



**Australian Government**

**Department of Immigration and Citizenship**

**Address on**

**‘Whole-of-government issues in public policy formulation’**

**Mr Andrew Metcalfe**

**Secretary**

**Department of Immigration and Citizenship**

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**[Slide 1 – Title Slide]**

Ladies and gentlemen, it is my great pleasure to be with you today. Before I begin, I wish to acknowledge the traditional custodians of the land we are meeting on today, the Ngunnawal people. I wish to acknowledge and respect their continuing culture and the contribution they make to the life of this region. I would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today’s event.

This morning, I will talk about the importance of horizontal collaboration between agencies and examine some of the tensions this raises with vertical accountability. I will discuss the importance of including those agencies likely to be involved in delivery of policies in their development. I will then touch on some of the important issues to consider when deciding whether a whole-of-government approach is necessary, as well as the benefits of such an approach and implementation of a whole-of-government model for policy formulation.

In closing, I will explore a few examples that have arisen in the immigration and citizenship portfolio in recent years which have benefited from a whole-of-government approach.

**[Slide 2]**

Before I discuss whole-of-government issues in policy formulation, I should first provide you with a brief overview of my department's work for context.

Our job as a department is to help build our modern Australian nation – we do that through managing the movement of people in and out of our country, and through the settlement of people here for our inclusive, yet diverse society.

What began as a department in July 1945 with 24 public servants has grown to a global organisation with more than 8000 people across 80 offices around the world. Since the establishment of the department 66 years ago, we have facilitated the migration of more than seven million people and the conferral of citizenship upon more than four million people.

In the current financial year the department will administer a permanent migration program of 185 000, we will issue more than four million visas, facilitate around 30 million crossings of the Australian border by passengers and crew, and welcome around 14 000 refugees and humanitarian entrants. Around 120 000 people who have migrated here will take the final step in their journey and join us as Australian citizens in the coming year – that is over 2000 new Australians every single week!

We have been extremely well-served by our migration programs. Economically, our migration program has been, and continues to be, a backbone to many of our industries.

People migrate to succeed, not to fail. But we are also a compassionate country, one that has a long tradition of accepting and resettling refugees. Since 1945 we have taken more than 700 000 refugees.

We have responsibility for key aspects of border security policy and operations, visa compliance, law enforcement functions and immigration detention. We administer policy for migration and temporary visas; refugee and humanitarian entry; for settlement; Australian citizenship; and policies to enrich our multicultural society.

We work with other government departments and agencies, foreign governments, international organisations, the business sector, the not-for-profit sector, community organisations, commercial service providers, the media, academic institutions, the courts, and millions of individuals

Almost every part of the department's work is of interest, or has an impact on, other portfolios. Australia's approach to immigration is a key part of the development of a sustainable population strategy for Australia, as well as vital in meeting the skills the Australian economy needs into the future. We play a strong role in social cohesion, and in supporting the promotion of Australia as a tourism, study and business destination. These few examples demonstrate just how important it is for the department to take a whole-of-government approach to the policies we develop, and to engage closely with the stakeholders and agencies likely to be impacted by our actions.

The department has had extensive experience in dealing with complex policy issues on a whole-of-government basis. Our experience has reaffirmed the importance of government agencies proactively seeking whole-of-government responses to complex problems in appropriate cases. This helps in formulating government policy and solving complex issues.

A whole-of-government approach may not be needed for all issues and can even present a range of management issues. When it is adopted and used appropriately, however, it creates a range of options for policy resolution that would not be available if we doggedly stuck to the silos that form the basis of the accountability structures in our system of government.

### **[Slide 3]**

#### **The big picture**

I would now like to turn to discussing the “big picture”. It is naïve to believe that individual agencies are fully capable of identifying, quantifying or describing and solving the full range of complex issues that assail modern governments.

Most often, it is only possible to obtain a full understanding or appreciation of an issue or problem by viewing it in its entirety. Developing a solution or policy to properly deal with the issue requires the collection of all relevant available information and enlisting the skills and expertise necessary for resolution.

This, by necessity, will involve a range of expertise unlikely to be found in an individual organisation.

Therefore, agencies must look broadly at an issue and not close their organisational minds to collaborating with other organisations.

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#### **Collaboration between agencies (Vertical vs Horizontal)**

Finding solutions for the more complex problems facing governments requires collaboration between government agencies.

Some protagonists see this horizontal co-operation as being fundamentally at odds with the vertical governance structures of many countries, including Australia. This is where public service agencies are directly responsible to their ministers who, in turn, are accountable to the Parliament on the specific business of their portfolio. This vertical structure is often referred to as a 'silo'.

This perceived conflict with horizontal co-operation is the fundamental issue that needs to be addressed when considering engaging in a whole-of-government approach to solving a complex problem or developing complex policy.

This apparent conflict is not an impediment, however, but the vehicle or enabler for the successful resolution of an issue.

Ultimately success must be measured in terms of the result for the government and not just an individual organisation or department. This means accountability does not just lie with the direct business of the department. Organisations should also be recognised for maximising a positive result by using a collaborative whole-of-government model.

If a project falls over because a key issue was missed as a result not using a collaborative process, it would be reasonable to suggest that an accountable failure was present. A department should seek whole-of-government solutions to complex problems where the individual organisation is not capable of giving a holistic solution.

For example, if a mining project is approved and the environmental impacts are ignored, there is an accountability issue for the approving minister which could have been avoided if other relevant agencies were included in the process.

There can be a natural inclination toward an insular or siloed approach to policy development because of a superficial understanding of the dynamics of government and a slavish adherence to the obvious vertical accountability models.

This inclination should be resisted. Instead, a collaborative process should be adopted, with accountability including the degree to which it was used to solve the problem.

While a horizontal, cross-agency solution may be needed to solve a problem, the challenge remains as to how we overcome the constraints of a vertical accountability structure.

The best resolution for the government will be achieved by using all of the available resources of the government.

## **[Slide 5]**

### **Policy development & implementation (service delivery)**

I will now turn to policy development and implementation.

Over the years, often through negative experience, the success of a policy is not measured solely on the quality of its written form. A policy may be a thing to behold in the isolation of bureaucracy but what really counts is how the policy is implemented and how it translates into service delivery.

Successful implementation and service delivery very often involves other agencies.

For the successful involvement of a range of agencies in implementation and service delivery, it is paramount that those agencies are involved in the development of the policy in the first place.

How are agencies, which we are relying on for successful service delivery, going to feel a sense of ownership or responsibility if they have not been involved in the development process?

If we do not include other agencies in the development process, a resulting policy may involve things that they do not agree with; obligations they may not be able to deliver on, or things that are unlawful and create risk.

Furthermore, collaboration is required at each step in the process of public policy development to maximise the positive contribution of service delivery partners.

## [Slide 6]

### **The whole-of-government approach**

I will now discuss some issues which policy makers may wish to consider in deciding whether a whole-of-government approach is necessary and when considering how best to manage such an approach.

The 2004 Australian Government report: “*Connecting Government: Whole-of-government responses to Australia’s priority challenges*” has defined ‘whole-of-government’ in the Australian Public Service (APS) as:

*Whole-of-government denotes public service agencies working across portfolio boundaries to achieve a shared goal and an integrated government response to particular issues. Approaches can be formal and informal. They can focus on policy development, program management and service delivery.*

The report goes on to state:

*The distinguishing characteristic of whole-of-government work is that there is an emphasis on objectives shared across organisational boundaries, as opposed to working solely within an organisation. It encompasses the design and delivery of a wide variety of policies, programs and services that cross organisational boundaries.*

The most important issue when considering the use of a whole-of-government approach is to recognise that it is not the most effective solution in all cases. It is sometimes a resource and cost intensive process, and many simple matters should not be overcomplicated by adopting a cross agency approach when it is unnecessary. For smaller projects, the cost of the governance arrangements will often outweigh the benefits from the use of a whole-of-government approach.

It should also be understood that the adoption of a whole-of-government approach will involve a range of challenges which will need to be managed and controlled if an effective outcome is to be achieved. It is important to get it right at the beginning because the management of these challenges can sometimes be resource intensive.

A whole-of-government approach is most effective when applied to complex problems that often cross a range of jurisdictional boundaries.

There also may be multiple accountabilities not accommodated by the traditional vertical model. While an individual agency may be able to resolve part of the problem, the issue for government may remain if all the elements of the problem are not dealt with. Therefore, complex problem solving demands high levels of collaboration between agencies.

Foremost, taking a whole-of-government approach to public policy formulation recognises that public policy has implications for a wide range of organisations and social structures.

These implications go beyond the boundaries of the organisation with the primary responsibility for the development and implementation of the policy.

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Whole-of-government solutions are not restricted by the ‘tunnel vision’ of individual agencies.

These agencies, who know their own business so well, can unconsciously exclude the interests of other agencies or the unknown consequences of their policy initiatives.

This is because they have not engaged with the full range of skills, knowledge, expertise, experience and information held by other agencies with common interests.

Central issues involved in the development of public policy include:

- domestic politics
- international obligations
- the nature of government platforms on the issue
- domestic social and economic implications
- protection of national sovereignty
- maintenance and development of existing and the creation of new social structures, and
- the protection of national security.

The development of public policy emanates from the government of the day. The impetus may come from their official policy platforms or from election commitments. In general, policy is driven by governments and individual ministers in response to a range of ideological and practical issues.

The role of the public service in this respect is to transform the government’s policy positions into public policy that allows their implementation at the societal or practical level.

This is not to ignore the role of the bureaucracy in the development of public policy via the public service. Bureaucrats make submissions to government on ways to improve or change government policy settings or to introduce new initiatives. This is most often done with the policy objectives of the government of the day in mind.

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### **Implementing a whole-of-government model for policy formulation**

Before turning to discuss some specific examples of the role of whole-of-government approaches to policy formulation, I would like to talk about some of the issues in implementing such a model.

The single biggest challenge for a whole-of-government model of public policy formulation is collaborating across institutional boundaries. There is an absolute need to reconcile the limitations imposed by the vertical structures of individual departments and agencies.

There are a number of possible responses to the dilemma.

One attractive and frequently used solution is for governments to deal with major policy issues by creating new agencies. This is done by transferring functions from one or more agencies and using the skills and experience to resolve certain issues in a new environment. An extreme version of this is to amalgamate a number of agencies or functions in those agencies into a new super department charged with solving a particular high level policy issue. An example of this could be national security.

The risk of creating a new agency is that the limitations of vertical siloed structures are replicated. Existing connectivity may cease and a transition period is required to establish new networks if they are established at all.

This risk was recognised in the Australian Government’s 2008 “Homeland and Border Security Review”, where Mr Ric Smith AO PSM, the former Secretary of the Department of Defence, advised that big departments risk becoming less accountable, less agile, less adaptable and more inward looking.

As a result, the government decided that the best solution for Australia was not another agency but a new level of leadership, direction and coordination among the agencies already in existence.

Other mechanisms include the use of interdepartmental committees and taskforces.

The effectiveness of these other structures is a direct result of the degree to which individuals participating in these forums can separate themselves from the influence of their home agency. This will affect their ability to cooperate, communicate, negotiate and integrate a range of highly informed but diverse perspectives.

Dr Peter Shergold AC, a former Secretary of the Department of Prime Minister and Cabinet, expressed a similar point of view in a speech he gave to launch *Connecting Government, Whole-of-Government Responses to Australia's Priority Challenges, Management Advisory Committee Report No. 4*. in 2004. In this speech he said:

*A collegiate leadership, driving an ethos of cooperation, and bound by effective lines of communication, can achieve outcomes that are far more than the sum of the parts that have been brought together. What emerges is policy which, driven by creative tension between different perspectives, is better informed and argued than could have been provided by a single agency.*

## [Slide 9]

### **The Department of Immigration and Citizenship**

As mentioned earlier, the Department of Immigration and Citizenship is an agency that, in my view, has become adept at dealing with complex issues and public policy questions on a whole-of-government basis.

There are numerous examples of how the department is required to come up with innovative and effective solutions to high profile problems involving the portfolio responsibilities of a range of agencies.

These problems often go to the heart of properly governing the country.

A failure to resolve these issues of public policy may have drastic implications for the government of the day and for the interests of the broader society and the individuals within it.

For example, allowing a known terrorist into the country, who is subsequently responsible for an act of terror, will have an enormously broad range of consequences for all sectors of society and for the departments involved in preventing such an entry.

There are examples around the world of where this risk has been realised with sometimes catastrophic results.

In such a case, the consequences for the department would be more far reaching if the failure was the result of a lack of engagement with the agencies best able to contribute to the prevention of the situation occurring.

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This example serves to illustrate that, if a policy response to a problem or risk is developed using only the knowledge, expertise, experience and information held by the Department of Immigration and Citizenship, there is the risk that:

- the full range of experience and skills available to the government may not be used and may be ignored
- risks known to other agencies may not be acknowledged and dealt with
- all relevant information and data may not be included in the progress of the policy through each stage of its development
- parties and organisations required to implement the policy may have no sense of ownership or responsibility
- parties and organisations essential for implementation may be less cooperative than otherwise expected, or simply may be unable to facilitate the implementation using existing structures and resources
- the policy may fail to take account of sensitivities present in other portfolios both domestically and internationally, and
- the policy may thus be ill conceived.

The examples I will speak about now illustrate where a whole-of-government approach has been required for the resolution of the problem and for the implementation of policy that has been developed to resolve the problem.

## [Slide 11]

### **Example 1 – Border Security: SmartGate**

The first example relates to border security.

Australia has developed a layered approach to border management and security.

All travellers to Australia must have an authority to travel—for Australian citizens this is their citizenship, usually evidenced by an Australian passport. New Zealanders may apply for a visa on arrival if they have a current New Zealand passport. Almost all other non-Australian citizens must have a visa to travel to Australia, and all non-citizens must have a visa to remain in Australia.

Effective border security for Australia begins with a person making an application for a visa at an overseas post. Essentially, a visa is permission for a person to travel to and enter Australia. The purpose of travel may be very broad, ranging from tourism to permanent migration, or possibly just a few hours in transit on the way to another country.

The act of applying for a visa allows an examination of the person; their intentions; their previous travel history to Australia; and whether they may pose a risk to the Australian community.

The granting of a visa helps to support the tourist industry; the education industry; the demand for skilled labour in Australia; as well as facilitating family reunion.

The policy for granting a visa for a person to travel to Australia can involve collaboration with:

- national security agencies
- border agencies
- government departments regulating the education industry
- government departments regulating and developing trade relationships
- commonwealth and state health departments
- industry bodies
- airlines
- travel agents
- other governments
- migration agents; and
- trade unions, amongst others.

When a person has been issued a visa, they can begin their journey to Australia.

In the process of travel and arrival, Australia has personnel at important hubs around the world to provide advice to airlines regarding the ability of the person to travel with the documentation they hold.

Australia also has systems in place that allow officers in Australia to examine the travel details of people before their overseas flight departs for Australia. This uses our Advance Passenger Processing system, which confirms a person's authority to enter Australia at the time of airline check in.

The system may prevent someone who does not meet our visa requirements from boarding a flight, and enables us to perform further checks on passengers who have been cleared for boarding.

Initially, when a person arrives in Australia they are assessed for immigration clearance by the Primary Line officers who stamp passports and grant entry.

This service is provided by the Australian Customs and Border Protection Service on behalf of the department.

If there is a problem, the traveller is referred to the Department of Immigration and Citizenship inspectors for closer examination, where their immigration status will be resolved.

The screening process continues when the person goes through customs examination and quarantine. If immigration issues are identified here, the person is referred back to immigration inspectors for closer examination. Australia has the ability to monitor and examine travellers to Australia from the moment they initiate their travel. This may be from such action as submitting an application for a visa.

Our ability to monitor travellers to Australia could not be accomplished using only the resources of the Department of Immigration and Citizenship.

Success in this area relies on the resources, efforts and policy input of a wide range of government and non-government organisations.

It requires the development of complementary legislation, policy and procedures to achieve the government's aim of a secure and well-managed border.

### ***SmartGate***

*SmartGate* is an example of cross agency collaboration between the Department of Immigration and Citizenship, the Australian Customs and Border Protection Service, and the Department of Foreign Affairs and Trade which has strengthened Australia's borders and improved passenger processing efficiency.

*SmartGate* is an automated border processing system at Australia's international airports that gives eligible travellers the option to self-process through passport control.

*SmartGate* uses the data in e-Passports and facial recognition technology to perform the customs and immigration checks that would usually be conducted by a Customs and Border Protection officer.

While a traveller must still complete the Incoming Passenger Card, *SmartGate* can collect information on their health and character electronically.

*SmartGate* automatically grants eligible New Zealand citizens a Special Category Visa.

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#### **Example 2 – Irregular Maritime Arrivals**

Another example of a where a whole-of-government approach has been needed is Australia's response to the issue of irregular maritime arrivals.

The world is progressively opening up to greater migration flows. There are presently 215 million people living outside their country of birth. By 2050 that figure is expected to approximately double, with increasing flows into the developed world.

Those countries that have the capacity to regulate and manage increased flows – and those with the right institutions and the right governance arrangements – are the ones that will benefit from it.

Within this environment we must be mindful of the very significant issue of displaced persons. According to the UNHCR, at the end of 2010 there were over 43 million people forcibly displaced worldwide, the highest number in 15 years.

The gravity of this situation is significant. A large number of these persons were of the total number of displaced persons, 15.4 million were refugees, 27.5 million were internally displaced persons and 837 500 were asylum seekers. Of these displaced persons, almost 4 million refugees were in the Asia Pacific region at that time.

In the Asia-Pacific region, a number of countries are host to refugees, in some cases many thousands, and provide protection in practice, although are not parties to the Refugees Convention.

Over the last two years or so we have experienced a significant number of irregular maritime arrivals. A major risk to Australia's border security is the arrival of people using methods and points of entry which are not authorised or regulated. Generally, these people do not possess the correct documentation for travel and entry to Australia.

People who arrive without authority by boat in Australia, or an excised offshore place, are known as 'irregular maritime arrivals'. By and large, they are assisted by people smugglers.

However, how this increase of arrivals is being managed is a good example of how whole-of-government cooperation is vital to meeting the difficult challenges often presented to government, and why individual agencies should not 'go it alone'.

A key indicator of the government's interest in the issues of border security, people smuggling and irregular movement is the deep involvement of the Prime Minister and a range of other senior ministers in developing a solution.

No one would seriously propose that policy around the management and resolution of these issues be dealt solely by the Department of Immigration and Citizenship. It is clearly something that requires the harnessing of a wide range of government and non-government knowledge, skills and expertise right up to the level of the leadership of the country.

The management of public policy in relation to the increase of irregular maritime arrivals is a combination of both proactive and reactive policy development in response to rapidly changing events coupled with a high level of collaboration and co-ordination between a wide range of government agencies, including the:

- Department of Immigration and Citizenship
- Australian Customs and Border Protection Service
- Department of Defence and the Australian Defence Forces
- Department of Prime Minister and Cabinet
- Department of Foreign Affairs and Trade
- Department of Regional Australia, Regional Development and Local Government
- Australian Security Intelligence Organisation
- Australian Federal Police
- AusAid
- State and Territory governments; and
- others such as the Commonwealth Director of Public Prosecutions, courts and the like.

It also demands a sound understanding of the operational environment to ensure that when policies are implemented they work.

One such example is the management of the onshore detention network. While my department is responsible for the management of people in immigration detention, there are a wide range of other agencies we work very closely with.

For example, we work closely with the Department of Regional Australia, Regional Development and Local Government in relation to our operations on Christmas Island, as there are important issues to be considered impacting on the Island's infrastructure and community. As the portfolio responsible for administration of territories such as Christmas Island, Ashmore and Cartier Islands and Norfolk Island, it is vital that we engage with this department about our presence on Christmas Island.

Some immigration detention facilities are located on Commonwealth defence sites, meaning that a close working relationship with Defence is also important. And, as we have seen in the news recently, the State, Territory and local governments all have a keen interest in the establishment of detention facilities in their areas, due to potential benefits for the local economy, or impacts on education and health services.

The processing of claims of asylum seekers who are in immigration detention also highlights the necessity of a strong whole-of-government approach.

When a boat arrives at Christmas Island, the entry process involves interviews not only by immigration officials, but also by our security agencies, quarantine and customs officials.

While the department assesses an individuals' claims to refugee status, we rely on external security agencies for assessment of certain public interest criteria, and are often dependent on these agencies in ensuring a timely resolution of cases. Should asylum seekers' be determined to be refugees, we work closely with various state and territory governments on settlement of such people into the community, as well as with non-government organisations who deliver a range of settlement services.

The government's broader response to irregular maritime arrivals also requires close collaboration across agencies, with many Australian missions overseas involved in a whole-of-government strategy to stabilise displaced populations, and disrupt people smuggling operations, as well as building the capability of our international partners to do the same.

This strategy involves my department, the AFP, Customs and Border Protection, the Department of Foreign Affairs and Trade and AUSAID, to name a few. The Department of the Prime Minister and Cabinet play a key coordination role.

Major benefits that have accrued from this intense collaboration include that:

- the rapid policy response to this issue has been facilitated by the joined-up nature of the management arrangements and the maturity of the whole-of-government approach born out of our collective experience of previous high rates of irregular maritime arrivals over the last two decades; and
- the collection of agencies involved in the response – from the operational, policy, intelligence, law enforcement and security perspectives – has become adept at working in a collegiate fashion to achieve a common objective.

The Australian government is now in a very advanced stage of development in relation to responding rapidly and substantively to major policy challenges such as this.

The advancement stems from government agencies recognising that, where it is appropriate, we will all benefit from using our full range of resources to resolve an issue.

The response has included regional and international partners, and an extensive array of government and non-government agencies, to manage the arrivals in a humanitarian, fair and reasonable way, and ensure that others do not take a similarly dangerous route to Australia.

For example, the endorsement of the regional cooperation framework at the Bali Process meeting in March this year was a milestone in addressing the issues of people smuggling and displacement affecting many countries in the region.

The conference recognised that a regional approach is required to address the challenges of people smuggling, and to discourage asylum seekers from the sort of life-threatening sea journeys in overcrowded boats that we have recently tragically seen.

The framework is based on a set of core principles which include that wherever possible, asylum seekers should have access to consistent assessment processes; this may include a regional assessment centre or centres; those found to be refugees should be provided with a durable solution; and those found not to be in need of protection should be returned to their countries of origin.

No doubt you will be aware of the subsequent people transfer arrangement signed with Malaysia, and the recent ruling by the High Court on this matter. While this has been a setback, it has also been a driver for further whole-of-government collaboration to develop enhanced capabilities to address the issue.

Having developed these capabilities using a whole-of-government approach, the department can now better contribute to other whole-of-government projects.

It has positive contributions to make in a wide range of areas, and has been involved in the establishment of a National Targeting Centre with the Australian Customs and Border Protection Service and the Next Generation Border Security project with ASIO, as well as supporting a range of work on social inclusion initiatives in the Australian community.

### **Conclusion**

To conclude, it is clear that the Australian Government and the Department of Immigration and Citizenship, in particular, are committed to seeking new and innovative public policy solutions to complex problems using the efficiencies of a properly applied whole-of-government approach.

In many cases, it is not only a more efficient way to operate but it results in better and timelier solutions to increasingly complex policy problems.

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Attempting to manage such complex and varied issues in isolation would result in very poor outcomes. The Australian community, quite rightly, expects a seamless and integrated approach to government. As the world becomes more complex, this will be increasingly challenging for public servants to achieve, but a well-coordinated approach based on strong collaboration will result in much better outcomes for the public we are here to serve.

Thank you.

### **[Slide 14: Questions and discussion]**

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