under s. 189 of the Migration Act

#### Recommendation 3.1

The Inquiry recommends that DIMIA:

- design, implement and accredit—for all compliance officers and other staff who might reasonably be expected to exercise the power to detain a person under s. 189(1) of the *Migration Act 1958*—a legislative training package that provides the officers with the requisite knowledge, understanding and skills to fairly and lawfully exercise their power
- ensure that the training comprehensively covers the use of DIMIA and other agencies' databases and search capability and the conduct of searches to support investigations
- restrict the authority to exercise the power to detain a person under s. 189(1) to staff who have satisfactorily completed the training program and who are considered to be otherwise sufficiently experienced to exercise that power
- ensure that a component on 'avenues of inquiry' be included in the Certificate IV in Government (Statutory Investigation and Enforcement) Training Program delivered to DIMIA officers.

## **3.2 Imprisonment in Brisbane Women's Correctional Centre**

### **Recommendation 3.2**

The Inquiry recommends that, as a matter of urgency, DIMIA:

- take all necessary action to formalise its arrangements with the Queensland Department of Corrective Services for the detention of immigration detainees, to ensure that the arrangements reflect the standards of care and treatment necessary for detainees and that the responsibilities, accountabilities and reporting arrangements of all parties are clarified and understood.
- adopt and confirm the principle that, unless there are exceptional circumstances, detainees will be held in correctional facilities only until alternative arrangements can be made for their immigration detention
- consistent with the foregoing—and having regard to the recently introduced government policy to restrict the period of detention in a prison to 28 days—take all necessary action to minimise the period of time that immigration detainees are held in a prison or other correctional facility
- settle arrangements with relevant governments or corrective services departments to enable the placement of a DIMIA officer (or officers) in each corrections facility in which immigration detainees are being held, to ensure that the Commonwealth's duty of care obligations towards each person in immigration detention in a prison can be demonstrably met and that the Immigration Detention Standards are maintained.

## **3.3 Management responsibilities**

### **Recommendation 3.3**

The Inquiry recommends that, as a matter of priority, DIMIA ensure that when an immigration detainee who has committed no criminal offence is placed in a correctional facility immediate steps are taken to find a more suitable place of detention and to transfer the detainee to that place.

#### **Recommendation 3.4**

The Inquiry recommends that DIMIA create a dedicated Identity and Immigration Status Group to ensure that, where the identity or immigration status of a detainee remains unresolved after initial inquiries have been completed, frequent follow-up reviews are conducted.

The Identity and Immigration Status Group should:

- review the continued validity of ‘reasonable suspicion’-based detention on a regular basis—and at least every month—against the background of accumulating information
- be staffed by people who have wide experience in compliance and detention policy and operations, are familiar with the associated Commonwealth and state and territory legislation and arrangements, and have skills in investigation and analysis
- have the authority, responsibility and accountability for conducting and/or overseeing all necessary inquiries to establish the identity and immigration status of unidentified detainees
- report monthly to executive management on the status of individuals still in immigration detention, the reason why they are being detained, what is currently being done to resolve the situation, and the expected date for resolution.

#### **Recommendation 3.5**

The Inquiry recommends that DIMIA critically review the functions of the Detention Review Committee and restructure its focus and operations to ensure that it:

- is chaired at branch head level or higher, depending on the matter under consideration
- draws on advice and reports from the Identity and Immigration Status Group
- comprehensively reviews and analyses complex or difficult detainee cases

- seeks input from detention facility managers and provides feedback
- determines appropriate action and ensures monitoring and reporting on progress and outcomes to executive management
- clarifies case management responsibility, intended outcomes and reporting time frames
- is responsible for providing to executive management advice on critical or sensitive cases.

## 4.2 Development and functions

### Recommendation 4.1

The Inquiry recommends that DIMIA develop and implement arrangements to ensure that a detainee's file—together with their medical file and any related performance and behaviour notes or review—accompanies the detainee wherever they are placed or transferred. Such files should be tracked centrally by Canberra to ensure consistency in the briefings that are provided.

### Recommendation 4.2

The Inquiry recommends that, as an integral part of renegotiating its contract with GSL (see recommendation 7.7), DIMIA:

- agree with GSL innovative changes to overcome the challenges to staffing and service delivery presented by Baxter's remote location
- develop and implement effective arrangements for monitoring and managing the outcomes, to maintain quality services and ensure that the Government's policy objectives are met in a way that protects the health, safety and dignity of detainees
- rely on the advice and leadership of the Detention Contract Management Group (see recommendation 7.6) when negotiating these changes.

## 4.3 The immigration detention environment

### Recommendation 4.3

The Inquiry recommends that DIMIA and GSL—in consultation with detainees—establish a continuing program of communication and information provision to:

- ensure that all detainees understand why they are being kept in detention, the nature of the detention environment, the Commonwealth Government's duty of care and its objectives for the immigration detention environment, and the respective roles of GSL and DIMIA
- explain to detainees how the different compounds and the Residential Housing Project work, why they have different rules and how they are administered, and the details of the complaints process and its purpose
- explain the visitor arrangements, the process visitors need to go through to get into the Visitors Centre, and why it is necessary
- explain to detainees the arrangements, and the reasons for them, in relation to such things as food storage, contraband and drugs, medical treatment, distribution of medicines, why requests for particular medications are refused, and any other concern that consultation with detainees might reveal
- establish a process for determining a list of topics for discussion one week before each consultation forum is to be held.

### Recommendation 4.4

The Inquiry recommends that GSL and DIMIA prepare a small number of information posters for the Visitors Centre to inform visitors about important things such as:

- booking arrangements for visits, the 'visitor lists' prepared for each detainee, and why visitors can see only the detainees they have nominated on their visitor application form

- why food brought into the Visitors Centre must be consumed there and cannot be taken back to detainees' rooms and why parcels cannot be left for detainees but must be sent via Australia Post
- what is and is not allowed to be brought into the Visitors Centre—for example, photographs, photo albums, clothes and books
- what the security screening machine is, what it does, why it is necessary, and why some items and articles of clothing (such as shoes) give the wrong signal and might need to be removed.

GSL and DIMIA should also establish for visitors a program of information sessions that provide a general briefing on Baxter, covering such topics as what the compounds are, why they differ and how they operate, arrangements for food preparation and barbecues, the nature of education sessions and how they are run, access to telephones, inter-compound movement, and the arrangements for dealing with complaints. The arrangements for these information sessions—developed in consultation with visitors—should cover the frequency of the sessions, their format, and the topics for discussion.

#### **Recommendation 4.5**

The Inquiry recommends that GSL and DIMIA—in consultation with detainees and visitors—establish arrangements for regularly:

- providing to detainees and visitors feedback on questions they have raised
- informing them of action being taken and progress made
- advising them when action has been taken and the matter has been finalised and what were the outcomes.

Visitors should be encouraged to raise queries, perhaps through a request form, which must be promptly acknowledged and followed up.

#### **Recommendation 4.6**

The Inquiry recommends that DIMIA and GSL consult with detainees and explore options—such as cooking their own food—that will facilitate greater independence and variety in detainees' food ordering and preparation.

#### **Recommendation 4.7**

The Inquiry recommends that GSL and DIMIA:

- replace the current security screening machinery with two or, preferably, three more modern machines
- take immediate steps to update and increase the size of the Visitors Centre
- in consultation with detainees and visitors, ensure that the environment is more open and hospitable
- establish processing arrangements for visitors that begin before the official visiting hours and do not result in a decrease in the available visiting time.

#### **Recommendation 4.8**

The Inquiry recommends that DIMIA, in consultation with GSL, consider allowing detainees to make regular, supervised monthly visits to Port Augusta and other suitable locations, to enable them to interact with the community and participate in activities such as sporting fixtures, picnics and barbecues. Participation would be a privilege that is earned. The arrangements should be reviewed after six months in order to determine how well they are working.

### **4.4 Operational considerations**

#### **Recommendation 4.9**

The Inquiry recommends that, as an immediate priority, DIMIA and GSL:

- agree on and implement arrangements that will ensure that when female detainees are placed in Red One or the Management Unit they are checked only by female detention officers

- negotiate whatever changes to the contract are needed in order to accommodate this initiative
- ensure that staffing of detention officers when female detainees are in Red One and the Management Unit is reflected accurately in the operational records that are kept.

#### **Recommendation 4.10**

The Inquiry recommends that DIMIA develop and implement arrangements to ensure that:

- accurate, relevant, clear and concise briefing notes on each detainee are prepared before they arrive at Baxter and that these records are attached to the detainee's file
- DIMIA and GSL staff and contractors who are likely to have close contact with detainees are given an accurate briefing on each detainee before the detainee's arrival at Baxter or as soon as practical thereafter
- the briefing notes are used to inform the detainee induction process
- staff refer to the briefing notes for guidance, so that they can respond suitably to the needs of individual detainees.

## **4.5 Infrastructure**

#### **Recommendation 4.11**

The Inquiry recommends that, having regard to the findings of the Royal Commission into Aboriginal Deaths in Custody, DIMIA and GSL:

- seek expert advice on the Muirhead standards as they relate to a custodial environment
- carry out an immediate review of the Management Unit and effect the changes necessary to conform with the Muirhead standards



- carry out a thorough review of the purpose and nature of the Management Unit in the light of a changed immigration detention environment and a changed detainee population
- agree on the changes that need to be made to the Operating Procedures in order to give effect to the new arrangements.

#### **Recommendation 4.12**

The Inquiry recommends that DIMIA consider constructing a flexible ‘intermediate facility’ at Baxter to enable more appropriate accommodation to be provided to detainees who cannot be allowed to remain in an open compound but who for various reasons should not be placed in the behaviour management environment of Red One or the Management Unit. The facility should be designed in such a way as to provide sufficient flexibility to be configured to accommodate a person with specific needs, such as Anna, or a family or individual requiring temporary relief from their compound or intensive medical observation.

#### **Recommendation 4.13**

The Inquiry recommends that DIMIA consider making structural changes to the Baxter compound accommodation for detainees in order to:

- create two-room and three-room family units from adjacent rooms by removing walls between adjoining rooms and replacing them with movable dividers
- open up the closed compound structure by removing some of the rooms and allowing views outside the compound and beyond the detention facility itself
- use the opened-up space to create a vegetable or native garden or to other good effect.

## 5.3 Some possible solutions

### Recommendation 5.1

The Inquiry recommends that the DIMIA Secretary:

- commission and oversee a review of departmental processes for file creation, management and access
- take a leadership role in implementing the major changes that will probably be necessary as a result
- ensure that staff receive training in effective file management practices and the reasons for them
- make executive management personally accountable for ensuring that sound file management practices are followed.

### Recommendation 5.2

The Inquiry recommends that the DIMIA executive ensure the preparation for staff of a checklist to be used as a minimum standards template for conducting identification inquiries. The checklist should provide a menu of avenues of inquiry, specify a sequential order for investigations, be included as an attachment to the DIMIA Interim Instruction on Establishing Identity in the Field and in Detention, and form a part of the personal investigation file.

The DIMIA executive should also:

- formalise the Interim Instruction together with the checklist attachment as soon as practicable
- ensure that suitable training modules are developed and delivered to all staff—including managers—who might be involved in identification inquiries
- institute management arrangements to ensure that such inquiries are linked as appropriate to the Identity and Immigration Status Group.

### **Recommendation 5.3**

The Inquiry recommends that, as a matter of urgency, the Commonwealth Government take a leadership role with state and territory governments to develop a national missing persons policy to guide the development of an integrated, national missing persons database or capacity. Initial policy development could be carried out under the guidance of the Australasian Police Ministers Council, with the output submitted to governments for consideration and agreement.

### **Recommendation 5.4**

The Inquiry recommends that, on the basis of an agreed national missing persons policy, the Commonwealth Government take a leadership role with state and territory governments in developing and implementing a national missing persons database or capacity that will provide an effective national recording and search capability under both names and biometric data. Discussions in this regard should be informed by reporting on the progress and success of the Minimum Nationwide Person Profile project to the Australasian Police Ministers Council.

### **Recommendation 5.5**

The Inquiry recommends that DIMIA reassess its position in relation to privacy in all its public policy operations associated with immigration detention. In revising its practices, it should:

- seek advice from the Privacy Commissioner and the Minister
- take immediate steps to increase awareness and understanding on the part of relevant DIMIA staff—including executive staff—of the principles and provisions of the Commonwealth's *Privacy Act 1988*
- revise and strengthen procedures relating to identity in immigration detention, to ensure that the wider options potentially created by this approach are considered.

### **Recommendation 5.6**

The Inquiry recommends that DIMIA establish for inquiries about immigration detainees a 'hotline' facility that can deal with those inquiries as a 'one-stop shop'. DIMIA should ensure that the contact officer position is continuously staffed, regardless of the absence of any officer, and that all embassies and high commissions are advised of the details of these arrangements and ask their consular officials to direct all immigration detention inquiries to the nominated DIMIA contact officer in the first instance.

### **Recommendation 5.7**

The Inquiry recommends that DIMIA ensure that:

- fingerprints and other biometric data collected from individuals in immigration detention are stored on a national database to facilitate investigations by Commonwealth and state and territory police and other law enforcement agencies
- appropriate liaison arrangements are made with CrimTrac
- any DIMIA decisions in relation to the collection and storage of biometric data are consistent with strategies being pursued by CrimTrac in response to guidance by Australian governments.

## **6.3 Events in New South Wales**

### **Recommendation 6.1**

The Inquiry recommends that the Commonwealth Government encourage state and territory authorities to implement a requirement that on each occasion a 'missing patient' report is made to police by a hospital, a medical practitioner or other facility, the report must be accompanied by sufficient information about the patient's history to clearly indicate the person's degree of risk and vulnerability, so that police can determine whether the person should be also classified as a missing person and what immediate action is necessary.

## **6.4 Events in Queensland**

### **Recommendation 6.2**

The Inquiry recommends that governments and health authorities take steps to encourage clinicians to be more clinically assertive in creating the optimum conditions in which to assess patients—noting that there is little point in making a referral to an in-patient unit if adequate assessment cannot take place.

In consultation with the hospital, facility or clinic, DIMIA should establish containment arrangements that do not adversely affect the assessment environment and also meet the requirements of the Migration Act. If the problem lies in the Act, the Act should be changed.

### **Recommendation 6.3**

The Inquiry recommends that, when immigration detainees are entrusted to the care of a hospital, medical centre or other health care facility, DIMIA ensure that clinicians are asked to pay particular attention to 'odd' presentation features and to any 'odd' history. If a detainee provides little information or is uncooperative, collateral history should be sought from officers and others, including fellow detainees.

### **Recommendation 6.4**

The Inquiry recommends that DIMIA develop and implement procedures and systems at immigration detention facilities to provide for the progressive collection, integration and assessment of cumulative data from all records of detainee activity. It should ensure that such information is available and is provided along with medical information when clinicians are making mental health assessments and determining treatment options.

### **Recommendation 6.5**

The Inquiry recommends that the Commonwealth Government initiate early discussions with the Queensland Government to identify and explore ways in the Queensland mental health system of more effectively aligning existing clinical pathways between prison and in-patient units, to allow for continuity of clinical care and assessment following an immigration detention patient's return to prison, so that clinicians assessing patients can follow them up.

### **Recommendation 6.6**

The Inquiry recommends that DIMIA work closely with the Queensland Department of Corrective Services to review existing clinical pathways and training to:

- identify and explore practical ways in which preliminary observations of an immigration detainee showing signs of possible mental illness could be more speedily advanced towards action for assessment
- institute effective reporting and consultation mechanisms, so that DIMIA can discharge its responsibilities for the care and safety of detainees.

## **6.5 Events in South Australia**

### **Recommendation 6.7**

The Inquiry recommends that DIMIA ensure that mechanisms are established to:

- require GSL to provide for detention officers training in observing, recognising and reporting behaviour and signs that may be symptomatic of mental illness
- ensure that as much emphasis is given to recruiting people with health and welfare training and skills as is given to custodial and security qualifications and experience
- capture significant concerns about the wellbeing of any detainee, as expressed by detention officers, other detainees and visitors
- ensure that this information is communicated in a timely manner to medical staff, to allow the information to be taken into account in the mental health assessment process.

### **Recommendation 6.8**

The Inquiry recommends that DIMIA explore the possibility of contracting the South Australian Mental Health Service or the South Australian Forensic Mental Health Service to service the mental health care needs of immigration detainees at Baxter, with a view to providing seamless, effective service and improving the continuity of patient care.

### **Recommendation 6.9**

The Inquiry recommends that—in consultation with the Rural and Remote Mental Health Service and the Baxter medical team—DIMIA and the South Australian Department of Health:

- conduct a thorough review of clinical pathways, arrangements and consultative machinery proposed in the memorandum of understanding to make certain that respective responsibilities, and particularly lead responsibilities, are clearly defined
- ensure that consultation, coordination and reporting arrangements are clearly defined and enable management oversight of the delivery of appropriate levels of mental health care to detainees and provide to DIMIA adequate information to enable it to demonstrably meet its duty of care on behalf of the Commonwealth Government.

## **6.7 Standards of health care**

### **Recommendation 6.10**

The Inquiry recommends that, as a matter of urgency, DIMIA establish the Health Advisory Panel, as specified in the detention services contract, to help GSL develop and review Baxter's health plans and to provide, for health and social service professionals employed by GSL, access to well-qualified specialists and consultants—particularly in more complex cases or cases that have become protracted.

### **Recommendation 6.11**

The Inquiry recommends that the Minister for Immigration establish an Immigration Detention Health Review Commission as an independent body under the Commonwealth Ombudsman's legislation to carry out independent external reviews of health and medical services provided to immigration detainees and of their welfare. The Commission should report to the Minister and:

- be appropriately staffed and resourced, with a core of experienced people with relevant skills
- have the ability to invite specialists to participate in particular reviews and audits
- have the power to initiate its own reviews and audits
- in consultation with the Immigration Detention Advisory Group and the Health Advisory Panel, carry out an independent assessment of the current structure of health care arrangements at immigration detention facilities and of the adequacy and quality of the services provided
- in consultation with the Detention Contract Management Group (see recommendation 7.6), review each health and medical care performance measure specified in the detention services contract and, where necessary, replace it with a more appropriate measure and propose arrangements for monitoring the measures
- recommend more effective arrangements for providing health and medical services to immigration detainees, together with arrangements for monitoring and management of the provision of those services
- identify the most appropriate national accreditation standards applicable to the immigration detention environment that service providers should be required to meet
- coordinate its operations with the Ombudsman and the Immigration Detention Advisory Group in order to maximise the effectiveness of oversight machinery.



### **Recommendation 6.12**

The Inquiry recommends that the Immigration Detention Health Review Commission, in consultation with the Health Advisory Panel and the Mental Health Council of Australia, investigate relevant studies of detainee populations and advise on the level of mental health services applicable to the immigration detention population in Baxter, to reflect the much higher incidence of mental disorders that is evident.

### **Recommendation 6.13**

The Inquiry recommends that the Immigration Detention Health Review Commission work closely with the Immigration Detention Advisory Group and the Health Advisory Panel to review the adequacy of current systems for continuing professional development, to ensure the maintenance of high standards in the delivery of health services to immigration detainees.

## **6.8 Mental health legislation**

### **Recommendation 6.14**

The Inquiry recommends that, in redrafting the state's *Mental Health Act 1993*, the South Australian Department of Health ensure that the Act makes provision for greater access to psychiatric in-patient assessment for involuntary patients. The Queensland *Mental Health Act 2000* and other legislation, such as that applying in New Zealand, might offer useful insights.

## **7.2 Immigration policy and implementation**

### **Recommendation 7.1**

The Inquiry recommends that DIMIA develop and implement a holistic corporate case management system that ensures every immigration detention case is assessed comprehensively, is managed to a consistent standard, is conducted in a fair and expeditious manner, and is subject to rigorous continuing review.

## 7.3 Culture, processes and attitudes

### Recommendation 7.2

The Inquiry recommends that DIMIA critically review all Migration Series Instructions from an executive policy and operational management perspective with a view to:

- discarding those that no longer apply in the current environment
- where necessary, rewriting those that are essential to the effective implementation of policy, to ensure that they facilitate and guide effective management action and provide real guidance to busy staff
- ensuring that up-to-date, accurately targeted training is delivered to staff who are required to implement the policy guidelines and instructions
- establishing regular management audits that report to executive management, to ensure that the Migration Series Instructions are up to date and DIMIA officers are adhering to them.

## 7.4 Structure and operations

### Recommendation 7.3

The Inquiry recommends that the Minister commission the Secretary of DIMIA to institute an independent professional review of the functions and operations of DIMIA's Border Control and Compliance Division and Unlawful Arrivals and Detention Division in order to identify arrangements and structures that will ensure the following:

- DIMIA's compliance and detention functions are effectively coordinated and integrated.
- The desired outcomes of these functions and the necessary resources—including the number and the skills profile of staff—are clearly identified before a decision is made on the structure that will best enable effective and equitable service delivery.

- The restructuring accommodates these requirements and ensures that arrangements are made to monitor and manage the high-level risks to the Commonwealth inherent in immigration detention.
- There is a seamless approach to dealing with immigration detention operations and case management.
- The aims and objectives of the Government's immigration detention policy are fairly and equitably achieved and human dignity is demonstrably respected.

#### **Recommendation 7.4**

The Inquiry recommends that DIMIA:

- review the current training programs for compliance and detention officers to ensure that induction and in-service programs convey an accurate and contemporary picture of DIMIA operations and adequately prepare operational and management staff for all aspects of the work they will be expected to do
- ensure that such training particularly deals with the consultation, coordination, reporting and management requirements of compliance and detention operations and shows how to manage the risks inherent in the performance of these functions
- immediately develop and implement a policy that requires that every decision to detain a person on the basis of 'reasonable suspicion of being an unlawful non-citizen' is reviewed and assessed within 24 hours or as soon as possible thereafter.

DIMIA should incorporate this policy of 24-hour review in all relevant training programs and operational guidelines to ensure that compliance officers understand the need to:

- objectively determine the reasons and facts upon which a decision to detain is made
- verify the validity of the grounds of 'reasonable suspicion' and the lawfulness of the detention

- take immediate remedial action as necessary and report the circumstances of any unresolved matter to the Identity and Immigration Status Group.

## **7.5 Contracting and government policy outcomes**

### **Recommendation 7.5**

The Inquiry recommends that DIMIA seek from the Australian National Audit Office a detailed briefing on the findings of the ANAO report on the detention services contract with GSL, to obtain the ANAO's guidance on reviewing the Commonwealth's current detention services contract with GSL and identify where and how changes can and should be made.

### **Recommendation 7.6**

The Inquiry recommends that the Minister establish a Detention Contract Management Group made up of external experts to provide direction and guidance to DIMIA in relation to management of the detention services contract and report quarterly to the Minister. Group members should have expertise in the following areas:

- project management in a high-risk government policy environment
- corrections management
- contracting strategy and management
- performance monitoring and management
- legal contracting and statutory reporting requirements
- management accounting and financial management.

The Detention Contract Management Group should have DIMIA representation at First Assistant Secretary level to advise on policy implications and ensure that the Group's directions are implemented effectively through new departmental arrangements.

### **Recommendation 7.7**

The Inquiry recommends that, as a priority task, the Detention Contract Management Group review the current contract for detention services and advise DIMIA, in consultation with GSL, in order to identify and agree changes in arrangements that would:

- facilitate delivery of the detention services outcomes required by the Government
- provide the basis for an effective, responsible business partnership that values and encourages innovation by GSL
- encourage GSL to carry out internal audits of its own performance and arrangements in order to maintain high-quality service delivery
- develop, in consultation with GSL, a new regime of performance measures and arrangements for their continued monitoring and management that are meaningful and add value to the delivery of high-quality services and outcomes
- agree with GSL arrangements for independent, external assessment and review as required
- provide for renegotiating arrangements for the provision of health care when the Immigration Detention Health Review Commission and the Health Advisory Panel have been established and have provided advice on new requirements
- foster a shared partnership interest in achieving effective policy outcomes to ensure that the Government's objectives and the high standards of behaviour expected by the Government are met.

## **8.4 The Vivian Alvarez matter**

### **Recommendation 8.1**

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, appropriately qualified information technology systems specialist and should aim to:

- identify the real organisational policy and operational information management requirements—particularly requirements for interconnectivity, search capacity and growth
- assess whether these requirements can be met cost effectively by further development of existing systems under the current architecture
- if not, identify the broad development parameters and indicative cost and time frame for implementation
- formulate an implementation plan for consideration by the DIMIA executive.

### **Recommendation 8.2**

The Inquiry recommends that, as a priority, DIMIA take steps to establish links or authorised access to the Immigration Review Tribunal's information systems, sufficient to ensure that the names and immigration status of people whose circumstances are subject to review are readily available to DIMIA compliance officers.

### **Recommendation 8.3**

The Inquiry recommends that DIMIA:

- develop, for all immigration detention and compliance executives and managers, a briefing program that clearly explains the need for a decision to be made to remove from Australia a person reasonably suspected of being an unlawful non-citizen and the responsibilities associated with exercising that power
- ensure that the central factors relating to removals and the implications for identity investigations and the exercising of detention powers are included in departmental training programs for compliance and removals officers
- ensure that the implications of all aspects of identity checking, detention and removals are included in the checks and balances exercised by the Identity and Immigration Status Group.



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

### IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PALMER REPORT OF THE INQUIRY INTO THE CIRCUMSTANCES OF THE IMMIGRATION DETENTION OF CORNELIA RAU

September 2005

people our business

## **Contents**

- 1. Background**
- 2. Achieving cultural change in DIMIA: values, standards, stronger accountability and governance**
- 3. Implementing change**
  - 3.1 An open and accountable organisation**
  - 3.2 Fair and reasonable dealings with clients**
  - 3.3 Well trained and supported staff**
- 4. Governance**
- 5. Resources**
- 6. Communications with key stakeholders**
- 7. Success factors**

### **Attachment**

**A – Palmer initiatives against the three themes with key milestones**



## 1. Background

In February 2005, the Minister for Immigration and Multicultural and Indigenous Affairs, Senator the Hon Amanda Vanstone (the Minister) commissioned Mr Mick Palmer AO APM to investigate the circumstances of the immigration detention of Ms Cornelia Rau.

The inquiry was conducted in accordance with the terms of reference issued to Mr Palmer on 9 February and 2 May 2005. The report was highly critical of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). The 49 recommendations go to specific issues raised by Ms Rau's case and Mr Palmer's preliminary examination of the Vivian Alvarez/Solon case. Mr Palmer's findings also point to the need for broader cultural change in DIMIA across leadership, governance, training, client service, openness, quality assurance, values and behaviour. On 14 July 2005, the Australian Government indicated that it accepted the thrust of the findings and the recommendations. Clearly mistakes were made. This report shows the very substantial commitment the Government is making to address the concerns Mr Palmer has raised.

This report has also been informed by my discussions with the Commonwealth Ombudsman and Mr Neil Comrie AO APM on the draft report of the inquiry into the circumstances of the Vivian Alvarez matter. The initiatives described below are consistent with both the recommendations of the Palmer Report and those in the draft report by the Commonwealth Ombudsman on Ms Alvarez's case.

This Plan indicates action the Government has taken to date, and measures that will be taken, to address both the specific recommendations in the Palmer Report and the need to achieve cultural change in DIMIA.

I will provide a progress report to the Minister in September 2006 that will be tabled in Parliament.

## 2. Achieving cultural change in DIMIA: values, standards, stronger accountability and governance

The Prime Minister announced my appointment as Secretary to DIMIA on 10 July 2005. On 14 July 2005 Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet announced the appointment of two Deputy Secretaries and a Change Management Taskforce (CMTF) to lead DIMIA in a process of administrative reforms. This process must shift DIMIA from an organisation described by Mr Palmer as 'process rich and outcomes poor', 'overly defensive', 'assumption driven' and 'unwilling to engage in genuine self-criticism or analysis' to one which is client-focused and effective in its decision-making and operational roles.

On 8 August 2005, I briefed all DIMIA staff on the direction for change and the three major themes that 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 reasonably and fairly with clients; and
- have staff that are well trained and supported.

Change is needed at the most fundamental levels if these objectives are to be met. It is not a short term agenda. DIMIA is an organisation of approximately 5,600 people who work on a range of activities across Australia and in approximately 60 countries around the world. Changing the culture in an organisation this size will take time, resources and ongoing commitment. Strong leadership, vision and direction from the DIMIA executive, appropriate governance arrangements, clear lines of communication, including expectations from senior management and a supportive environment will be fundamental aspects of the change.

A strong theme in the Palmer Report was the need for substantially enhanced training for staff undertaking operational roles and exercising powers under the *Migration Act 1958* (the Migration Act), and the need for a substantial investment in appropriate systems and other support for their activities. Together with the governance and accountability measures described above, better training and support will result in much better case management and a firmer client focus for the Department.

### **3. Implementing change**

The response to the Palmer Report is complex. It addresses both the specific recommendations and the need for broader cultural change. The plan places each recommendation and project under broad themes in line with the spirit of the Palmer recommendations. These are that DIMIA will be a more open and accountable organisation, it will ensure and demonstrate fairer and more reasonable dealings with clients, and will have well trained and supported staff who actively embrace the first two themes.

Some initiatives were underway before Mr Palmer reported, which have improved the handling of DIMIA compliance and detention cases. These were announced by the Minister in Parliament on 25 May 2005. A range of new initiatives will be delivered by the end of 2005 and further measures will be developed during that period for implementation in 2006. These are listed in Attachment A.

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

DIMIA's broad objectives against this theme are to improve the structure and governance of the Department, to focus on clients as individuals, to ensure quality decision making, and to communicate better with the wider community.

Part of the solution lays in improving departmental structures and governance frameworks. Change in DIMIA is underway and will be fully implemented by the end of December 2005. The new structure will establish clear lines of responsibility and accountability through:

- three Deputy Secretaries (this includes an additional Deputy Secretary position);

- improved governance arrangements - in particular, there will be a high level Values and Standards Committee with external representation (including from the Commonwealth Ombudsman's Office and the Australian Public Service Commission) to ensure the organisation is meeting community expectations and focusing on meeting the Australian Public Service values;
- a new branch led by a Chief Internal Auditor, with a significantly expanded budget, to manage an enhanced internal audit programme that will strengthen compliance checking (i.e. are DIMIA officers actually doing what the law or our instructions require?) and areas identified as high risk by Mr Palmer, and to implement a national quality assurance framework, particularly around decision-making;
- a new Strategic Policy Group to monitor and report on the implementation of the Palmer programme and to better coordinate the development and delivery of policy in DIMIA; and
- examining State and Territory Office arrangements, with a particular emphasis on appropriate funding levels for operations, training and support.

As recommended by Mr Palmer, there has been a particular focus on the detention and compliance areas of the Department:

- a consultant has been engaged to review the functions and operations of detention and compliance activities (to report by end December 2005);
- the consultant will also review the detention services contract (also reporting by the end of December);
- the Unauthorised Arrivals and Detention Division and the Border Control and Compliance Division (at the centre of Mr Palmer's criticism) have been split into three new divisions that will provide a better balance of responsibility and accountability; and
- two key senior executives have been recruited from other agencies to perform critical roles leading the new Detention Services Division and the Compliance Policy and Case Coordination Division.

Quality decision-making is fundamental to the success of DIMIA operations. Measures to address this issue include:

- Detention Review Managers (DRM) have been established in all State Offices where people are detained. They review all detention cases and ensure compliance with standard procedures. DRMs are alerted of all cases within 48 hours of a person's detention, but within 24 hours where the identity is in doubt. DRM arrangements will be assessed as part of the review of the functions and operations of detention and compliance activities;
- the new Chief Internal Auditor will develop a national quality assurance programme, an expanded and retargeted internal audit programme, and improved risk management processes; and
- the DIMIA Chief Lawyer will examine the legislative framework to identify any amendments that would minimise the prospect of illegal detention and anticipate possible legal defects.

Public confidence in DIMIA's implementation of policy is an important indicator of the Department's overall effectiveness. The executive of DIMIA will work closely with the new National Communications Manager to drive more open engagement with the public and key individuals and organisations. The Immigration Detention Advisory Group (IDAG) will be expanded in membership and scope and additional resources will be provided in DIMIA to support IDAG. The DIMIA internet website will be redeveloped to ensure better public access to information. There will be improved engagement with agencies that have a role in external scrutiny through a new Review Coordination Branch and the involvement of external agencies and the community in the Department's governance framework (e.g. the Audit Committee will have an external chairman and the Values and Standards Committee will have external members).

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

DIMIA has a very broad client base and receives multiple contacts from individuals in a range of ways: face to face, by telephone, by email, and through electronic and traditional means of lodging applications. Because of DIMIA's international network, this contact goes on 24 hours a day, seven days a week all around the world. In 2004-05, DIMIA handled:

- over 4.5 million visa applications;
- over 4.2 million temporary entry grants;
- over 130,000 permanent migration grants;
- nearly 100,000 citizenship grants;
- 1.9 million telephone inquiries; and
- over 22 million people travelling across the border.

#### Case management

The majority of cases handled by DIMIA are relatively simple and finalised quickly. A very small proportion become complex for a range of reasons. Mr Palmer criticised DIMIA for its lack of holistic case management and a sufficiently flexible and responsive approach that allows for effective management of the more complex cases.

A high level taskforce has been established in DIMIA to provide advice on the handling of complex and sensitive cases. It will have an ongoing role under the new DIMIA structure.

A national case management framework will be developed in the new Compliance Policy and Case Coordination Division that will involve 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.

An important aspect of the framework is development of a pilot community care model for immigration detainees assessed as eligible for alternative detention arrangements and for others of particular compliance interest (e.g. those who have multiple bridging visas). The model will be developed in partnership with the community sector. Services such as counselling, assessment, care and community placement will be considered for certain

individuals while DIMIA decisions are made regarding removal or, where appropriate, temporary or permanent settlement. The model will address concerns about the health impact of placing low risk unlawful non-citizens in detention centres while their cases are being resolved. The model will be developed by the end of December 2005 and the pilot will be conducted over the 12 months from January to December 2006, with further implementation to be considered by the Government once the pilot has been assessed.

#### Health and well being of detainees

A Detention Health Services Taskforce has been established in DIMIA, led by a policy expert on mental health issues, which is working closely with the Department of Health and Ageing and relevant State health authorities. The Taskforce will develop a long term detention health services delivery strategy by the end of December 2005 aimed at providing better mental health care arrangements and a transparent governance framework for health services delivery. The governance framework will include the enhanced role of the Commonwealth Ombudsman as Immigration Ombudsman. The strategy will address all of the specific health related recommendations made by Mr Palmer. In the meantime the following measures are already in place or are being addressed:

- a multidisciplinary mental health clinical team is in place at Baxter Immigration Detention Facility (BIDF), with an equivalent capacity in other detention facilities to be established;
- a Memorandum of Understanding with the South Australian Department of Health is close to finalisation to formalise the current clinical protocols currently in place at BIDF;
- access to private psychiatric facilities has been established for immigration detainees;
- Professor Harvey Whiteford (one of the Government's key mental health advisers) has been engaged to advise DIMIA on detainee health strategies;
- clinical audits of health services have been commissioned and will be undertaken by members of the Royal Australian and New Zealand College of Psychiatrists and the Royal Australian College of General Practitioners; and
- additional expertise has been recruited by the detention service contractor (GSL).

The new Detention Services Division in DIMIA is developing a detention services strategy that will address infrastructure issues. The strategy will be developed by the end of 2005, for delivery in 2006. The Minister has already announced a major development programme for Baxter that addresses the infrastructure issues raised in the Palmer Report. Mr Palmer's recommendation regarding arrangements for the handling of female detainees in the management unit at Baxter has already been addressed. The provision of immigration detention facilities in Queensland is under consideration. Negotiations are underway with the CEO of the Shaftesbury Campus near Brisbane, who has offered the facility to assist with accommodation of people in immigration detention. However, the Queensland Government has

indicated it has concerns about whether the CEO is entitled to sublease campus facilities for immigration detention purposes. DIMIA is very keen to take up the offer, but cannot proceed until this issue is resolved between the Queensland Government and the lessee.

#### Identity issues

The National Identity Verification and Advice (NIVA) Section was established in DIMIA in May 2005 to ensure identity issues in relation to persons of compliance interest are resolved as quickly as possible. NIVA is progressively expanding its role to other relevant migration business processes across DIMIA. Updated instructions on identity checking (including an identity checklist) are being trialled by DIMIA officers before being finalised in the near future. State and Territory Police will be able to pursue immigration inquiries through a dedicated 24 hour a day hotline, which will allow rapid resolution of issues in the majority of cases and capacity to escalate complex issues should that be necessary. The hotline facility will also operate for consular officials seeking information regarding immigration detainees.

Amendments to the Migration Act are currently before Parliament that will allow publication of photographs and related information to assist in identifying a person of immigration interest where other reasonable steps to identify that person have not succeeded.

#### Client service

DIMIA has significant client service responsibilities. A new Client Services Division will lead implementation of a better client service focus and will enhance client service delivery across DIMIA's operations. DIMIA has been consulting widely on a new Client Services Charter and Client Services Strategy for Visa and Citizenship Services. Both documents will be finalised by the end of December 2005 along with arrangements to centralise the recording, tracking, management and reporting on client feedback. DIMIA has already implemented improved protocols, scripts and training for call handling in contact centres to ensure that information is correctly recorded and followed up. A programme of client surveys will commence early in 2006.

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

#### Training

Specialist technical immigration training will be enhanced. A model for a College of Immigration Border Security and Compliance (the College) will be developed by mid-December 2005 and established by mid 2006. All new compliance and detention staff will be required to complete a 15 week induction training programme at the College with five streams available: compliance, investigation, detention management, border management and immigration intelligence. Existing staff will be required to complete regular refresher training each year. Ahead of the physical establishment of the College, the curriculum will be established. Enhanced training for compliance and detention staff will be provided in the interim, focusing on the application of 'reasonable suspicion', emerging legal issues, identity investigations,

search warrant training and capacity to search and interrogate all DIMIA systems.

Migration Series Instructions (MSIs) are an important part of the support provided to staff in the operation of their responsibilities and a component of the training programmes. Key compliance and detention MSIs will be reviewed and reissued before the end of 2005, with remaining MSIs to follow.

Changing the culture in DIMIA goes to values, ethics and standards and excellence in leadership. A new national training strategy will be implemented in DIMIA. A national executive leadership programme commenced in September 2005 and will be provided to all executive level staff in DIMIA over the next 18 months. Management training for APS staff and training in a range of departmental systems, records management, visa cancellation, and name searching will all be rolled out by the end of 2005.

#### Information and systems issues

As recommended by both Mr Palmer and Mr Comrie, DIMIA has tendered for an independent review of its information requirements and systems, to be completed by the end of January 2006. The consultant will recommend medium and long term action for Government consideration. A second review will 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.

In the meantime systems improvements to support decision-making and case management are underway. A single entry client search facility is being developed to improve access to all information about an individual client (the pilot, using existing search capabilities will be in place by the end of December 2005, a second phase incorporating new search tools will be available in March 2006). There will be substantially enhanced training in ICSE (Integrated Client Services Environment, DIMIA's primary transaction processing system) available for all staff who undertake case and client related activity. Pilot programmes to better support DIMIA staff on field operations will be undertaken.

#### Records management

A records management improvement plan is being developed by DIMIA in consultation with the National Archives of Australia. The plan will include a strong training component (to be delivered to all staff undertaking case and client related activity by the end of 2005), a systems upgrade for the DIMIA records management system (by the end of June 2006), and redeveloped policies and practices. The plan will particularly focus on the links between electronic and paper records and archiving arrangements.

Links between DIMIA and the Refugee Review Tribunal and the Migration Review Tribunal information systems will be established as soon as the current tribunal systems upgrades have been completed. In the meantime

DIMIA client records are updated on a daily basis to reflect client status when a client has an appeal on foot with either tribunal.

#### **4. Governance**

The response to the Palmer Report is being managed as a single programme in DIMIA. The Palmer Programme Office (PPO) has been established, reporting directly to the Secretary (while it currently sits within the Change Management Taskforce, it will become a permanent part of the new Strategic Policy Group, once the new DIMIA structure has been implemented). Each initiative which is being implemented to address either a specific Palmer recommendation or the broader themes for change will be monitored by the PPO and progress against key milestones and expenditure will be reported to the Secretary and Minister. Each project will have an assigned project manager who will manage the day-to-day activities of the project. They will identify, monitor and resolve project issues and identify and mitigate project risks. Each project will be oversighted by a steering committee chaired by a senior executive and will draw members from other key business areas across the Department. Each steering committee is likely to oversight a number of projects. DIMIA will report quarterly to the Government on implementation of the Palmer Programme, through the Cabinet Implementation Unit. A further progress report will be provided to Parliament in September 2006.

This is clearly an ambitious reform agenda, but the package has been carefully developed to ensure key milestones are achievable. I am engaging with all staff on the change process through regular briefings and twice weekly messages about important issues and developments. The DIMIA executive is firmly committed to the change process. The package will ensure staff have the necessary information, support and skills to achieve change.

#### **5. Resources**

Over \$230 million over five years has been committed to implement the response to the Palmer Report. A substantial proportion of this expenditure will be for new staff to implement the enhanced client service focus, improved quality assurance and accountability mechanisms, and provide better and more focused training. The PPO will monitor all expenditure against Palmer projects.

#### **6. Communications with key stakeholders**

A range of stakeholders have an interest in the DIMIA change management process and the implementation of the response to the Palmer Report. To maximise the opportunity for acceptance of the process, there is a need for sustained communication between DIMIA and stakeholders. A new National Communications Manager will drive more open engagement with the public and key individuals and organisations.

In my first weeks as Secretary to DIMIA, I took immediate steps to engage a wide range of stakeholders, particularly those who have been critical of DIMIA's performance. I have met and briefed many individuals and representatives of key organisations, including the Joint Standing Committee



on Migration. There are dedicated liaison arrangements in DIMIA's State and Territory Offices to ensure constituents' issues are handled quickly. I will ensure that DIMIA executives regularly engage with a wide range of interest groups to ensure there is high level exchange of information and views. I have already mentioned the enhanced client focus for DIMIA – people are our business. Staff are constantly reminded of the need to approach each client contact as contact with an individual person.

Some of the recommendations in the Palmer Report can only be implemented with the cooperation of State and Territory Governments. Colleagues in the Attorney-General's Department and the Department of Health and Ageing in particular are working with DIMIA to ensure recommendations in relation to national missing persons policy and health service delivery are implemented.

#### **7. Success Factors**

The success of the change process will be measured by the level of confidence DIMIA is able to inspire in the Australian community and the clients it serves. 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 2005 and 2006. Success will be reflected in the fact that every decision DIMIA takes is demonstrably 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.

Andrew Metcalfe  
Secretary  
Department of Immigration and Multicultural and Indigenous Affairs  
27 September 2005

**OBJECTIVE  
TO ACHIEVE CULTURAL  
CHANGE IN DIMIA**

**PALMER  
RECOMMENDATIONS**

**DELIVERED BY  
1 OCTOBER 2005**

**DELIVER IN FIRST 100  
DAYS – by the end of  
December 2005**

**DEVELOP IN FIRST 100  
DAYS – by the end of  
December 2005 for  
delivery during 2006**

**ATTACHMENT A**

**PALMER PACKAGE**

**OPEN &  
ACCOUNTABLE  
ORGANISATION**

3.5, 4.11, 5.1, 5.5, 7.3,  
7.5, 7.6, 7.7

- Restructuring the Department
  - New divisional structure for compliance and detention activities in National Office – new Division heads appointed
- Detention & compliance issues
  - Consultant appointed to review activities and detention services contract
- Better external engagement
  - Briefed Standing Committee on Migration
  - Secretary's engagement with key individuals and organisations
  - MP liaison arrangements in all State and Territory Offices
- Privacy issues
  - Migration Act amendments

- Restructuring the Department
  - New National Office Structure and appointments to key positions
  - New National Communications Manager
  - New Internal Auditor
  - New Chief Lawyer
- Detention & compliance issues
  - Consultant to advise on detention & compliance activities and the detention services contract
  - Establish Detention Contract Management Group
  - Review of decision-making & quality control for detention, compliance, & removals
  - Work with ANAO on lessons learned from recent audits
- Better external engagement
  - Review & implement communications strategy
  - Develop strategic relationships with external scrutineers
  - Appoint external members of DIMIA governance committees
  - Web redesign and content management
  - Privacy issues
    - Strategic Privacy Impact Assessment

- Restructuring the Department
  - New State/Territory Office Org. Structure – implement from mid-December 2005
- Detention & compliance issues
  - Compliance strategy
  - Quality assurance
    - National Quality Assurance Programme – decision making
    - Enhanced internal audit programme
- Other issues
  - Unlawful detention legal mitigation strategy

**FAIR & REASONABLE  
DEALINGS WITH  
CLIENTS**

3.2 – 3.4, 4.1 – 4.13, 5.1 – 5.4,  
5.6, 5.7, 6.1 – 6.13, 7.1, 7.4

- Client service focus
  - Client Service Strategy/Charter consultations commenced
  - Case coordination/management
  - Detention Review Manager/arrangements for Detention Review Committee
  - Management of detainee files
  - Complex Case Review Taskforce established
- Identity issues
  - National Identity Verification & Advice Unit (NIVA) established
  - Health and wellbeing of detainees
  - Improved health services for detainees at Baxter
  - Detention Health Service Delivery Taskforce established
  - Audit of health service delivery at Baxter
  - Razor wire removed from Villawood

- Client service focus
  - New Client Services Division
  - Client service satisfaction surveys (initiate tender process)
  - Centralise client feedback mechanisms
  - Integrated email/telephony enquiries
  - Enhance overseas call handling arrangements
  - Case coordination/management
  - Single entry client search facility
  - Training in affective name search methods
  - DIMA Community Care Model
  - Handling of detention records
  - Compliance/Detention case management system
- Identity issues
  - Expand role of NIVA
  - Enhance handling of ID issues across Dept (instructions and training), including use of biometrics
- Health and wellbeing of detainees
  - Long term detention strategy
  - Liaison with States/Territories on health issues (with DHA – finalise MOU with SA Health – common training for clinical staff)
  - Finalise detainee management procedures at BIDF (Red One and MSU)
- Improved arrangements for food services

- Client service focus
  - Client Service Strategy & Charter
  - Develop client service surveys
  - Case coordination/management
  - National Case Management Framework
  - Develop Community Care Model – pilot to commence Jan 06
- Identity issues
  - National missing persons database (thru APAC, AGD to lead)
  - 24/7 'hotline' for police and consular inquiries
- Health and wellbeing of detainees
  - Long Term Detainee Health Services Strategy including mental health services and governance
  - Baxter Improvement Programme (the Baxter Plan)
  - Advice on implementing Muirhead Standards
  - Remove razor wire from other IDCs
  - Queensland Detention Facility - Sharnbury
- Bridging visas
  - Bridging Visa Review
  - Regional Compliance Enhancement Taskforce

**WELL TRAINED AND  
SUPPORTED STAFF**

3.1, 5.1, 5.2, 7.1, 7.2,  
7.4, 8.1, 8.2, 8.3

- Minister's suggestion scheme
- All staff briefings
- SES forum
- Leadership training pilot course
- Palmer Program/Office established

- Training for staff
  - National Training Manager & Branch
  - Staff Training: compliance & detention (search warrants, reasonable suspicion, identity investigations, Srey cases), visa cancellation, leadership, values & conduct, ICSE, TNIM, records management, systems security
- Support for Staff
  - Review/issue key compliance and detention Migration Series instructions
  - Enhanced compliance helpdesk capability
  - Information and systems issues
  - IT platform & governance review
  - Usability evaluation
  - Pilots: Mobile access to ICSE, integrate passport readers into ICSE
  - MRT/IRT linkages
  - Other issues
    - Staff surveys
    - Rural and remote compliance activity

- Training for staff
  - Establish College of Immigration Border, Security & Compliance - comprehensive training for compliance and detention staff
  - National Training Strategy
  - Review/issue remaining MSIs
  - Information and systems issues
  - I.T. Business Needs Analysis & Action Plan
  - Digitising historical manual movement records
  - Central IRIS project
  - Compliance case management discovery exercise
  - Records management improvement plan