



**Australian Government**  
**Department of Immigration and Multicultural Affairs**

**Address to the Sydney Institute**  
**"Australian immigration: some current themes"**

**Mr Andrew Metcalfe**  
**Secretary of the Department of Immigration and Multicultural Affairs**

**Embargo until 6.30PM, 16 November 2006**

It's a pleasure to be here this evening to speak about some key themes in Australian immigration.

**Australia's migration history**

My central proposition tonight is that migration is one of the great themes of the Australian experience and of our history. Coupled to that, it has also often been an area of public interest and controversy.

Currently, around 43 per cent of our population was either born overseas or has at least one parent who was born overseas.

All Australians other than full-blood Indigenous people have at least one ancestor who has arrived from an overseas country in the past 218 years.

In my own case, my parents' forebears had English origins in Liverpool, Yorkshire and Stourbridge, as well as a mix of both Irish and German ancestry. So I am one of the 33 percent of Australians with Irish ancestry.

I mention these personal examples because everyone here tonight will have their own migrant story, either passed down from their parents, grandparents or earlier generations, or from their own direct experience.

Much of our success as a nation can be linked to the fact that, regardless of when our ancestors arrived, we are now all modern Australians, equal under the law, with common unifying values, and in a land of opportunity and respect for our many cultural backgrounds.

2006 is a good year to talk about these matters since apart from being just shy of the 60<sup>th</sup> anniversary of planned migration, it is exactly 400 years since the first known history of contact with Europe, when the Dutch explorer Willem Janszoon charted the west coast of Cape York Peninsula and the Portugese explorer Luis Váez de Torres navigated the strait that now bears his name.

The influences have been many and varied. One view is that our most Aussie word 'fair dinkum' may have come from Chinese migration in the 1850s, as a term meaning correct weight or 'top gold'. Another view is that it derives from the East Midlands of England, where it meant 'hard work'.

In 1901, the non-Indigenous population was 3.8 million — slightly less than the size of Sydney today.

The 17th Act passed by the Federal Parliament was the *Immigration Restriction Act 1901*, which was the legislative basis for the ‘White Australia’ policy.

By 1945, there was a need for labour to assist with post-war reconstruction, and the historic decision was made to plan and manage migration.

This decision to manage migration and the subsequent policies and programmes devised by successive governments has changed the face of Australia and will continue to do so into the future.

The Department of Immigration was created in July of that year, and in a relatively short time, we were managing substantial numbers of migrants from European countries.

There were also significant humanitarian intakes such as the 14 000 Hungarian refugees who arrived following the Uprising, for which we marked the 50<sup>th</sup> anniversary last month.

The dismantling of the 'White Australia' policy between 1966 and 1973 led to a new period of broadening cultural horizons and greater integration with the Asia-Pacific region.

Since we now accept migrants from at least 200 countries, we have a much greater pool of people from which to choose in terms of skills and potential benefit.

Tonight, I want to explore some of the key themes that have collectively influenced our migration settings and administration.

These include:

- the strong control of migration policies and settings by successive governments
- the complex issues around global people movement and border security, and
- the impact of administrative law and related mechanisms.

I will also talk about my department’s absolute commitment to reform and improvement following on from the Palmer<sup>1</sup> and Comrie<sup>2</sup> reports last year.

### **Using migration to benefit Australia**

Australia benefits greatly from being a sovereign nation with governments able to devise and implement policies to advantage the nation as a whole.

I’ve already alluded to the decision to actively manage migration, refreshed by successive governments since 1945.

---

<sup>1</sup> Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau, Mr Mick Palmer AO APM, July 2005.

<sup>2</sup> Inquiry into the Circumstances of the Vivian Alvarez Matter, Report by the Commonwealth Ombudsman, of an inquiry undertaken by Mr Neil Comrie AO APM, September 2005

Overall, almost 6.5 million people arrived to settle permanently between October 1945 and June 2006, including a humanitarian component of around 660 000.

We now have historically high levels of immigration at around 153 000 for this year, including about 100 000 principal applicants and their families under the skilled categories and about 13 000 refugees and humanitarian entrants.

Successive governments have fine-tuned migration policy and programme settings in response to the complex social, economic and other changes impacting on Australia as a nation.

The use of migration by governments as a tool to benefit Australia has, in my view, been one of the great and enduring success stories of our history.

### **Global people movement issues and Australia's future population**

Improved transport and communications technology have made the people of the world increasingly mobile and increasingly interconnected.

The traditional notion of spending one's life in the same location, doing the same or similar jobs is now outdated.

We see this in ways such as our children heading off for a year back-packing around Europe, and then doing occasional stints overseas as necessary for their employment, but also in the lengthy journeys people sometimes make in seeking asylum.

Our migration settings have to be responsive to these changes so that we protect Australia's interests but also promote Australia as a destination in a world increasingly competing for skills and migrants who will provide a strong net benefit.

It's also critical that we look ahead at how we can manage people movements in the future.

Through the combined effects of below replacement fertility and the ageing of Australia's baby boomers, the natural growth in Australia's working age population is projected to reach zero sometime in the next five to 10 years.

After that, we are projected to experience a natural decline in our working age population.

As the Treasurer has said, 'demography is destiny'.

With net overseas migration of around 110 000 per annum, which is around 20 000 per annum higher than the average of the past 50 years, Australia's working age population is projected to continue to grow but at a much slower rate than the past 50 years.

The demographic transition is not unique to Australia, with most OECD countries and countries in Eastern Europe going through a similar transition.

If jobs growth continues at the average of the recent past (ie around 180 000 new jobs per annum), employers will need to get used to the idea of ever tightening job markets and not the easy access to labour of the past 50 years.

Also, the unemployment rate for skilled Australians is currently less than 2 per cent. If we accept there is always going to be a percentage of skilled Australians in transition from one job to another, we are probably very close to full employment for skilled Australians. This goes a long way to explaining the widespread nature of current skill shortages.

The competition among countries for skilled workers is likely to intensify.

While part of the policy response to this is to increase training efforts and to encourage higher rates of workforce participation, it is inevitable that Australia will also need to ensure we continue to refine our approach to skilled migration so that we retain the competitive advantage in this area that we have built up over the past 30 years.

The benefits are shown by research indicating that:

- skilled migrants increase job opportunities for unskilled Australians, and
- skilled temporary entrants pass on skills to Australian colleagues, making them more productive and employable.

If we look at the slide and examine the cohorts who arrived in approximately 1994, 1999 and 2005, we see the later arrivals doing better on the key factors of English ability, employment and tertiary qualifications.

This is a clear demonstration of the value of our efforts to identify appropriately skilled migrants and also to integrate all migrants into our society effectively and productively.

### **Refugees and asylum seekers**

We are also exposed to the rapid pace of change around the world through our refugee programmes.

The composition of our refugee intake can change quickly as the world's trouble spots shift. We have recognised this in considerable recent work to make our settlement programmes flexible and targeted to areas of greatest need.

Over the years we have facilitated the arrival of waves of people from Eastern Europe, South-East Asia, Latin America and the Middle East.

Australia has been a major player in resolving world refugee situations and we are among the top three countries in the world in terms of the resettlement places we offer, along with Canada and the USA.

Our role with refugees goes beyond traditional notions of aid — it is more a reflection of our status and willingness to be a good international citizen. Ultimately, it reflects the generosity of the Australian community to assist some of the most disadvantaged people in the world — people driven from their countries.

This slide reflects the fact that we now receive 50 percent of our intake from Africa, 30 percent from the Middle East and 20 percent from South-East Asia.

It's not widely recognised that our post arrival settlement services for humanitarian entrants are of world class standard.

Our aim is to have refugees integrate as quickly as possible into Australian life so they can rebuild their lives and make their own contribution to our society.

These are people who may have endured great hardship including torture, may have spent years in camps, lost family members and had their education severely disrupted.

For instance, we highlight the story in our latest annual report of Shin Thu, Eh Tar and their five children who have resettled in Australia after spending more than 20 years in refugee camps after fleeing Burma in 1984.

And at the beginning of this month, there was a heart-warming reunion at Melbourne airport, between Mr Maulidi Mukasa and his daughter Neema.

Mr Mukasa and five of his children fled their home in the Democratic Republic of Congo in 2000 for Tanzania.

However, Neema was ill and being cared for elsewhere and so was not able to join them.

In 2005, the Mukasa family was accepted under Australia's humanitarian programme, and the family arrived in Shepparton last year.

The principal of the local primary school set about trying to find Neema, and with the help of the Red Cross Tracing Service, was able to arrange her reunion with her family after six years apart.

We recognise that refugees require sensitive and flexible assistance, especially in the areas of learning English, getting a job and having access to basic services.

My department has been consulting for some time now with other agencies across all levels of government, resulting in the recent release of a discussion paper offering some specific measures that could further improve humanitarian outcomes.

Earlier this year, Senator Vanstone and I visited the Mae La camp in Thailand where the Tar family came from.

This is about six hours by car from Bangkok, and is the largest of nine refugee camps in Thailand sheltering refugees from Myanmar.

We met some of the families who had been approved to come to Australia, and despite having previous experience in an overseas post, I shall not forget the look of hope they had and their enthusiasm to start a new life in Australia.

Historically, Australia's main contribution to resolving refugee issues has been through the active programme of resettlement from countries of first asylum.

We have not typically been a country of first asylum ourselves.

In fact, it was only in the late 1970s that the need was perceived to set up a formal government mechanism for considering asylum claims.

In the past 30 years, there have been several particular challenges facing the Australian Government and other governments in the area of asylum.

The challenges for Australia have been in the form of unauthorised boat arrivals and surges in the number of asylum seekers — we saw a significant number of boat arrivals from Vietnam in the late 70s, and subsequently boat people from Cambodia, China and the Middle East; there was a surge of asylum claims after the Tiananmen Square incident from tens of thousands of Chinese temporary entrants.

Successive governments in Australia have responded to this, as other governments have around the world, by seeking to have refugee flows managed in an orderly way, principally by providing protection to refugees close to the source country and, if appropriate, resettling from that location.

Not surprisingly, governments around the globe have generally been concerned by any secondary movements of refugees or the misuse of the asylum process by economic migrants.

Some of the policies adopted by Australia and other nations have focussed on removing incentives for secondary movements of refugees or misuse of processes by economic migrants through the introduction of mechanisms like offshore processing, temporary protection, reduction of welfare benefits associated with claiming asylum, and also orderly resettlement opportunities as an alternative.

Governments around the world continue to work on ways of dealing with undesirable, irregular flows of refugees while preserving the fundamental principle of protection for those in need.

These issues are currently being worked through in areas such as the Mediterranean, North Atlantic and the Caribbean.

We can expect the area of asylum-seekers will continue to be controversial as governments and the United Nations High Commissioner for Refugees grapple with changing people flows.

### **Border security**

One of the essential elements of an effective and well-run migration administration is border control.

Australia has adopted a strict approach to minimising illegal immigration and targeting immigration fraud, including mandatory detention of unauthorised arrivals.

At the same time, we lead the world in our ability to allow legitimate movements across our borders with a minimum of fuss, and using advanced border security systems and processes.

For instance, the Electronic Travel Authority or ETA was introduced in 1996 and is now available to passport holders from 34 countries, locations and regions.

More than 21 million travellers have been granted ETAs to come to Australia, and they now account for almost 83 per cent of all Australian tourist and short-term business visas granted worldwide.

Australia's Advance Passenger Processing system is internationally acknowledged as the most advanced border control system operating anywhere today.

In addition to providing advance reports on passengers, the system allows us to issue passenger boarding directives to airlines in real time if the passenger does not have a valid Australian visa or valid Australian or New Zealand passport.

In these ways, Australia is able to prevent the people arriving in Australia by air when they do not have an authority to travel to Australia.

What technologies like these mean is that we have effectively pushed our border back to airline departure lounges around the world, and these arrangements are the envy of other countries.

As another example, we have an electronic Movement Alert System, which stores details about people and travel documents of immigration concern to Australia.

We have extended this to a Regional Movement Alert system, under the auspices of hosting APEC in 2007, which will be used to detect and, where appropriate, prevent the use of lost and stolen travel documents being used for travel.

Australia's focus on developing partnerships with other countries to share immigration intelligence is helping to reduce people smuggling and is also improving the capacity of countries in the region to administer effective immigration laws.

Character and security checking are very strong features of Australia's approach as is health screening.

As a result, Australia has a relatively low level of illegal immigration at around 0.2% of the population.

This strict approach to border security has — in my view — played a key role in maintaining public support for the sizeable immigration programme that we need in order to address our demographic challenges.

### **The development of administrative law and related mechanisms**

The third broad theme I want to touch on is the development of administrative law and related mechanisms. This theme goes to the administration of our programmes and associated accountability.

Immigration law has always been a dynamic, controversial and highly contested area of public policy, ever since the 'White Australia' policy commenced through the *Immigration Restriction Act* of 1901.

To give this context, the decisions my department makes in terms of granting or refusing visas are often life-changing for the people involved.

The enduring power to issue visas derives from the Minister, but it is clearly unworkable for the Minister to consider every visa application.

Instead, the power to issue visas is delegated in the majority of instances to my departmental officers, although some key powers are limited to the Minister and Parliamentary Secretary.

This raises an important debate about how to ensure accountability for the decision-making of public officials.

Accountability and review mechanisms include Freedom of Information, the Ombudsman, and the Human Rights and Equal Opportunity Commission.

We have merits review through the Migration Review Tribunal, the Refugee Review Tribunal — and in some cases the Administrative Appeals Tribunal — and ultimately, judicial review through the courts.

These mechanisms — which have expanded greatly over the past 30 years — put immigration policy and decision-making at the forefront of administrative law contestability. They have led to a significant codification in law of what were previously broad discretionary powers.

Since 1986, the Migration Act has changed from a slim volume of broad principles to now encompass more than 550 provisions, more than 1900 pages of Regulations and 130 visa subclasses.

The legislation regulates detention of unlawful non-citizens, the operation of our borders, offences in relation to facilitation of illegal entry, search and seizure of people and things, judicial review, merits review, procedural requirements, eligibility requirements, the actions of sponsors, removal and deportation and a plethora of other matters.

It is complex — reflecting our sophisticated policy and operational environment.

It is large — representing real challenges for supporting staff in decision-making.

And it is highly contested — reflecting the nature of the decisions involved affecting as they do the lives of individuals.

One only has to read last week's judgement of the High Court in *Nystrom v Minister for Immigration and Multicultural Affairs* to get a glimpse of some of the very complex issues, concepts and legislation my officers are required to administer.

In 1986 our litigation cases were in double figures.

In 2006 we will receive more than 3000 applications for Administrative Appeals Tribunal and judicial review.

(I would just note that more than 90 percent of the defended matters before the courts are resolved in the favour of the Minister.)

The complexity and volume of regulation makes administration especially challenging, and opens up risks which need careful management.

For instance, one of the matters for which we were rightly criticised in the Palmer and Comrie reports was the “process rich, outcomes poor” nature of aspects of our operations.

In other words, it's not enough to tick the boxes in making a decision.

Instead, we now work to ensure our decisions are fair, reasonable, transparent, well-supported by evidence, properly recorded and also lead to improved outcomes.

**The Department of Immigration and Multicultural Affairs:  
The Palmer and Comrie reports and beyond**

I've hinted a few times at the reform and improvement process underway in the department, and I want to conclude tonight by talking about that in more detail.

The treatment of Cornelia Rau, Vivian Alvarez and a number of other people while in the care of the department was simply unacceptable and represents some of the most serious and hurtful mistakes in public administration in a long time.

In his report in July 2005, Mr Palmer noted 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'.

As a department, we have accepted that serious mistakes had been made, and we have set about changing the culture and putting in place the support to make the department open and accountable in its activities.

The government and the department has apologised to those most directly affected and is making other reparations.

More broadly, the Palmer and Comrie reports focused on leadership, governance, training, systems support, the relationship between policy development and implementation, client service delivery and records management.

In response, we have done a great deal of work since my appointment in mid-2005.

It was essential that we have a shared understanding of important values such as the need for excellent client service, lawful decision-making, openness and accountability.

These requirements were discussed extensively and quickly refined into three strategic themes around which we have aligned the department's culture, planning and operations.

They are:

- an open and accountable organisation
- fair and reasonable dealings with clients, and
- well trained and supported staff.

We sum all this up with our tagline — **people** our business.

We have grown to be an organisation of around 7000 staff at the end of June this year, working in offices in every capital city in Australia and with nearly 1000 of those staff in 68 overseas locations.

The agenda for change has been backed up with nearly \$780 million in additional and redirected funding to be spent over five years.

Our Palmer Plus project in response to the original report has now expanded to in excess of 100 initiatives, many of which are completed or up and running.

Fundamental improvements have been made in our client service capability through a range of initiatives covering risk management, planning, training and better support systems.

A key objective of this work has been to change the culture of the department from that described by Mick Palmer.

To do this, we have worked to deliver initiatives such as the College of Immigration, with the Board now chaired by Mick Palmer, a new long-term strategy to engage stakeholders much more effectively than previously and building the base of external and independent advice we receive.

We have also made a concerted effort to build the leadership capability of staff, and establish clear organisational values and ethical decision-making.

This has all been achieved while maintaining our services to our clients, which on a typical working day, includes:

- receiving more than 12,000 visa applications
- granting around 11,500 temporary visas and 500 permanent migrant visas, including about 35 humanitarian visas. On my calculation that's about thirty 747s of people every day.
- granting citizenship to around 375 people
- processing more than 60,000 people across the border at air and sea ports — that's around one person per second, and
- providing accommodation, meals, activities, health care and other services to around 700 immigration detainees, many of whom are illegal fishers.

I am aware of the enormous effort I have asked from my managers and staff.

We are all committed to doing our best and meeting the expectations of the Minister, Parliamentary Secretary, the Parliament and the community.

The Minister has made a number of statements which are strongly supportive of the department's direction.

I was pleased to see the Commonwealth Ombudsman recently say that there had been 'significant culture change' in the department.

And one of our long-term NGO stakeholders recently wrote to the department to say that they felt they could now have a meaningful and mutually respectful dialogue, and were optimistic that they could work with us to address community concerns.

## **Conclusion**

In conclusion, the organisation I lead is focussed on the future.

We have admitted to the mistakes that were made, and have publicly committed to improve our performance.

The change agenda we have developed and implemented in the past year and a half is comprehensive and ambitious.

We are committed to building a positive, outwardly engaged organisation:

- one that sees stakeholders as valuable assets, not liabilities
- one that provides excellent services to the Australian Government, the community and our direct clients, and
- one that helps advance Australia's interests.

I believe we are seeing the results of that, but much remains to be done.

As a department, we look forward to positively contributing to one of the enduring themes of Australian history and Australia's future — the enrichment of Australia through the well-managed entry and settlement of people.

Thank you.