



Australian Government
Department of Immigration and Citizenship

SECRETARY

June 2007

Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman
GPO Box 442
Canberra ACT 2601

Dear Dr Thom

Thank you for the opportunity to comment on your draft *Report into Referred Immigration Cases: Other Legal Issues*. The observations that you make demonstrate the serious errors that have occurred in the past, which have directly impacted on many peoples' lives. Your report highlights the importance of maintaining high standards in decision-making, and my Department will continue to ensure this through the extensive programme of reform and improvement it has established over the last two years.

A key objective of my Department's reform agenda is sustained commitment to service excellence and high professional standards to ensure that clients continue to be treated fairly and reasonably. This objective is reflected in policies and decisions regarding the detention of clients, and also in the consideration of a client's possible removal or deportation. The work of the Department continues. Consistent with your recommendation, preparations are underway to identify and review the circumstances of all persons who are currently subject to an unexecuted deportation order and who are no longer serving a criminal sentence.

My Department fully endorses the existing processes for reviewing past decisions about clients, such as the merits review scheme and the ministerial intervention powers provided for in the *Migration Act 1958*. Consideration of a further specific legislative power to set aside decisions made in the past is, however, a matter for government.

A significant feature of my Department's change agenda is its continuing investment in staff training and support, and its commitment to addressing staff behaviours which do not demonstrate diligence and professionalism in dealing with clients. Accordingly, my Department will review in detail the actions of staff involved in managing the case of Mr N, noted in your report, to determine if there were lapses in professional standards. The case of Mr N is also being examined to determine appropriate reparation.

As this is the last of your published reports relating to the 247 Referred Immigration Cases, I would like to take the opportunity to thank you for your office's investigation into these matters. I would also like to thank you for your participation in the many fora within my Department that have played a part in facilitating the process of change. This report highlights the serious errors of the past, and it once

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more reinforces my Department's commitment to ensuring that no further mistakes could occur. My department is now well advanced in its organisational transformation, having already implemented initiatives such as:

- improvements to identity verification;
- better recognition and management of client health and mental health needs;
- establishment of alternative arrangements for accommodation of families with children;
- the first release (in April 2007) of the \$495 million Systems for People programme which has deployed new business processes, quality control, record keeping, reporting and decision support for compliance and case management services and a new centralised business operating model for the management of movement alert lists;
- strengthened training and instruction, particularly for compliance staff administering s189 of the *Migration Act 1958*;
- leadership and ethical decision-making training through the IDEAL programme;
- development of the overarching *DIMA Plan 2006/07* and *DIAC Plan 2007/08*, for strategic departmental planning;
- reforms to detention services, and the establishment of case-management for complex and sensitive cases;
- improvements to stakeholder engagement through establishment of the Stakeholder Engagement Taskforce; and
- improvements to client services through the Client Service Improvement Programme

These reforms, and others, have all been implemented in the context of strengthened approaches to governance, risk management and quality assurance within the Department. This combination of sound measures and strong governance provides an assurance of my Department's continuing focus on being a high performing client-focused public sector organisation.

Yours sincerely

(Andrew Metcalfe)