

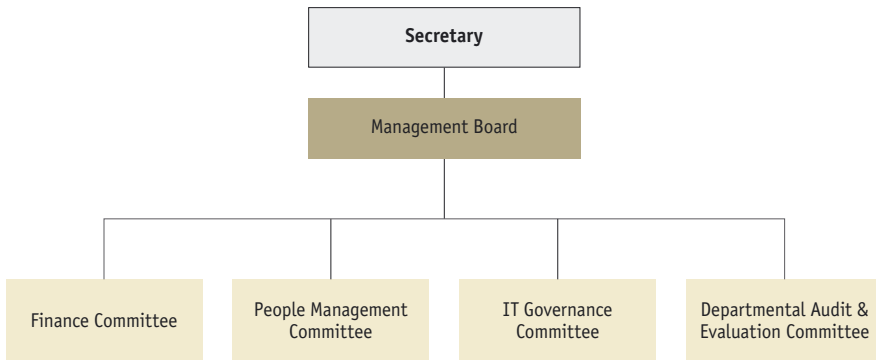
# Corporate governance

## SENIOR MANAGEMENT COMMITTEES AND THEIR ROLES

The senior management responsibilities of the department are shown in the corporate structure chart on pages 12 and 13.

The department's executive arrangements include a Management Board, Finance Committee, Departmental Audit and Evaluation Committee, People Management Committee, and IT Governance Committee. During the year the Senior Management Committees reviewed their terms of reference to ensure that their roles, responsibilities and accountabilities were clearly documented. The following diagram shows the various Executive Management Committees.

Figure 115: Senior Management Committees



The Management Board (MB) is responsible for providing leadership and overall management of the department through the development of strategies and plans. The MB monitors the achievement of departmental outputs centrally, in state and territory offices and overseas through an established reporting framework, and is supported by a number of specialised committees.

The Finance Committee provides advice to the MB on strategic financial management issues, planning and performance monitoring, and reporting. The Finance Committee oversees and monitors budget, performance improvement and corporate governance processes, ensuring consistency with government objectives and the department's business directions.

The People Management Committee was established to strengthen our focus on strategic human resource management with a view to achieving high performance outcomes and becoming an employer of choice. The People Management Committee provides guidance to the MB on a wide range of strategic people management issues.

The IT Governance Committee provides advice on the carriage of major technological matters and makes recommendations on strategic directions for technology that are consistent with government objectives and the department's business strategies.

The Departmental Audit and Evaluation Committee (DAEC) provides regular assurance to the Secretary and the MB on the efficiency, effectiveness and probity of our activities.

In addition to the Senior Management Committees listed above, we have established the following steering committees to help manage particular issues:

- the Departmental Security Steering Committee provides the MB with advice on security within the department. This encompasses the security of people (staff and clients), information and assets
- the Client Access Steering Committee advises the MB regarding strategic directions for client access and ensures that these are consistent with government objectives and business directions
- the Identity Fraud Management Steering Committee oversees and coordinates activities across the department related to identity fraud and proof of identity
- the Biometrics Steering Committee oversees and coordinates the work done within the department on biometrics to ensure that it meets the department's corporate needs.

The department has a National Staff Consultative Forum (NSCF) established under its Certified Agreement. The NSCF meets three times a year and provides an opportunity for senior management, employee representatives and representatives of employee organisations to consult on conditions of employment including the implications of legislative, funding, organisational, technological and procedural changes for employees.

## **CORPORATE AND OPERATIONAL PLANNING, AND PERFORMANCE REPORTING AND REVIEW**

The department's strategic plan, *Business Directions 2002–2005*, outlines our strategic directions. It provides high-level guidance for departmental staff on the specific objectives relating to each of the (then) three departmental outcomes, on the provision of client service and on issues of corporate governance.

The plan has two companion documents. The first, *Investing for 2005 and beyond*, is a more detailed picture of how the department plans to achieve its stated objectives over the longer term. It contains a series of specific projects to enhance business

processes and improve service delivery arrangements. The plan is structured to emphasise the links between various activities and to promote integrated planning at all levels.

The second companion document, *Investing in People*, describes the department's people management strategy. It expands on the 'employer of choice' elements of the *Business Directions 2002–2005* and *Investing for 2005 and beyond* documents.

The development of a replacement strategic plan for the period 2005–08 is under way. As well as documenting major changes in our business directions, key objectives will be to identify future information needs, integrate key business risks and ensure alignment between all levels of our business planning and reporting.

The Portfolio Budget Statements (PBS) describe the department's principal business activities for the year ahead and the level of resources available. Business areas develop plans that support the delivery of the strategic priorities outlined in the *Business Directions 2002–05* and the PBS. Our business planning principles and planning framework are available on the intranet to assist in planning processes.

Over recent years the links between the *Business Directions 2002–2005*, the PBS and the annual report have been more clearly articulated as part of a strategy to align planning and performance monitoring with internal and external reporting. To further tighten the link back to individual performance, the department has continued to improve its Performance and Learning Scheme. Improvements to that Scheme are designed to provide a stronger relationship between individual agreements and broader departmental business plans and objectives.

The Monthly Performance Report (MPR) is presented to the MB each month to provide a consolidated summary of information on key, emerging issues and trends across the department. The MPR also highlights noteworthy exceptions to output targets. The look of the MPR has evolved over a number of years, and is the subject of ongoing improvement as work practices and reporting requirements change. A significant development this year was the introduction of a graphical trend analysis, reflecting performance against PBS performance measures over the previous six months.

The Finance Committee, People Management Committee, IT Governance Committee and the Departmental Audit and Evaluation Committee meet regularly and undertake detailed performance monitoring in the areas of resource allocation and performance improvement; human resource management; technology; and audit, evaluation and risk management respectively. In addition, executive management at division, branch and state/territory level meet regularly to monitor and review performance. Each division and state/territory office reports to the MB annually.

In order to improve further reporting and analysis capacity, an enterprise data warehouse is under development. The warehouse covers financial data, human resource information and a wide range of program activity, both onshore and offshore. A Reporting Coordination Unit within the Corporate Governance Division

oversights the prioritisation of reporting and analysis requirements sourced from the warehouse to ensure that reporting and analysis activity is closely aligned to current and future business priorities.

A wide range of statistical reports is currently available to line managers to enable continuous monitoring of operational performance. These are provided online and in hard copy at regular intervals, including daily where required.

The reporting framework is designed to support effective planning at both the operational and strategic level.

External performance reporting is prepared on an outcomes, outputs and output component basis. The department's activities deliver eighteen outputs:

- Output 1.1 Non-humanitarian entry and stay
- Output 1.2 Refugee and humanitarian entry and stay
- Output 1.3 Enforcement of immigration law
- Output 1.4 Safe haven
- Output 1.5 Offshore Asylum Seeker Management
- Output 2.1 Settlement Services
- Output 2.2 Translating and Interpreting Services
- Output 2.3 Australian Citizenship
- Output 2.4 Promoting the Benefits of Cultural Diversity
- Output 3.1 Indigenous Policy
- Output 4.1 Policy and Advocacy
- Output 4.2 Evaluation and Audit
- Output 4.3 Home Loans
- Output 5.1 Promotion of Cultural Authority
- Output 5.2 Advancement of Indigenous Rights and Equity
- Output 5.3 Improvement to Social and Physical Wellbeing
- Output 5.4 Economic Development
- Output 5.5 Capacity Building and Quality Assurance

The Office of Indigenous Policy Coordination (OIPC) manages Outcomes 3, 4 and 5. Outcomes 4 and 5 were created to provide a mechanism to transfer former Aboriginal and Torres Strait Islander Commission and Aboriginal and Torres Strait Island Services functions to the department. Outcomes 3, 4 and 5 will be combined to form a new Outcome 3 for the commencement of the 2005–06 program year.

## **RISK MANAGEMENT AND INTERNAL AUDIT ARRANGEMENTS**

### **Risk management**

The department's Risk Management Framework helps our staff to make more informed decisions and provides assurance to our ministers and the Australian community that risks have been properly recognised and adequately managed.

During 2004–05, a new Risk Management Framework was endorsed by the Management Board, integrating formal risk management practice into a range of governance activities, including resource planning, business planning, contract management, insurance, audit and benefits realisation activities. The enhancements to the current framework build on risk management activities implemented over recent years and recognise that formal risk management practice must continually be reviewed in order to remain effective. Risk management awareness among staff has continued to improve over the course of 2004–05 and the department again rated well in ComCover's annual Risk Management Benchmarking Survey.

The Internal Audit Program and other control self-assessment tools remain important elements of our risk management strategy.

### **Audit Committee**

The Departmental Audit and Evaluation Committee (DAEC) is a key element of our corporate governance and assurance arrangements. It aims to provide assurance to the Secretary and the Management Board on the efficiency, effectiveness and probity of the department's operations, management, financial systems and internal controls. The DAEC also has responsibility for the development of risk management, business continuity management and fraud control frameworks, and promoting a risk management and fraud awareness culture within the department. A review of the DAEC Charter began in 2004–05 in order to align DAEC's role and responsibilities with ANAO better practice.

### **Internal audit**

The internal audit function aims to provide the Secretary and the Management Board with independent assurance that departmental outputs and activities are operating effectively, efficiently and lawfully. The Internal Audit Section, operating under the authority of the Internal Audit Charter, is directly accountable to the DAEC.

Ernst & Young has delivered internal audit and related services on behalf of the department for the past seven and a half years. In addition, we are in the process of tendering for supplementary audit, review and risk management services, with a decision on a panel of preferred service providers expected to be made in 2005–06.

We cooperate with the ANAO to coordinate overall audit activity within the department. The ANAO is invited to DAEC meetings and attends the Financial Statements Sub-Committee of the DAEC.

The Internal Audit Program (IAP) is developed following consultation with senior executives and managers. In 2004–05, consultation focused on identification of the major risks facing the department and facilitated the development of a risk profile. The identified risks were assessed as to the extent to which audit activity can contribute value in the management of the risk, and then compared with recent internal audit and ANAO review activity. The residual risks were prioritised and possible audit scopes developed for further DAEC consideration. The resulting IAP consists of a mix of high-priority cross-agency and specific area audits.

Twelve audits were completed in 2004–05, ten of which were part of the 2003–04 IAP. A further fourteen audits from the 2004–05 IAP are in progress and expected to be completed during the first quarter of 2005–06. Audit report recommendations flowing from the IAP are monitored until they have been implemented.

### **Other risk-mitigating strategies**

Control self-assessment tools aim to monitor performance and compliance across a range of the department's financial, administrative and decision-making activities, with managers making assessments of their processes and controls using externally developed checklists. Reports are provided periodically to the DAEC on the level of conformance, quality of the relevant processes, status of controls and any remedial action undertaken or proposed.

The financially based Financial Accountability and Control Tools (FACTs) are applied in central and state/territory offices. Quality Control Codes (QCCs) are self-assessment tools which the department employs to review decision-making and decision-making processes. The number of QCCs has increased during 2004–05 and will be expanded further in 2005–06. Both FACTs and QCCs are onshore tools aimed at assuring compliance with built-in controls.

The Overseas Audit and Security Check (OASC) is another quality assurance tool. OASC audits the work of overseas posts and is undertaken on a six-monthly basis covering financial assurance, employee conduct, security issues, service standards, business continuity planning, information technology, delegations and decision-making. Items for checking are under regular review. Future checks will include occupational health and safety issues and checks on tasking for cases referred under global working arrangements. A major review of all our quality assurance processes began in 2004–05.

### **FRAUD MEASURES**

The department has had a fraud risk assessment and control plan in place since 1999. A new plan covering the period 2004–06 was issued in August 2004. A Fraud Control Framework was also developed during 2004–05. It is expected to be issued early in 2005–06.

We have in place measures to prevent, detect, investigate and report internal and external fraud. In accordance with the Commonwealth Fraud Control Guidelines, we report annually on these fraud measures.

### **ESTABLISHMENT AND MAINTENANCE OF ETHICAL STANDARDS**

The department revised its Code of Conduct Guidelines during 2004–05. These guidelines build upon the legislated Australian Public Service (APS) values.

We delivered Code of Conduct training to 2033 staff during 2004–05. We revised our Code of Conduct induction and refresher training courses as a result of the establishment of the Office of Indigenous Policy Coordination (OIPC) and the resulting incorporation of former Aboriginal and Torres Strait Islander Services/Aboriginal and Torres Strait Islander Commission (ATSIS/ATSIC) staff into the department. The revised training includes the customisation of our Code of Conduct training materials so they are relevant to OIPC staff, including those in regional and remote areas. A module titled 'Modelling ethical behaviour' has been included in our supervision training course, 'Fundamentals of Supervision'. This module covers APS Values and Code of Conduct principles and responsibilities, and includes practical strategies for promoting these among employees.

A network of 96 Harassment Contact Officers was maintained and supported. The network provides advice and assistance to staff across the department.

The department investigates all reports alleging criminal conduct by employees and continues to operate an Internal Investigations Steering Committee, chaired by a Deputy Secretary, to oversee investigations.

We received 205 allegations relating to the conduct of staff during 2004–05 (193 in 2003–04). Two hundred and seventy four investigations were finalised, of which 85 per cent were unfounded. Three matters involved a serious possibility of criminal behaviour and were referred to the Director of Public Prosecutions. Three locally engaged employees in overseas posts had their employment terminated for serious misconduct.

In matters where a breach of the APS Code of Conduct was found in Australia, one employee had their employment terminated, one was demoted, eight resigned during the investigations and seven were reprimanded.

## Performance against the Client Service Charter

### REVIEW OF THE CLIENT SERVICE CHARTER

The department's Client Service Charter (Charter) and companion brochure *Do you have a complaint* were introduced in 1998. The Charter informs clients about the standard of service they can expect from our staff and advises clients how they can help our staff to serve them better. The *Do you have a complaint* brochure informs clients about the avenues they can use to comment on our performance or to make a complaint.

We reviewed the Charter in 2004 and developed a revised draft Charter in 2005. In addition, to support the Charter we developed a Client Service Strategy for Visa and Citizenship Services that outlines the ways in which improvements can be made to these services.

### Performance against the charter service standards

The department continued to perform well against the Charter's service standards, with onshore offices and overseas posts exceeding the benchmark performance in nine of the 13 service standards measured.

We continued to improve performance against the delivery of services to a diverse range of clients through a variety of service improvement initiatives.

A National Appointment System (NAS) was successfully implemented in September 2004. This allows visa and citizenship clients to make an appointment to visit a department office for certain services. The appointments system gives clients more certainty about when they will be seen and enables us to improve timeliness standards. Clients can make appointments by telephoning our contact centres in Sydney and Melbourne. A total of 87 140 appointments were made between September 2004 and 30 June 2005. We propose to expand the appointments system in 2005–06 to increase the range of services offered by appointment.

A Client Information Taskforce was established in March 2005 to review the consistency and clarity of information available to clients. Principal goals for the taskforce are:

- ensure clients' needs are understood and met in the preparation of information



*Answering a Call Centre enquiry.*

- introduce plain English principles into all our written communication and maintain those principles as the departmental standard
- work closely with all areas of the department to develop norms and standards for the development and delivery of client information
- develop systems to maintain improvements.

In May 2005, the department implemented a staff identification policy that documents how staff should meet the Charter commitment to identify themselves to clients ensuring they provide a professional and accountable service. An important aspect of this policy is the introduction of name badges for staff working in all client contact situations.

In addition, the department has:

- expanded visa lodgement opportunities by wider use of the Internet and an expanded network of service delivery partners to receive applications
- undertaken continued user-testing on our website to guide improvements to the navigation structure and information content
- extended contact centre operating hours
- introduced a new telephony system to provide better support to our contact centres
- developed and delivered client contact training to equip staff with the communication and interpersonal skills they need to provide a quality service to clients.

### **Feedback handling review and complaints data**

Clients can currently provide feedback to the department by using a tear-off portion of the *Do you have a complaint* brochure, by telephoning the 133 177 Client Service Feedback Line, or by contacting any office by letter, fax or email.

The total number of calls made to the Client Service Feedback Line 133 177 number reduced significantly in 2004–05 to 9376 compared to 12 432 in 2003–04. This reduction was due to more efficient call handling following centralisation of these calls through the Contact Centres. This is attributed to the ability of the Contact Centres to queue multiple calls. Previously, a Complaint Handling Officer (CHO) could only manage one call at a time, resulting in some clients having to make multiple contacts in order to speak to a CHO.

The majority of these calls were resolved by contact centre staff. A total of 1762 calls were referred to a CHO for resolution, which compares to 2105 calls referred in 2003–04. This reduction is consistent with the decline in the total number of calls made to the 133 177 number since 2003–04.

The level of compliments increased significantly in 2004–05 with 816 compliments recorded compared to 517 in 2003–04.

Our complaints handling arrangements were examined in the Client Service Charter review. Revised feedback handling arrangements are to be implemented in 2005–06.

## External scrutiny

### JUDICIAL DECISIONS AND DECISIONS OF ADMINISTRATIVE TRIBUNALS

Decision-making under the *Migration Act 1958* and *Australian Citizenship Act 1948* is subject to a high level of external scrutiny, by Tribunals and by the courts. Almost all visa decisions made by the department in Australia are subject to full merit review by the Refugee Review Tribunal (RRT) (protection visas) or the Migration Review Tribunal (MRT) (other visas). The Administrative Appeals Tribunal (AAT) has jurisdiction in relation to citizenship decisions, decisions about migration agent registration, and some visa decisions made on 'character' grounds (character decisions made personally by the Minister are not AAT reviewable). The comprehensive availability of merit review in these tribunals means that very few decisions by the department are challenged in the courts.

The decisions of the tribunals are frequently challenged in the courts (Federal Magistrates Court, Federal Court, and High Court). The courts can only review decisions on legal grounds (not on 'merit'). The majority of litigation managed by the department involves an application for judicial review of a decision of the RRT or MRT. These cases (including appeals) comprised 92 per cent of new litigation during 2004–05. While the majority of applications are ultimately unsuccessful, the caseload remains high. During 2004–05 there were 4264 applications and appeals filed in the courts. This compares to 4991 during 2003–04, and 6351 during 2002–03.

As has been the case for many years, the majority of applications for judicial review are dismissed. Of the court cases (including appeals) resolved during 2004–05, only 7.4 per cent of RRT matters and 19.9 per cent of MRT matters were resolved in favour of the applicants. In addition, 2004–05 has been marked by the very high number of 'repeat' applications for judicial review, typically by a person who has previously unsuccessfully challenged an RRT decision and who then applies again for judicial review of the same decision (after a delay of years in some cases). The courts often dismiss these applications at an early stage in the litigation, on the basis that the application is an abuse of the court system. However, it is preferable to prevent these applications at the outset. The government proposes the establishment of effective time limits on the commencement of litigation. This matter is addressed in the Migration Litigation Reform Bill 2005, which was awaiting consideration by Parliament at the end of the financial year.

There was a continuing trend, during 2004–05, for the Federal Magistrates Court (FMC) to determine applications for judicial review of immigration decisions rather than the Federal Court. This accords with government policy, which reflects the fact that most immigration cases are relatively straight-forward applications by

self-represented applicants. The Migration Litigation Reform Bill 2005 provides that almost all judicial review applications are to be heard initially in the FMC. In view of the large immigration caseload, the FMC faces a significant challenge in processing cases in a timely fashion. Currently, new matters are being allocated hearing dates that, in many cases, are more than 12 months after the date of filing the application in the court. Ongoing delays may provide an incentive for applicants to pursue judicial review as a means of extending lawful status in Australia.

During 2004–05, the High Court handed down important decisions clarifying the constitutional basis for immigration detention. In *Al-Kateb v Godwin* (6.8.04), the High Court held (4–3) that the *Migration Act 1958* authorises indefinite detention of unlawful-non-citizens. The court also held that indefinite detention of unlawful non-citizens (who are ‘aliens’ for the purpose of the Constitution (s51(xix))) is permitted by the Constitution, provided the non-citizen is being held for the purpose of visa processing or removal/deportation from Australia. In *Re Woolley; Ex parte Applicants M276/2003* (7.10.04) the High Court confirmed (7–0) that the result in *Al-Kateb* applies to all aliens, whether adults or children. There is no constitutional limitation on the immigration detention of children. The High Court also held (6–1) that the conditions of immigration detention are irrelevant to the question of whether the detention is lawful: *Behrooz v Secretary, DIMIA* (6.8.04).

More recently, significant litigation has taken place in relation to the ‘duty of care’ owed by the Commonwealth to immigration detainees. A number of cases have challenged the adequacy of the medical and psychiatric services provided to immigration detainees. In *S v Secretary, DIMIA* (5.5.04) the Federal Court held that the Commonwealth had breached its duty of care to two detainees at the Baxter immigration detention facility. The department has responded quickly to issues raised in that judgment about the coordination and management of the provision of medical and psychiatric services.

Another important decision handed down by the High Court in 2004–05 was *Singh v The Commonwealth* (9.9.04). The court held that Parliament has a broad discretion to decide which classes of people are to be treated as aliens. In particular, the court held (5–2) that being born in Australia does not necessarily mean that a person cannot be treated as an alien. The decision therefore supports the constitutional validity of current arrangements whereby children born in Australia to temporary entrants or unlawful non-citizens have the same status as their parents.

### REPORTS BY AUDITOR-GENERAL

The Australian National Audit Office (ANAO) completed the following performance audits in the department during 2004–05.

## **Audit Report No 2 2004–2005: Onshore Compliance—Visa Overstayers and Non-Citizens Working Illegally**

The objective of this audit was to assess whether the department has implemented appropriate onshore compliance strategies in regard to people who enter Australia lawfully but whose presence becomes unlawful. The audit commenced in May 2003 and was tabled in the Parliament in July 2004.

The ANAO made seven recommendations about our administration of onshore compliance. We agreed with six recommendations and agreed with qualification to the other recommendation.

Overall the audit found that the department uses a variety of onshore compliance strategies, including the prioritisation of compliance activities based on risk profiles of specific industries and labour markets. The auditors found that the ‘intelligence driven’ model pursued by the department focuses on identifying individual overstayers or non-citizens working illegally so that appropriate compliance action can be taken.

The audit also found, amongst other things, that we could improve our intelligence capability, and that more consistent integration of compliance target group profiling with intelligence gathering and analysis could assist in further development of the onshore compliance program. More generally the audit found that compliance activities could be enhanced through the department providing better information to make sure non-citizens are aware of what they can and cannot do in Australia, that the Employer Awareness Campaign could be enhanced through better targeting and that a consistent, national approach to compliance operations could be enabled through commitment to quality assurance systems and processes.

## **Audit Report No 14 2004–2005: Management and Promotion of Citizenship Services**

The objectives of the audit were to determine whether:

- citizenship services were planned based on a risk assessment, especially in relation to fraud and were monitored and reported on appropriately
- decision-making was well-based, consistent and in line with relevant laws and policies and was supported by appropriate training and quality assurance mechanisms
- client and outsourced services were managed effectively; and promotion strategies were effective and have been evaluated appropriately.

The ANAO concluded that the department’s citizenship services were well managed and effectively promoted. We had a range of appropriate information available in regard to citizenship services, including by region. The ANAO recommended that it would be useful for us to analyse this information to further improve client service.

We have implemented processes to improve our data analysis and aspects of our citizenship services. Some other issues of an administrative nature were commented on in the body of the report, and will be addressed as appropriate. We introduced a National Appointments System in November 2004, allowing all departmental offices to schedule appointments for citizenship clients.

### **Audit Report No 1 2005–2006: Management of Detention Centre Contracts—Part B**

The objective of the audit was to assess the effectiveness of the department's management of its agreement with the current detention services provider, Global Solutions Limited (GSL). The audit report focused on an assessment of the transition process, implementation of lessons learned from the previous Detention Services Contract and value for money in contract administration.

The audit report found that the contract with GSL does not adequately specify key responsibilities to be met, and that our ability to assess service delivery is limited. The ANAO also raised concerns regarding the clarity of the insurance, indemnity and liability clauses and the extent to which our financial reporting assesses value for money under the current contract with GSL.

In response, the department advised the ANAO that the report did not fully reflect or take account of the complexity of the detention environment. In particular, the services and standards required in immigration detention must meet the needs of persons with a diverse range of backgrounds, and cannot be simply or inflexibly stated.

The department accepted the four recommendations in full. They cover:

- insurance, liability and indemnities
- performance information and contract monitoring
- financial reporting
- asset management.

We noted that in many of these areas action had already been identified and work progressed. The report was tabled in Parliament on 7 July 2005.

The ANAO substantially completed the following performance audits in the department during 2004–05.

#### **Advance Passenger Processing**

The objective of the audit was to assess whether the department's information systems and business processes are effective in supporting Advance Passenger Processing (APP) to meet its border security and streamlined clearance objectives.

The audit examined our administration of mandatory APP for air passengers and crew arriving in Australia. In some instances, the ANAO has also examined events prior to mandatory APP to better understand and assess our overall performance in administering the APP system. The audit report is expected to be tabled in October 2005.

### **Management of the Tender Process for the Detention Services Contract**

The Management of the Detention Centre Contracts—Part B audit was originally intended to include an assessment of the tender process for the new DSC. During the course of their fieldwork, however, the ANAO advised that the tender process warranted a separate audit to examine the methodology applied by the department during the tender process, including the request for tender, contract negotiations and compliance with relevant procurement legislation and guidelines. Fieldwork for the Management of the Tender for the Detention Centre Contract audit has progressed in parallel with the Part B audit. The report is due to be tabled in November/December 2005.

### **Other ANAO audit activity**

The department was involved in a number of ANAO cross-agency audits during the year. Those marked ‘\*’ were reported in the 2003–04 Annual Report; however, work continued into 2004–05.

- Performance Management in the Australian Public Service\*
- Superannuation Payments for Independent Contractors working for the Australian Government\*
- Compliance with Senate Order, Audit of the Senate Order of 20 June 2001—Number 7
- Management of Internal Audit in Commonwealth Agencies
- Management of Tax File Integrity—Australian Taxation Office
- The Management of Net Appropriation Agreements
- Counter-terrorism Co-ordination Arrangements
- Green Office Procurement
- Management and Reporting of Expenditure on Consultants
- Management of IT Security in Commonwealth Agencies
- Asset Management.

## REPORTS BY PARLIAMENTARY COMMITTEES

### Senate Legal and Constitutional Legislation Committee

#### **Inquiry into Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004**

The Inquiry into Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 was tabled on 10 March 2005. The Bill proposed amendments to the *Commonwealth Criminal Code Act 1995* and the *Telecommunications (Interception) Act 1979* to extend for offences relating to the trafficking in persons including children into Australia. The department provided input to the legislative changes brought forward by the Attorney General's Department.

Departmental representatives also appeared before the Committee to provide input. The Bill was passed on 21 June 2005.

### Joint Standing Committee on the Australian Crimes Commission

#### **Inquiry into the Trafficking of Women for Sexual Servitude**

On 23 June 2003, the Joint Standing Committee on the Australian Crimes Commission (the Committee) decided to conduct its own motion inquiry into trafficking of women for sexual servitude. The department provided a comprehensive submission to the inquiry. In June 2004, the Committee reported on its findings. We provided input into the government's response.

The Committee met again on 23 June 2005 to be updated again on the progress of the anti-trafficking measures outlined in the report. Departmental officers appeared before the Committee and provided information on action taken by the department to address this issue.

### Joint Standing Committee on Foreign Affairs, Defence and Trade

#### **Inquiry into Expanding Australia's Trade and Investment Relations with the Gulf States**

On Monday 7 March 2005, the Joint Standing Committee on Foreign Affairs, Defence and Trade tabled its report entitled *Expanding Australia's trade and investment relations with the Gulf States*, which included 10 recommendations. The department provided a comprehensive submission to the Committee, outlining a commitment to support Australia's trade and investment relationships with Gulf States by facilitating lawful and orderly entry and stay of people. The government is currently considering the report.

## House of Representatives Standing Committee on Ageing

### Inquiry into the Long Term Strategies to Address Ageing of the Australian Population Over the Next 40 Years

Report title: *Future ageing: Inquiry into the long term strategies to address ageing of the Australian population over the next 40 years.*

In the 40th Parliament, the House of Representatives Standing Committee on Ageing inquired into long-term strategies to address the ageing of the Australian population over the next 40 years. The election was called before a report was completed for tabling. The House of Representatives Standing Committee on Health and Ageing, formed in the 41st Parliament, tabled the draft report from the inquiry without amendment or re-opening of the inquiry. No recommendations were made.

## Senate Legal and Constitutional Legislation Committee

### Inquiry in to Migration Litigation Reform Bill 2005 (formerly the Migration Amendment (Judicial Review) Bill 2004)

On 16 March 2005, the Senate referred the Migration Litigation Reform Bill 2005 to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 11 May 2005. The Bill was introduced by the Attorney-General and included amendments from the Migration Amendment (Judicial Review) Bill 2004, which had lapsed when Parliament was dissolved in 2004. The department participated, along with the Attorney-General's Department, in the Committee hearings. The report was tabled on 11 May 2005. The Attorney-General's Department is coordinating the government's response to the report.

## REPORTS BY EXTERNAL BODIES

On 3 February 2005 it became known to the department that a permanent resident, Ms Cornelia Rau, had been held in immigration detention for a period of 10 months. On the 8 February 2005 the Minister announced details of the Inquiry into the Cornelia Rau matter. This Inquiry was to be conducted by former Australian Federal Police Commissioner, Mr Mick Palmer AO APM.

*'The Inquiry will investigate, examine and report on matters relating to the case of Cornelia Rau, including in particular the actions of DIMIA and relevant state agencies, during the period March 2004 to February 2005.'*

The Terms of Reference also gave the Inquiry direction to investigate possible departmental systems and process improvements.

On 30 April 2005 the department became aware of a case involving the removal of an Australian citizen, Ms Vivian Alvarez Solon. On 2 May 2005 in response to these developments, the then acting Minister for Immigration and Multicultural and

Indigenous Affairs, the Hon. Peter McGauran extended of the Terms of Reference to enable the Palmer Inquiry to examine and make findings in relation to any cases referred during the course of the Inquiry.

The extension of the Terms of Reference to the Inquiry lengthened the expected completion date of the report. The report into the immigration detention of Ms Rau was delivered separately to that of the additional cases referred to the Inquiry. This was to ensure a thorough and independent investigation of the circumstances surrounding the immigration detention of Ms Rau, and the additional cases referred to the Inquiry.

On 25 May 2005, in her opening statement to the Senate Estimates Committee, the Minister outlined changes that had been made to improve performance in the department. They included:

- a 28-day limit—in all but exceptional circumstances—on the time immigration detainees can be held in prison, a watch-house or similar state corrections facility in those jurisdictions where an Immigration Detention Facility is not available
- fingerprinting of people detained. Following regulatory changes people detained can be required to provide a fingerprint, without their consent if necessary
- further advice to staff clarifying and strengthening procedures that should be followed to try to establish a person's identity. While the then current procedures worked in the majority of cases, the very complex circumstances surrounding Ms Rau's case highlighted the need for clearer and more precise guidance for staff
- access to data-bases. The Minister wrote to the Justice Minister, Senator Ellison, asking him to formally pursue the issue of access to databases with relevant Commonwealth and state law enforcement agencies. The Minister also asked the Secretary of the department to pursue the same issue with the Heads of Commonwealth Law Enforcement Agencies (HOCOLEA)
- referral of complex cases to Canberra for guidance. Where a person's identity or status is not confirmed within 28 days, staff would be required to consult with senior staff in Canberra on the ongoing management of the case.

In this statement further changes were announced as a result of the department acknowledging the Government's desire for continuous improvement. These changes were:

- establishment of a National Identity Verification and Advice Unit in the department's head office in Canberra
- appointment of immigration Detention Review Managers in each state and territory where people are detained
- enhancement of health services in Immigration Detention Centres
- improvement in case-related information management processes.

The report of the Inquiry into the Circumstances of the Immigration Detention of Ms Rau has provided a foundation for many positive changes within the department. The report was delivered on 14 July 2005.

In conjunction with the release of the report, the government announced significant changes in the leadership of the department as well as the creation of the Change Management Taskforce to respond to the general thrust of the Inquiry's report.

Parallel changes were also announced in mid-June 2005 that would address some of the issues raised by Mr Palmer as well as ensuring that government policy is administered with greater flexibility, fairness and, above all, in a more timely manner. Among other things, it included additional non-compellable power for the Minister to specify alternative arrangements for a person's detention and conditions that apply to that person, and the requirement that the department make primary protection visa decisions within three months of the application.

### **COMMONWEALTH OMBUDSMAN**

The Commonwealth Ombudsman received 873 complaints against the department in 2004–05, 497 of which were investigated. Of these 497 complaints investigated, defective administration was identified in 39 complaints against the department.

These figures demonstrate an investigation rate of 57 per cent. Whilst this is an increase from the previous financial year of 2003–04 (which had an investigation rate of 50 per cent), during 2004–05 the department's defective administration rate fell from 18 per cent to eight per cent. This is very encouraging for the department.

### **HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION**

During 2004–05, HREOC investigated 19 complaints against the department.

One report was tabled in Parliament by the Human Rights and Equal Opportunity Commission (HREOC) in 2004–05: HREOC Report No. 28—Report of an inquiry into complaints by immigration detainees concerning their detention at the Curtin Immigration Reception and Processing Centre.

The report is based on a complaint made to HREOC in 2002.

## Management of human resources

The department has 5754 employees, 61 per cent of whom are women (this does not include locally engaged staff overseas administered by Department of Foreign Affairs and Trade on behalf of the department). This total figure is an increase of 22 per cent on the previous financial year. Details of our staffing profile are at Appendices 3 to 7.

A key factor influencing the increase in staffing numbers was the establishment of the Office of Indigenous Policy Coordination (OIPC) within the department.

The OIPC was established on 1 July 2004. On the same day, programs formerly administered by the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal and Torres Strait Islander Services (ATSIS) were transferred to the Australian Government agencies that provide services to the wider community. The department was involved in mapping former ATSIC and ATSIS staff to positions within the various government portfolios, including that of immigration and multicultural and Indigenous affairs.

These machinery of government changes had a considerable impact on the management of our human resources. We successfully negotiated a Certified Agreement with OIPC staff that aligned OIPC conditions with the core conditions of the DIMIA Certified Agreement 2004–2007. The OIPC Certified Agreement will expire on 29 January 2007 in line with the DIMIA Certified Agreement and is intended to be replaced by a department-wide agreement.

DIMIA's Certified Agreement 2004–2007 was certified by the Australian Industrial Relations Commission on 29 July 2004. The new Certified Agreement supports our business agenda by including a provision for small numbers of staff to work patterns of hours that vary from the department's standard hours. These arrangements support changes to the delivery of our business linked to the global working strategy, in particular in the telephone contact centres and e-visa processing units. The agreement also included pay rises at the Australian Public Service average and some enhancements to conditions that help staff balance their work and personal lives.

The department uses Australian Workplace Agreements (AWAs) for the Senior Executive Service (SES) staff and in a targeted way for other staff to meet identified business needs. AWAs are used to attract and retain employees, especially those with specialist skills or those performing their duties in remote locations or with additional responsibilities.

Ninety SES staff and 215 non-SES staff are covered by AWAs.

Non-salary benefits are provided to staff under AWAs who have particular managerial responsibilities. The benefits may include private-plated government vehicles (usually

for senior staff in regional offices with significant representational responsibilities), mobile phones, access to a personal computer and assistance with accommodation (for staff who are relocating for work purposes).

Productivity gains continue to be delivered by global working. Global working is now the core mechanism for delivering a large percentage of the department's work and includes:

- the repatriation of visa processing work from departmental offices offshore to designated visa processing centres in Australia enabling more targeted use of the department's overseas resources, particularly for integrity checking
- the establishment of client contact centres in Sydney and Melbourne which centralise the handling of client inquiries
- electronic lodgement and automated checking/visa decision-making where possible.

These initiatives, in conjunction with a slight growth in demand for departmental visa and citizenship services, have led to an increase in the number of staff working in Australia. We managed this growth in workload through a deliberate increase in ongoing recruitment. We also relied on non-ongoing and contract labour to fill some vacancies as and when the need arose. The flexibility afforded through this process was important for us given the trial nature of global processing initiatives in some offices and the need to quickly increase the number of staff. Many non-ongoing and contract staff have subsequently competed successfully for ongoing entry level vacancies.

The Departmental Online Recruitment System (DORS) has continued to support the department's increased recruitment activity. The online processing and assessment of applicants has reduced the resources required to support the routine components of the recruitment process. This streamlined and more efficient approach has been of particular benefit to state and territory offices which have all experienced growth in staffing numbers. The ongoing use of bulk recruitment rounds has also achieved productivity gains for the department.

The growth in staffing in state and territory offices has substantially changed the structure and nature of work in those offices. Regional offices are continuing to examine their work processes, with a view to combining job elements to achieve a more varied workload and to facilitate career progression. These changes are being supported in some offices by entry-level training and development programs.

These developments are occurring in the context of the department's National Training Framework. The National Training Framework establishes a set of national principles to guide training activity in the department and an annual planning cycle to identify national training priorities. Its focus is to ensure that our investment in training aligns with our business priorities. Our People Management Committee has responsibility for managing the National Training Framework and overseeing its implementation across the department.

The national training priorities for the department in 2004–05 are:

- induction
- client contact
- quality decision making
- contract management
- supervision and management.

Progress has been made in developing and delivering training across the department in each of these five priority areas.

As part of the comprehensive training provided to all officers preparing for overseas service, the department now ensures that staff receive training in the core and accreditation modules of these priority areas so they can deliver this training to locally engaged employees overseas. We have recognised the importance of such training, especially given the changing nature of our overseas network.

The department has a devolved approach to training in which divisions and state and territory offices are responsible for, developing and delivering program-specific training. To support and manage this approach to staff training, we have developed and implemented a Training and Events system. This is a key component of the infrastructure supporting our National Training Framework, making it simpler for staff to know what courses are available within the department and providing the ability for staff to nominate for courses through a standard online process. The system creates significant efficiencies for the department in the administration of training. Training and Events also supports a more structured evaluation of training programs, including having supervisors assess the impact of training on employee skills.

Given the highly dynamic nature of the department's business operations, we have traditionally operated a devolved approach to workforce planning. We have undertaken a workforce risk assessment at the whole-of-organisation level, including scenario planning, demand and supply forecasting, and identifying agency-specific workforce risks. To help business managers undertake this function, we continue to refine our Workforce Planning Framework, which describes our approach to workforce planning as well as the activities to be undertaken as part of workforce planning processes.

### **SENIOR EXECUTIVE SERVICE REMUNERATION**

Members of the Senior Executive Service in the department are remunerated through Australian Workplace Agreements (AWA), which provide for a base salary, a limited range of fringe benefits and performance pay (see Appendix 3).

# Purchasing

## ASSESSMENT OF PURCHASING AGAINST KEY OBJECTIVES

The department's procurement policy conforms with core principles of the Commonwealth Procurement Guidelines (CPGs). Those responsible for the procurement of goods and services are provided support through the services of the Contracts and Procurement Advice Section (CPAS), ensuring that procurement activity reflects best value for money, is an efficient, effective and ethical use of public resources, and complies, where required, with mandatory aspects of the CPGs.

Compliance with Australian Government and departmental procurement policy is supported through the provision of an extensive training regime which instructs staff on policies amended by the Australia–United States Free Trade Agreement (AUSFTA) and the subsequent introduction in January 2005 of the new CPGs.

140 department staff completed an accredited course (Certificate IV in Government (Tendering and Contracting)) while a number of one-day contract management courses were held for middle and senior management officers.

CPAS has also presented information sessions in central, state and territory offices informing managers and those involved in contract management of their new obligations.

As a result of the introduction of the new framework, and the resultant increase in tendering activities for 2004–05, CPAS experienced a 35 per cent increase in the amount of oral and written advice provided.

## Purchaser/provider arrangements

### **PURCHASER ARRANGEMENTS—DIMIA AND DFAT SERVICE LEVEL AGREEMENT**

The department signed a new purchaser agreement in August 2004 with the Department of Foreign Affairs and Trade (DFAT) for the purchase of management services at overseas posts.

#### **Responsibility**

The Service Level Agreement (SLA) is an agreement between the two agencies whereby DFAT provides management services at DFAT-managed posts to facilitate efficient and effective Australian Government business overseas. The SLA aims to ensure, at whole-of-government level and within available resources, the efficient administration of posts through improved management and utilisation of resources and the avoidance of operational and financial duplication across agencies at overseas posts.

#### **Control arrangements**

The new SLA covers the period 1 September 2004 to 31 August 2007 and may be extended for a further two years if both parties agree in writing. The SLA details the provision of management services, agency responsibilities, performance indicators and cost recovery arrangements for the term of the agreement. Management services include personnel, office, property and financial services. The SLA also includes a dispute resolution mechanism and a provision for reduced fees if services are not provided to the agreed standard, based on the performance indicators.

#### **Resourcing**

The department pays a global service fee to cover the costs to DFAT of delivering the services. The fees are calculated on the basis of locally engaged staff salaries, the time spent by those staff delivering management services and the number of departmental A-based and/or locally engaged employees at post. The total 2004–05 SLA fee was \$5 263 852.

#### **Performance against outcomes and outputs**

The SLA contributes to the department's outcomes by contributing to the efficient delivery of management services at overseas posts.

## **BSG—PURCHASER ARRANGEMENTS—DIMIA AND DFAT MEMORANDUM OF UNDERSTANDING**

The department signed a new purchaser arrangement with DFAT for the provision of Information and Communication Technology (ICT) services.

### **Responsibility**

The Memorandum of Understanding (MOU) is an agreement between the two agencies whereby DFAT facilitates communications and business processing by our overseas posts. This MOU continues a cooperative arrangement in place since 1997.

### **Control arrangements**

The MOU covers the period 1 July 2004 to 30 June 2007 and details the services covered, service level standards and cost recovery arrangements for the term of the agreement. The services include SATIN Low, SATIN High, PABX services, Internet access and Telecommunication services. Efficiencies are gained by bringing these services under one arrangement, through clarity of scope of work, certainty of terms and conditions, and improved administration.

### **Resourcing**

For these services an agreed fee is charged. In 2004–05 the fee paid by the department to DFAT under the ICT MOU was \$4 040 595 (inclusive of GST) plus the fee paid by posts on a per-user basis for Internet access to SATIN.

### **Performance against outcomes and outputs**

The MOU reflects the Government's requirement for DFAT to take the lead agency role where services at overseas posts are required by agencies and contributes to the department's outcomes through contributing to the efficient delivery of IT and telecommunications services at overseas posts.

## **PROVIDER ARRANGEMENT—CLUSTER 3 CONTRACT MANAGEMENT**

The department obtains its IT and telecommunications services as part of Cluster 3 (the Cluster). IT services are provided by Computer Science Corporation (CSC) Australia Pty Ltd. Telecommunications services are provided by Optus Networks Pty Ltd. The Cluster Support Unit (CSU) accommodated in the department provides a coordination function for the Cluster contract management.

The contracts with CSC and Optus are in place until 30 June 2007.

The services received by each of the Cluster agencies are set out below:

- DIMIA (CSC and Optus)
- Australian Electoral Commission (CSC and Optus)
- Department of Finance and Administration Electorate Offices System (Optus)
- Australian Government Analytical Laboratories—left the Cluster in January 2005 (Optus)
- National Mapping Division Geoscience Australia (Optus)
- IP Australia (CSC and Optus)
- IPS Radio and Space Services (Optus).

Note: Some agencies which were former Department of Finance bureau customers also receive services under the contracts.

### **Responsibility**

The contracts are managed by the CSU. The CSU is responsible for:

- providing high-level support to the Cluster Management Committee
- maintaining the integrity and currency of the service agreements through variations
- meeting other contract management requirements, as requested by the Cluster Management Committee
- providing agencies with ad-hoc advice regarding the Cluster's contracts.

### **Control arrangements**

Cluster 3 agencies are parties to a MOU that establishes:

- protocols of operation for dealing with the contractors
- the Cluster 3 Management Committee
- the CSU.

### **Resourcing**

The MOU provides for Cluster contract management resources and funding. Agencies contribute towards the management and administrative costs on an agreed basis, commensurate with usage.

### **Performance against outcomes and outputs**

The CSU contributes to Cluster agencies' and Australian Government objectives of IT and telecommunications infrastructure outsourcing by providing a central point of reference and coordination for Cluster contract management.

## Asset management

### **ASSESSMENT OF EFFECTIVENESS OF ASSETS MANAGEMENT**

The department manages more than 6769 assets with a gross value of \$494 million. These amounts include the assets from the acquisition of operations during the year. Major asset categories are infrastructure, plant and equipment, land and buildings and intangible assets (software). These assets are managed by line areas to meet their business needs. Under accrual budgeting and accounting requirements, capital purchases are made in line with departmental capital plans. Accrual-based monthly reports on the progress of purchases against capital plans and depreciation against budget allow line managers to make informed asset acquisition and replacement decisions and ensure ongoing capital budget management and accuracy of reporting.

All assets owned by the department are subject to an annual stocktake, which is used to update and verify the accuracy of asset records. Assets are depreciated at rates applicable for each asset class, as verified by the Australian National Audit Office (ANAO).

Assets are maintained through specified maintenance programs, including contracted services.

*In November 2004 construction of a purpose designed new building for Central Office was completed. The building is a market leader in energy efficiency in Canberra and is currently operating as a 5 star rated building under the Australian Building and Greenhouse Gas Rating Scheme.*



## Purpose designed new building

The building has an intelligent lighting control system and metering which separates tenant light and power on all floors, with a software management system to manage the ongoing performance of the building.

The facade is a "panel system" and combines a low cost but highly durable exterior. Central to the design of the facade was the need to ensure it assisted in meeting the energy targets set by Commonwealth policy. The size of windows was kept to a minimum and the use of double glazing and tinted

glass assist in meeting these targets. The north-south orientation and the narrow building footprint provides for maximum penetration of natural light.

The building provides a quality fit-out and combines large and efficient open plan areas with integrated amenities including a gym and cafe. Built zones are concentrated in the central core of the building to maximise the use of space in the open plan areas. The use of rectangular workstations provides a level of flexibility not offered by traditional L-shaped workstations.



## Consultants and competitive tendering and contracting

### CONSULTANTS, CONTRACTS AND COSTS

The department entered into 93 new consultancy contracts, involving expenditure of \$44 390 378.

In total, 138 ongoing consultancy contracts were active during the 2004–05 year, incurring expenditure of \$48 261 123.

A full list of consultancies let during 2004–05 can be found at Appendix 12.

Consultancy costs are comparable to the last financial year. The figure below compares total consultancy costs for the past three financial years:

Figure 116: Consultants, contracts and costs

Year	Total Consultancy Costs
2002–03	\$213.47 million
2003–04	\$47.93 million
2004–05	\$48.26 million

The figure below identifies the nature of the consultancy contracts active for 2004–05 irrespective of when the contract was let.

Figure 117: Consultancy costs

Purpose	Total consultancy costs paid during the 2004–05 financial year	Number of consultants for 2004–05
Involves specialist professional knowledge and/or expertise that may not be maintained in-house	\$3 328 216	35
Involves development of an intellectual output—eg research, evaluation, advice and recommendations—to assist with agency decision-making	\$44 588 889	92
Involves a one-off task, a set of tasks or irregular tasks (making employment of permanent staff impractical or undesirable)	\$344 018	11
<b>Total</b>	<b>\$48 261 123</b>	<b>138</b>

## COMPETITIVE TENDERING AND CONTRACTING (CTC) OUTCOMES

The department engaged in and concluded a number of competitive tendering processes during 2004–05, the more significant of which included:

- a request for tender (RFT) process for the department's Travel Management Services was concluded in July 2004 resulting in reletting Carlson Wagonlit Travel's contract for a further three years commencing 16 August 2004, for an estimated value of \$2.4 million
- an RFT process was conducted to establish a panel for the provision of assessment of migration management and border control systems in the South East Asia and Pacific Region. Standing offers were signed with four service providers in early 2005
- a select tender process commenced in July 2004 for the provision of internal audit and risk management services. A three-year contract was awarded to Ernst & Young commencing on 31 December 2004
- after a Request for Quotation (RFQ) in March 2005, a contract valued at \$843 000 was signed in May with Ethan Group Pty Ltd for the supply and support of biometrics software, equipment and services for the Biometric Trial Project.

A number of tendering activities were commenced in 2004–05, but were not concluded:

- an RFT was issued in February 2005 to establish four Australia-wide panels of consultants with demonstrated expertise in a range of fields relevant to the Government's new Indigenous Affairs arrangements. Tenders closed on 24 March 2005 with Deeds of Standing Offer near finalisation
- an RFT was issued in September 2004 for the provision of services for the Integrated Humanitarian Settlement Strategy. Contract negotiations with preferred tenderers were underway at 30 June 2005
- an RFT was issued on 23 April 2005 for a consultant to report on the nature of the administrative burden on government supported organisations providing services to Indigenous people, and make recommendations to reduce any undue burden. Tenders were being evaluated at 30 June 2005.

## CONTRACTS LET IN EXCESS OF \$100 000 THAT DO NOT PROVIDE THE AUDITOR-GENERAL WITH ACCESS TO CONTRACTOR'S PREMISES

The department's standard contract templates include a clause allowing the Australian National Audit Office (ANAO) to access a contractor's premises. There are, however, a limited number of circumstances where, due to supplier insistence, specific industry-based standard contracts have been used in preference to the department's standard contract templates.

It remains the department's preference that contracts include the ANAO clause.

In the cases shown below, departmental standard contracts were not used:

Figure 118: Non-standard contracts

Name of contractor	Purpose of contract	Value of contract
B & S Card Service	Provision of credit card facilities	\$562 229
American Express International	Provision of merchant services	\$4 874 091
Diners Club Ltd (Australia)	Provision of Diners Club merchant services	\$1 042 446
Citibank (Hong Kong)	Provision of merchant services for Visa and Mastercard	\$543 561
American Express Travel	Provision of American Express merchant services	\$423 481
The Riggs National Bank	Provision of merchant services for Visa, Mastercard, Bankcard and debit cards, provision of terminals and of internet payment facilities	\$355 956
Barclays Bank Ltd	Provision of merchant services	\$659 763
B+S Card Service	Provision of merchant services	\$267 750
International Centre for Migration Policy Development	Comparative and analytical study of Australia's asylum system	\$116 795
United Nations Office on Drugs and Crime (UNODC)	Combating trafficking in persons in Vietnam—phase 2	\$755 871
Siemens building technologies	Siemens Building Technologies Maintenance Agreement	\$125 631
Software AG	Licence of software systems and maintenance	\$121 563
Isis Projects Pty Ltd	Scrivener building fit out	\$717 970
VITS Language Link	Interpreting Services	\$2 626 215
Schiavello Project Solutions	Fit-out level 15 Casselden Place	\$139 139

### CONTRACTS IN EXCESS OF \$10 000 EXEMPT FROM BEING PUBLISHED IN THE PURCHASING AND DISPOSAL GAZETTE

Details of all contracts that have a value of \$10 000 or more must be published in the Purchasing and Disposal Gazette (this has risen from a \$2000 limit last financial year). There was one contract that was exempted from being published on the basis that it would disclose exempt matters under the *Freedom of Information Act 1982*.

# Commonwealth Disability Strategy

## **ASSESSMENT OF PERFORMANCE IN IMPLEMENTING THE COMMONWEALTH DISABILITY STRATEGY**

In the context of the reporting framework for the Commonwealth Disability Strategy, the department undertakes the roles of policy adviser, purchaser, provider and employer. Those of policy adviser, provider and employer have been examined for the purposes of this report.

### **Policy adviser role**

Work on the department's Disability Action Plan is progressing in accordance with the *Disability Discrimination Act 1992*. As well as demonstrating our commitment to the elimination of disability discrimination, the completed plan will ensure the inclusion and participation of people with disabilities in our policies, programs and services.

### **Provider role**

The department's Client Service Charter addresses the broad principles of the revised Commonwealth Disability Strategy by informing clients that we will take into account any special needs they identify.

A review of our Client Service Charter was undertaken in 2004. The revised charter will be published in a number of formats to cater for a diverse range of clients, including clients with a print disability.

The department also redesigned its client contact card. In consultation with the National Library Service, the card was redesigned in late 2004 in a large print format using contrasting colours, to assist clients with a visual impairment. The contact cards are available from all departmental offices and have been distributed to Migrant Resource Centres Australia-wide.

The department's websites are specifically designed for accessibility by vision and motor impaired clients. These websites are more than 95 per cent compliant with Braille text readers. In 2004–05, we redesigned more than 75 per cent of content, structure and navigability across all our websites and have achieved substantial compliance with both Government online targets and World Wide Consortium (W3C) web content accessibility guidelines.

Detention services contracts in operation during 2004–05 required the Detention Services Provider to ensure appropriately qualified personnel identify, respond to and address the special needs of detainees with a disability. Initial health screening facilitates early detection of detainees with a disability and provision of appropriate

support. All detainees with a disability have an individual detainee care plan and access to appropriate equipment and facilities.

Detainees with a disability are provided with accommodation to suit their needs. The development plans for new detention centres, and upgrades and improvements to existing centres incorporate these considerations consistent with relevant national building codes.

Alternative detention arrangements are considered for detainees with a special need on a case-by-case basis. Where the department receives professional advice that the detainee is unable to be adequately cared for within detention facilities, the option of release from detention on a bridging visa is considered. The *Migration Amendment (Detention Arrangements) Act 2005*, which came into effect on 29 June 2005, provides for more flexible detention arrangements for detainees, including for minors, families and those with special needs such as a disability.

### **Employer role**

No requests have been made for a review of action this year in matters linked to disability. One complaint was received by a departmental Harassment Contact Officer relating to disability.

In 2001, the department entered into a 15-year lease in Belconnen to accommodate its central office functions. The building was completed in November 2004 and is now fully functional.

In signing the lease, we required that the building meet maximum standards under the Building Code of Australia and relevant legislation relating to disabled services. This included exceeding building code requirements for car parking, showers and toilets and certification for ramps, gradients, tearoom facilities, passageways and doors.

Features are included to assist sight and hearing-impaired people in elevators and facilities for the hearing-impaired people are available in conference rooms. All provisions have passed independent evaluation and certification.