

**Final Report to the Department of
Immigration and Ethnic Affairs
of Investigation of Complaints Concerning
Onshore Refugee Processing**

September 1997

C O N T E N T S

1. OVERVIEW	1
1.1 THE COMPLAINTS	1
1.2 SYSTEMIC IMPROVEMENTS BY THE DEPARTMENT	2
1.3 THE IMPORTANCE OF EXTERNAL MERITS REVIEW	2
1.4 ROLE OF THE OMBUDSMAN	3
2. THE INVESTIGATION	4
2.1 CONTEXT OF ORP DECISIONS	4
2.2 DISCUSSIONS WITH KEY PLAYERS	6
3. ANALYSIS OF THE SYSTEMIC ISSUES	8
3.1 INAPPROPRIATE CONDUCT OF INTERVIEWS	8
3.2 EXCESSIVE POWER OF CASE MANAGERS	11
3.3 INCONSISTENT DECISION MAKING	12
3.4 DELAYS IN MAKING PRIMARY DECISIONS	13
3.5 RELATIONSHIP WITH THE APPLICANT'S REPRESENTATIVE	13
3.6 COMPLAINTS PROCEDURES	14
4. EVALUATION OF RECENT IMPROVEMENTS	15
4.1 PRIORITY SETTING	16
4.2 SUPPORT SYSTEMS FOR DECISION MAKING	17
4.3 THE ROLE OF CLIENT INTERVIEWS	20
4.4 AVOIDING THE APPEARANCE OF BIAS	21
4.5 INCONSISTENT DECISION MAKING	21
4.6 MINIMISING DELAYS IN MAKING PRIMARY DECISIONS	23
4.7 ROLE OF THE APPLICANT'S REPRESENTATIVE	26
4.8 COMPLAINTS PROCEDURES	27
5. RECOMMENDATIONS	28
5.1 DEPARTMENT'S RESPONSE TO THE RECOMMENDATIONS	29

Note:

This report was written based on research carried out in mid 1996. A draft was sent to the Department on 23 July 1996. A reply was not received until 5 May 1997. These comments have been incorporated into this final report. The report does not consider further changes in the Department of Immigration and Multicultural Affairs that have occurred in 1997.

1. OVERVIEW

1.1 THE COMPLAINTS

During 1995 and 1996 the Commonwealth Ombudsman received a number of complaints about the processes relating to the assessment of onshore protection visa applications. Most of these complaints were lodged by migration lawyers representing applicants for protection visas although in a few cases, the complaints were lodged directly by the applicants.

Typically the individual complaints were quite complex and revolved around certain aspects of the way each individual case was considered. However collectively they raised concerns about the procedures which were being applied. The allegations raised in these complaints have been considered under the following headings:

- Inappropriate or biased conduct of interviews
- Excessive power of case officers
- Inconsistent decision making
- Unreasonable delays in making primary decisions
- Failure to accept a proper role for the legal representative
- Absence of an internal procedure for complaints about the manner in which applications are handled

This report examines each of these areas and concludes that although instances of the problems had occurred, none of the complaints warranted action other than would be available through the normal process of review by the RRT. Whilst all of the complainants still had access to the RRT for a merits review of the decision regarding their refugee status, there was still a need for the Department to address the issues raised about the procedures of the Onshore Refugee Program.

1.2 SYSTEMIC IMPROVEMENTS BY THE DEPARTMENT

There were a number of areas in which the procedures of the Department had contributed to the problems experienced by applicants. It is pleasing to note however that these issues had already been identified by management in DIMA and over the last 12 months a number of steps have been taken to reduce the likelihood of similar problems in the future. (for further detail see section 4)

These measures included:

- improved support systems
- training and professional development for case managers
- monitoring and attention to factors that cause delays in making primary decisions
- improved internal communications

1.3 THE IMPORTANCE OF EXTERNAL MERITS REVIEW

The very nature of protection visa decision making and its outcomes mean that inevitably there will always be applicants who are dissatisfied with the outcomes of the ORP processing either because:

- they don't meet the definition of a refugee as set out in the Refugee Convention or
- they don't feel their case was properly heard
- they had a meritorious case but this wasn't recognised by the department
- they suffered due to bias or defective administration and the wrong decision was made.

It is therefore extremely important to have in place a framework for refugee decision making that is efficient and timely and most importantly, provides applicants with a fair hearing and takes all aspects of their situation into consideration.

Although the primary decision making process has been improved it will always be open to flaws - as highlighted by these complaints. However the current arrangements provide for an independent, external review process by the RRT which is capable of considering any real or perceived shortcomings in the primary decision due to lack of procedural fairness or errors of fact. It is in my opinion important that an independent and arms length review mechanism is retained.

1.4 ROLE OF THE OMBUDSMAN

Some of the complainants hoped that the Ombudsman might provide a further tier of review for the applicant. The role of the Ombudsman is to examine procedures to determine whether there has been defective administration not to review the merits of decisions. The Ombudsman's office does not ordinarily look at complaints where the complainant has an opportunity for external review unless there are aspects to the complaint that highlight a deficiency in the decision making practices and procedures.

The detailed examination of these cases has enabled the Ombudsman's office to more closely define its policy on exercising discretion not to investigate such complaints so that in future we will only look at systemic procedural matters such as delay which would not be considered by the RRT.

The Ombudsman's role however is fundamentally different to a merits review tribunal which has the power to make a determination on the merits of a decision. The Ombudsman draws the attention of the Department to those cases where defective administration might have occurred. Future arrangements might need some adjustment if there are any significant changes to the role of the RRT as a result of the current Review of the Effectiveness of Migration Decision making.

2. THE INVESTIGATION

2.1 CONTEXT OF ORP DECISIONS

The Onshore Refugee Program exists within the context of the global environment where the number of refugees worldwide has increased dramatically from about 8 million to over 27 million in the last 15 years. Conflict and human rights abuses around the world continue to produce waves of people looking for a refuge and a new start in life.

For reasons of geography, political history, government policies and the kinds of human bonds that link people across the world, Australia has over decades appeared as a haven and attracted asylum seekers from many parts of the world. In recent years significant numbers have come from countries such as Sri Lanka, the Philippines, countries formed from the former Yugoslavia, Somalia and China (including large numbers of Chinese students reluctant to return to China after the events of Tienanmen Square). As well, significant numbers of East Timorese and Pacific Islanders also feature in current applications.

As a signatory to the 1951 UN Convention and 1967 Protocol relating to the status of refugees, Australia has a protection obligation to certain non-citizens in Australia.

This responsibility is exercised under Section 36 of the *Migration Act 1958*. The Onshore Refugee Program has been set up to assess the claims of asylum seekers in Australia and has 3 distinct components. These are:

- Processing of protection visa applications
- Policy relating to asylum seekers onshore
- Decision support to ORP case managers provided by:
 - Country Information Service(CIS)
 - Decision Support Training
 - Onshore Refugee Decision Support Section (ORDSUP) in the development and implementation of administrative and procedural systems and training support.

The criteria for the determination of who is a refugee contained within the Refugee Convention has a significant subjective element to it. This makes the assessment process for those seeking protection visas more complicated, and consequently more expensive, than the processes for many other visa classes. Currently, nearly every onshore applicant for a protection visa is interviewed by the case manager as one part of an exhaustive assessment process and testing of the claims of asylum seekers.

In 1996 there were about 140 case managers employed in the Onshore Refugee Program who processed 6,756 applications in the first 10 months of 1995/96, and approved 674 (representing 948 clients). The Case managers are based in Melbourne and Sydney, with the rest of the country divided between them. Approximately two-thirds of the workload is carried by Sydney ORP and the rest by Melbourne ORP but this can vary according to the specific circumstances of new Protection Visa applications. Teams of case managers travel to the smaller states and to the Immigration Reception Processing Centre at Port Hedland to conduct interviews as required.

There has been a rapid growth in the numbers of Protection Visa applications in the last two years. The approvals at primary level and RRT have increased at a slower pace suggesting more marginal applications are being made.

	1994/95	1995/96	1996/97
Total number of primary PV applications lodged	5,908	7,984	11,016
Number of PV's approved at the primary level	736	1,191	1,304
Percentage of primary decisions approved	12%	15.5%	9.52%
Number of appellants set aside by RRT	517	765	723
Percentage of primary decisions set aside by RRT	17%	19.3%	13.42%

A number of factors contribute to the set aside of these primary decisions.

Errors of fact or lack of procedural fairness are not always present in cases set aside by the RRT. More commonly a decision is changed simply due to a different weighing of the factors involved. Other possible factors are a significant change in country or individual circumstances, new case law, presentation of material that is fundamentally different from that presented at a primary level, and a trend of applicants putting in a greater effort at the RRT stage because it is their last opportunity.

2.2 DISCUSSIONS WITH KEY PLAYERS

An Investigation Officer from the Ombudsman's Immigration Team (based in the Melbourne office) travelled to Sydney on 28 February 1996 to undertake some preliminary inquiries with the aim of gauging the extent of concerns about the ORP processing.

The officer met with Migration Lawyers from the Legal Aid Commission of NSW, Kessels & Associates and Parish Patience, all of whom had lodged complaints with the office. The officer's conclusion was that there were sufficient matters of concern about ORP procedures to warrant further investigation at a systemic level.

At the same time the Ombudsman also wrote to inform the Department of her interest in this matter and her intention to try to better understand the background and procedures involved in the processing of refugee claims by the ORP and to more clearly define the role of the Ombudsman where such complaints arise in the future. The Ombudsman indicated a desire to draw on the experiences of both the Sydney and Melbourne ORP Sections to assist our understanding.

The Department agreed to facilitate these visits and suggested that they be preceded by a visit to the Onshore Refugee Decision Support Section in Canberra and a briefing by relevant officers. As a result, two of my Melbourne staff visited on 28 May 1996 and met with the following officers:

Jenny Bedlington, First Assistant Secretary, Australian Client Services Division

Peter Vardos, Assistant Secretary, Refugee & Review Decision Support Branch

Oleh Lukomsky, Director, Country Information Service

Lesley Daw, Director, Onshore Refugee Decision Support

Peter Wheeler, Director, Decision Support Training

Leonard Leerdam, Director, Refugee Law Section

Elizabeth Watson, Refugee Policy Section.

On 30 May 1996 one of my Investigation Officers met with the newly appointed Manager of ORP in Sydney, Ms Nelly Siegmund, and with 9 Team Leaders from among the Case managers.

This was followed by a meeting on 3 June with the Manager of ORP Melbourne, Mr Nick Christodoulou, Team Leaders, some Case managers and a representative from Compliance Section.

Further contact was made with Mr Stephen Russell, Manager of Compliance Melbourne, to seek an update on the work of the Detention Case Management Group. The DCMG was set up towards the end of 1995 as an intra-departmental committee to improve internal communications and coordination of the various sections involved in detention cases and to thereby streamline the process, decrease the period leading up to a primary decision and consequently minimise the period in detention.

Participants in the DCMG represent Compliance (including Airport staff and the Immigration Detention Centre), ORP, Investigations, Settlement and Residence Sections. At the same time, a dedicated officer was appointed to case manage all detention cases.

3. ANALYSIS OF THE SYSTEMIC ISSUES

This investigation commenced with a review of 8 complaints received in 1995 and 1996 about the onshore refugee processing procedures. Another 4 complaints from detainees at the IDC in Melbourne specifically raised the related question of delays in making a primary decision. As described above detailed discussions were held with the Department and migration lawyers about the systemic issues underlying these complaints .

Each individual complaint has been resolved separately. The systemic issues which they raised are discussed in the following sections.

3.1 INAPPROPRIATE CONDUCT OF INTERVIEWS

Most of the complainants stressed the importance of the interview with the ORP officer and the opportunity for a fair hearing. Many applicants experience a sense of intimidation and the interview, particularly if conducted with even a hint of aggression, can be like reliving interrogations in the countries from which they have fled or induce a sense of hopelessness and lack of confidence. This may be exacerbated in interviews where 2 ORP officers are present such as the Case manager and a supervisor.

Some people's experience of interviews is limited to adversarial police style interrogation. The system is seen to favour those with western style skills in marshalling arguments and debate; for example, women who are used to being silent may be disadvantaged. The importance of cultural issues and the need for a properly structured interview was a common theme raised by the complainants.

In relation to this point the Department said:

The conduct of interviews is a sensitive and important issue for the Department. It is acknowledged that case managers must have high level communication skills and receive training in cross-cultural sensitivity. To this end, the Program continuously seeks to improve the materials and training available to them.

All officers are trained to test the claims of applicants in a professional and courteous manner. Training includes a module on understanding cultural sensitivities and the need to respond appropriately. The Program is sensitive to gender issues and endeavours to ensure that wherever possible, female applicants are interviewed by female staff, particularly when the claims of persecution include abuses affecting personal integrity.

In respect of a second officer being present at interviews, this does occur when interviewing officers are undergoing on-the-job-training and their performance is being monitored. When this occurs, interview protocols (Onshore Refugee Procedures Manual Topic 4) require the interviewing officer to identify all persons present and to explain their purpose and role. The Department's Code Of Conduct requires all officers to conduct administrative affairs in a professional and courteous manner.

Views were expressed about the need for training in improved interview skills because of patchy performances where interviews are conducted in an attacking manner, are disjointed, jumping from year to year and confusing the client and appear to be an exercise in trying "to catch the applicant out". It was claimed that there is a lot of inconsistency in introductions, explanations, style and the use of interpreters.

However, the migration lawyers were also able to cite other examples of good practices which incorporated desirable elements of a "good, professional interview":

- Introductions with explanations of the likely duration of the interview
- Non-threatening approach to make applicant feel comfortable
- Clear explanations
- Questions fair and relevant
- Adverse questions put in a non-threatening manner
- Body language: conversational manner.

In a number of the complaints, there was reference to the role of the interpreter. The need for more training of Case managers in how to make best use of interpreters was stressed alongside a plea for improved cultural sensitivity which can be significant. An example was given of Bangladeshis who operate on a different calendar and for whom dates are not so important. Consequently, any inaccuracy about dates may be wrongfully perceived as a lack of credibility.

In a few cases, the complainants suggested that direct bias against them existed. These claims were usually based on perceived intimidatory behaviour by the case manager or on a demeanour, body language and line of questioning during the interview which suggested to the applicant that the outcome of the case was already pre-determined.

In my opinion, none of the cases involved behaviour which could be properly described as actual bias. However, there were clearly cases where a perception of bias existed in the mind of the applicant and in some cases they may have

been justified in having an apprehension of bias because of statements or actions of DIMA.

In relation to this point the Department said:

Officers are trained in considerable detail on how to manage and conduct the interview, this being one of the key components of the assessment process. The training focuses on aspects such as:

- *the need for thorough preparation beforehand;*
- *the procedures for using tape-recording equipment;*
- *the use of interpreters;*
- *the requirement for full and proper introduction of all present and the explanation of procedures and roles;*
- *the need for civility at all times and cultural sensitivity;*
- *the obligation to determine the objective facts;*
- *the obligation to give the applicant an opportunity to confer with legal representatives and to respond to any adverse information.*

Within this context, case managers focus on particular claims, pursue lines of argument, explore gaps or inconsistencies in the applicant's accounts in the order or manner they deem appropriate. As there is an unlimited diversity in the circumstances of applicants, each interview will be unique.

The key issue is whether the process and the outcome were reasonable and fair. Applicants are given the opportunity to comment and raise any issues both at the interview and after it.

The Department's view is that the examples of good practice cited by migration lawyers are promoted in the training of case managers and applied in practice to the extent possible:

Explanations of the interview process are provided in writing prior to the interview and orally when the interview commences (Procedures Manual Topic 4). The applicant's understanding of the interview is ensured by offering and making available interpreters and allowing the applicant's legal representatives to be present during the interview. The nature of interviews, whose purpose is to focus on critical issues not yet resolved, frequently follow a dynamic determined by the content of the applicant's responses and circumstances. While the majority of applicants are interviewed, cases in which there are no significant gaps or inconsistencies in the available information, and in which there are no unresolved matters of identity or credibility, may be determined on the basis of the available evidence without the need for interview.

3.2 EXCESSIVE POWER OF CASE MANAGERS

The most serious allegation raised was the fear of capture of responsibility for applicants from certain countries or regions by case managers who may be familiar with conditions in those regions but for one reason or another are unsympathetic to those who flee from them, or sympathetic to only one group.

There was little hard evidence that this problem existed although it is easy to understand the perception and to see the potential for it to arise. The difficulty of recruiting people with a strong knowledge of some countries and the appropriate language skills might make it tempting to vest a great deal of discretion in "good performers". It would be a short step for someone enjoying such discretion to abuse it either overtly or unintentionally.

However management was quite alert to this potential problem and had adopted a number of strategies to minimise the possibility of it actually occurring. These strategies included rotation of staff to ensure no-one stayed with the same country group for too long and grouping of officers to ensure effective peer review of decisions.

On this issue the Department made the following comments:

The Department acknowledges the importance of being aware of and managing the advantages and disadvantages of specialisation.

It considers that it is desirable from the point of view of the Refugee Convention that those determining applications be as familiar as possible with the prevailing human rights conditions of a country about which they are to make a determination. At no time in the assessment process can an in-depth knowledge of the case and its relevant facts be considered detrimental to the decision making process. On the contrary, lack of knowledge or inexperience on the part of the case manager, which can be exacerbated by frequently changing officers from their field of expertise, has the potential to result in poor decision making.

At the same time, the Department endorses the desirability of opportunities for the rotation of case manager to the degree possible within resource constraints. Efforts have been made by the Department to systematically distribute a variety of cases among case managers. The Department also acknowledges and emphasizes the need for impartiality in the decision making process. Team leaders are encouraged to remain vigilant and ensure that decisions of case managers are demonstrably impartial.

3.3 INCONSISTENT DECISION MAKING

There was also a perception that approval at the primary decision making level is a lottery which, as much as anything, depends on the case officer allocated. Some inconsistencies are apparent in a limited number of cases presented to the Ombudsman where it would appear that two decision makers took different decisions in two very similar cases.

In relation to this point the Department said:

While theoretically it is possible for different case officers to form different judgements on the same set of claims, the decisions could well be both lawful and fair. The Department places great emphasis on objectivity in decision making and through procedural instructions, training, caseload conferences and other such mechanisms, seeks to ensure the maximum possible consistency in decision making.

There were claims that some Case managers are misapplying the Refugee Convention, that there is often an inadequate understanding about how to treat evidence and an over reliance on sometimes outdated Country Information Profiles even when the client's representative has new evidence to offer.

The manner in which adverse information is put to the applicant continues to be an important issue as are other natural justice issues such as whether a copy of adverse information has been provided to the applicant or whether sensitive material has been correctly quoted.

Some complainants were concerned that Case managers were not receiving sufficient legal training to assist them to decide what constitutes evidence or to update them on key current legal determinations. There seemed to be an underlying expectation by the complainants that the Case managers should have the skills of trained lawyers.

The fact that such claims are made suggests a lack of confidence, from some quarters in the quality of the ORP processes. Whilst complaints are inevitable in a process with such important outcomes for individuals, they highlight the importance for DIMA to ensure consistent decision-making within the legal framework of the Refugee Convention and Refugee Law and to be able to demonstrate fairness in decision making.

The Department puts the view that the training designed to address the concerns above is already in place:

The Program provides case managers with information and training on precedential court decisions through documents such as the Refugee Law Guidelines. In addition, seminars are held to update the knowledge of case

managers, and legal advice is made available through advisory bodies such as the Refugee Law Section and the Legal Opinions Section.

3.4 DELAYS IN MAKING PRIMARY DECISIONS

There have been long backlogs in the processing of Protection Visa applications despite Departmental performance standards that prescribe that statutory declarations in support of the applications should be provided within 28 days and that interviews should be conducted and decisions made by the Case manager within 3 months of the date of application. Often applicants wait for months and in some instances years, before they are called for interview.

There are a number of factors which have led to the development of this backlog but the primary reason is that more applications are made than can be handled with the available resources. Recent DIMA initiatives to address this problem by setting priorities are described in section 4.1 below.

However, even among the priority groups delays have often extended well beyond the Departmental performance standards. The target for detainees is 6 weeks but frequently this may extend to many months and, in individual cases, years. This is particularly the case when identity is an issue.

During the first 10 months of 1995/96, only an average of 20.53% of primary decisions of detainees had been completed within the target period. The delays can cause considerable distress to the detainees who have to cope with loss of liberty as well as the uncertainty about their future. I have particular concerns about the effects of such delays on children who arrive without the required visas or are born in detention.

The Department responded that backlogs were expected to decline.

Historically, the backlogs have built from large and unexpected numbers of applications and insufficient resources to deal with them quickly. This has now been addressed by a resource agreement with the Department of Finance which will allow the Department to match processing resources to workload.

3.5 RELATIONSHIP WITH THE APPLICANT'S REPRESENTATIVE

Applicants are able to be professionally advised by a legal representative or a migration agent during the process (for simplicity this person is referred to as the "representative"). There appears to be some uncertainty and ambiguity surrounding the role of the representatives in the interview process as far as both the applicants and representatives are concerned.

This has led to tension about whether and how the representative can intervene in the course of an interview when there has been a misunderstanding on the part of the Case manager or a belief that something has been misinterpreted by the Interpreter.

Many representatives feel they have an active stake in their client's application and that they deserve recognition for their contribution to the process - for example, the preparation of long, complicated statutory declarations. Representatives believe they are present at the interview to assist the process, to highlight information and questions that might not have been covered and not to act as an adversary. Many feel that by the nature of an interview situation, the applicant can often feel under attack, very vulnerable and even abandoned by the representative who may be feeling powerless to intervene in proceedings.

It is important that there is an acceptance by all parties that the ORP interview is a non-adversarial situation so that the confidence of the applicant is not undermined by any uncertainties or tensions between the Case manager and the applicant's representative.

In relation to this point the Department said:

The prescribed interview format (Procedures Manual Topic 4) requires that interviewers clearly and carefully explain the roles and obligations of both the interpreter and the legal representative. Representatives are advised that the case manager is responsible for the conduct of the interview and that there should be no need for interruptions, as a set period is allowed at the close of the interview for the applicant and the representative to confer privately and put any clarifications or questions they consider appropriate. This procedure is necessary for the efficient conduct of the interview.

Further, it is important for the integrity of the interview process that applicants are able to put forward their claims in their own words.

3.6 COMPLAINTS PROCEDURES

In several cases involving the ORP branch in Sydney, complaints concerned the absence of adequate complaints handling procedures for the internal resolution of difficulties. This was contrasted to other sections of the Department in Sydney and the ORP section in Melbourne where such procedures existed along with opportunities for feedback.

In some cases, legal representatives have had to call upon more senior staff to sort out problems such as a situation where a Case manager insisted on conducting an interview on a particular date even though it clashed with a court

hearing that the representative was already committed to. Another complainant talked about a "closing of ranks" and a "prickly relationship" between ORP officers and legal representatives.

Some of the legal representatives claimed that the level of complaints about the ORP processes may be an underestimate of the real grievances as asylum seekers are among those most reluctant to lodge a complaint both for cultural reasons and out of fear that any complaint might influence their case at the RRT. Following rejection by ORP, most applicants then concentrate their attention on the next step in the review process. On occasions however they have agreed to make their concerns known through avenues such as the Ombudsman's office in order to draw attention to practices that have caused them some distress.

The Department commented that their Sydney office is sensitive to the needs and concerns of clients:

In June 1994 it introduced, at its own initiative, a document known as the Client Service Charter. This initiative was very successful. It has since been refined into the Department's Client Service Charter which was put in place in all offices of the Department throughout Australia in February 1996. This document is prominently displayed and is available as a brochure at all client service counters and formal contact points. It explains the principles of professional client service which the office seeks to uphold and provides a mechanism (a detachable portion of the brochure) for the lodgement of complaints and/or any other comment about the standards of service experienced.

Specific to the Onshore Protection Program, a policy of 'Total Case Management' was introduced some 2 years ago whereby a case manager takes ownership of the entire case and is accountable for it. Under this policy, case managers are required to identify themselves to the client-applicant at the outset and brief them on the process and on the channels for formal and informal communication. This policy is current and effective.

4. EVALUATION OF IMPROVEMENTS IN 1996

In discussion with DIMA officers it became apparent that the issues being raised by legal representatives and complainants were not new to the Department. A number of measures have been taken in the last two years to try to improve procedures and reduce backlogs. These measures are described and analysed below.

4.1 PRIORITY SETTING

Because of the mismatch between staff resources and the growing number of applications for protection visas, the ORP has adopted some clear priorities for processing. The most urgent groups are considered to be:

- Detainees and especially children in detention.
- Victims of torture and trauma (if the Department is aware of this aspect of the applicant's history in the early stages of processing of an application).
- Those in receipt of Asylum Seekers Assistance because they often experience significant hardship and are a considerable cost to the Commonwealth.

In addition the introduction of Bridging visas has gone some way to alleviating some of the distress of refugee applicants held in detention whilst their applications work their way through the system.

There is quite a bit of anecdotal evidence that, a major problem has emerged in the form of abuse of the ORP processes by applicants whose sole purpose in applying for a Protection Visa is to prolong their stay in Australia.

For example, it is alleged that a large number of young Thai women who are brought into the country on short term visitor visas to work in the sex industry immediately lodge an application for a protection visa in the knowledge it may take over a year to have their application dealt with. To address this problem, the Department has also begun to prioritise the newest cases ahead of longstanding cases in order to try to deter non citizens trying to gain further time in Australia by exploiting the backlog situation in assessment of refugee applications. The decision to give priority to new cases will however add to the anxiety of applicants caught up in the backlog who face continuing uncertainty while awaiting a decision.

However whilst the delays in processing Protection Visa applications remain this practice of abuse of the system could be expected to continue. The solution lies in solving the backlog either through the provision of more short term resources or through new ways of streamlining ORP processing.

A related issue is that people who may not fall within the Convention definition but nevertheless have a real humanitarian claim or a well founded fear that they will be at risk or face discrimination on return to their home country, need to apply for a refugee visa as an avenue to engage the Minister's public interest discretion. This is because no other options are open to them to apply for permanent residence while onshore. It is understood the procedures for application for Ministerial discretion are currently under review.

One group who do experience delays in the processing of their applications are airport arrivals who have destroyed their documentation en route to Australia and present as unlawful noncitizens at the border. The need to first establish their true identity in order to properly assess a claim for refugee status can be a time consuming process and involve an array of national and international agencies. Despite detention cases being of a high priority, often long periods of waiting for overseas agencies to match fingerprints or for foreign governments to issue travel documents, may still result in long periods of detention for some applicants.

The current backlog of applications stood at 6491 as at April 1996 and is beyond the capacity of the Department to eliminate quickly (it would take about two and a half years at the current rate of processing) without the allocation of extra resources on at least a short-term basis.

Changing global events and pressures means that short term needs in this area will always fluctuate and that it will continue to be very difficult to predict what resources will be needed in the medium term because of external influences beyond the control of governments.

4.2 SUPPORT SYSTEMS FOR DECISION MAKING

Critics of ORP's past performance perceive a range of underlying problems including inadequate resources, inadequate information systems and training, a "rejection culture" and inadequate communication both within DIMA and between ORP and its clients.

This investigation has concluded that although these problems may have been significant in the past most of them have now been recognised and a range of systemic changes made to improve the quality of decision making and to reduce the likelihood of such problems recurring. There is a need however to evaluate the effectiveness of these changes over a longer period of time.

The Department maintains:

The decision making process is carefully monitored both internally and externally. The Department's Onshore Protection Section gives high priority to the maintenance and updating of procedures. This Section and the Legal Services and Litigation Branch review court decisions for appropriate insights on the interpretation of vague or contentious aspects of the Convention. Decisions of the RRT are examined for any program implications. In reviewing practices and procedures, structured mechanisms are in place to ensure that the views of Non Government Organisations (NGOs) and other stakeholders are regularly considered.

In particular a number of support programs detailed below are now in place to assist Case managers to make decisions. Many of these are located in Canberra but accessible to officers elsewhere. It was apparent that significant efforts had been made to reorganise and upgrade these support systems in the last 12 months.

- **ORDSUP** provides operational systems and training support and coordinates the *Help Desk* electronic facility for queries on system, procedural and legislative matters. ORDSUP has a key role in coordination, liaison with the State Managers, monitoring of trends and performance, best practice, quality control and consistency.
- The comprehensive guidelines for ORP processing contained in the new **Procedures Advice Manual**, revised standard letters and new application form are all part of this continuous improvement process.
- **Decision Support Training** co-ordinates program-specific training and professional development seminars for ORP and Residence Case managers. As well as ongoing technical training, special interest seminars are arranged on an ad hoc basis.
- **Country Information Service(CIS)** provides a centrally organised and coordinated country information service to decision makers through CISNET, an electronic database that is updated daily through international research and information. In the past year, the number of Country Profiles added to CISNET has increased from 14 to 50 with CIS providing a service to continuously update reference sources as requested by Case managers.

Under 3.8.1 and 3.8.2 of the Procedures Manual, all supporting evidence used in a case assessment should be individually cited in the Decision Record so it can be checked by CIS and included in its holdings for use in the event that the case proceeds to judicial review and to ensure that other Case managers have access to it and are able to use it in their decisions. Likewise, new information provided by the applicants at interview and cited by Members of the RRT in their Decision Records is also added to the CISNET database as soon as it is passed on to CIS and long delays between the interview and the writing up of a decision by the Member can deny access to information that may have some relevancy to other decisions in progress. The availability to all Case managers of up-to-date and relevant information is critical to consistency and high quality refugee decision making.

- **Refugee Law Section** (part of the Department's Parliamentary, Legal and Research Division) provides legal training for Case managers and regular updates on legal matters through the Refugee Law Guidelines and professional development seminars organised by Decision Support Training. The Section aims for a consistent, legal approach to refugee decision-making

and a greatly enhanced program has been put in place during the past 2 years in order to achieve that objective.

- **Refugee Policy Section** monitors international best practice and provides an international perspective on key issues and trends.

Other mechanisms of support for decision-makers are provided at a State level:

- **ORP State Manager** who has oversight of the refugee decision process.
- **Team Leaders** and other team members who can assist through case conferencing and debriefing after interviews.
- **Counselling** of Case managers who need to be able to keep in balance the search for the genuine refugee with the knowledge that some people do try to abuse the system. The fact that the majority of decisions are rejections apparently does have an adverse effect on many Case managers who may have come into the role with different expectations.
- **Country Reference Groups** which can develop country expertise among a group of Case managers by discussion of cases from those areas, coordinate information from CIS and provide advice and support for others.
- **More experienced Case managers** who act as coaches or mentors to newly appointed Case managers and, along with the Team Leaders, may provide advice and supervision of interviews during the first few months.
- **State Training Resources** that can address specific training needs of Case managers.
- **Effective Administrative Systems** that leave the Case manager to focus on decision-making.
- **Document Examination Unit** which exists in 3 States with expertise to test the authenticity of documents provided in support of an application.
- **ORDSUP Quarterly Report** a newsletter recently introduced to provide an update summary of information, trends and policy matters to ORP Managers.

4.3 THE ROLE OF CLIENT INTERVIEWS

There appears to be a mismatch of expectations between applicants and Case managers with regard to the interviews.

To the applicant, the interview appears to feature as the critical point in the refugee decision process and is the main (if not the only) point at which they get direct contact with the people who will decide their future.

From the Case manager's viewpoint, the interview is only one part of the process or an additional tool which provides the opportunity to ask questions of clarification or to invite comments on adverse third party information before them.

This mismatch may account for the pivotal role of the interview in many of the complaints received by the Ombudsman's office and the common perception that the interview had been biased because the applicant felt that the decision-maker had already made up his/her mind.

The lesson is that Case managers should remember the central importance of the interview to the applicant and give great care to how it is conducted. Both the interviewer and the applicant need to be well prepared and the interview will be greatly enhanced by a good interpreter.

In the main, Case managers learn interview techniques by watching more experienced colleagues, sitting in on interviews that cover different countries and from mentors. There is very little practical training in interview techniques at the time of the induction although State Managers can use the State Training Sections to supplement the central training program.

It is understood the new State Manager in Sydney intends to ask team leaders to look at refresher training required in interview techniques, cross-cultural sensitivity, use of interpreters and investigation techniques.

Interpreters used are of the appropriate standard, (level 3 NAATI). However it can be difficult to get a properly trained and qualified interpreter for some of the smaller language groups.

Case managers may disband an interview if not satisfied with the quality of the interpreter. However this delays the process considerably. The importance of the interpreter to the maintenance of the integrity of the refugee determination process is well covered in the newly released Procedures Manual which provides comprehensive guidelines for the conduct of interviews and circumstances in which an interview should be disbanded and a further interview rescheduled.

4.4 AVOIDING THE APPEARANCE OF BIAS

The applicant's view of the importance of the interview particularly highlights the critical nature of the manner in which adverse information is put. It will never be easy to test information that is often complex yet based on sketchy or confidential sources. There are well recognised interviewing techniques for putting adverse material to applicants in an open, non-accusatory manner. As well as principles of procedural fairness, Section 57 of the Act places an onus on an officer to disclose all adverse material relating to an application.

There is also a need for sensitivity when applicants who want to tell their whole life story need to be redirected in order to address the specific issues relevant to their claim. The applicant may be right or wrong in believing their information might provide a context that needs to be understood but they should be offered a reasonable opportunity to make their points.

The issue of capture of certain countries or regions by certain Case managers, is one that State Managers are conscious of as they and Team Leaders attempt to balance specialisation of caseloads (in the interests of efficiency) with the need to give Case managers a spread of experiences whether by country or type such as detention cases. The Country Reference Groups, with a mix of people with strong experience or knowledge of a country or region and those new to an area but interested to learn more, are another way of avoiding capture of countries or regions by interest groups.

With its larger numbers, Sydney ORP has more flexibility to implement such arrangements and such improvements as providing a female victim of torture and trauma with a female Case manager as contained in the new Gender Guidelines. Melbourne ORP faces a particular resource problem in the allocation of Sri Lankan cases (the bulk of their case load) if preference is expressed for a non-Sri Lankan Case manager.

4.5 INCONSISTENT DECISION MAKING

While there is a need to achieve case load targets, at the same time it is recognised that there is also a need to balance quantity with quality. The quality of decision making features as a matter of paramount importance to the ORP which is striving to achieve consistency, coherence and lawful decision making through support systems, training and professional development. The effectiveness of this in practice will need to be monitored.

Although the RRT is required under Section 430 of the Act to give the Department any other documents cited in a decision, CIS have experienced some difficulties in the past in getting such information. Following attention to

this problem over the past year, the flow of material has improved considerably during the first half of 1996. It could be expected that the capture of all additional current information onto CISNET, will greatly assist Case managers to achieve greater relevancy and consistency in their decision making.

The onshore refugee determination process is geared towards support for individual decision-makers (delegates of the Minister) who are required to make an independent decision. A senior Manager cannot dictate to the decision maker although a senior Manager such as a Team Leader or State Manager, is able to take over a case load where they are aware, from case discussions, that a decision may result that could have negative implications for government policy. This is only a partial solution to the dilemma of achieving consistency without removing the independence of the decision maker who is in possession of all the facts.

Independent administrative decision-makers may come to the same decision via two different routes or to different decisions based on their own assessment of a similar set of circumstances. The percentage of decisions overturned at the RRT is reasonably moderate and arise due to a number of reasons - not all of which reflect defects in the primary decision.

However, every single approval by the RRT is of great importance to the applicant concerned given that a decision to grant a Protection visa is a life-changing decision for the individual or family concerned.

The principles of quality management can be seen in this process where internal checks and balances are used to achieve a good primary decision which is then subject to external independent merits review. This review has not formed a view about how effectively these processes are currently working - as they are mostly relatively new and the complaints tend to come from the past. A future review is one option but another is simply to observe whether these arrangements lead to a reduction in complaints to the Ombudsman.

A Quality Control Unit in ORDSUP examines cases overturned by the RRT and feeds back information to Case managers to ensure they appreciate the development of interpretations of the law. Interestingly, the group also identifies inconsistencies in RRT decision making which is a further feedback mechanism to drive a very disciplined system.

In the 1996 High Court judgment *Re Wu Shan Liang & ORS* a majority of judges of the High Court found that the Federal Court had scrutinised too closely the reasoning of the Minister's delegate. The High Court drew a distinction between the wording of the Act in force at the time of the benchmark *Chan* judgment which enunciated the "real chance" test and the provisions at the time of the *Wu* case.

The result was that the judges held that in s 22AA of the new Act a

"decision which determines that refugee status 'exists' differs in nature and quality from one recording the satisfaction of the decision-maker that this is the case".

The *Wu* judgment offers some clarification of the decision making role given by the legislature to persons with a different, non-legal expertise and distinctions are drawn between the language of administrative decision makers and the language of lawyers. The decision clarifies and strengthens the role and judgment of the administrative decision-maker in the ORP process but it is important that this does not result in a relaxation of efforts to improve the quality of decision making.

One view held by some Departmental officers is that although there may have been present in some areas a so-called "rejection mentality" in the past, the attention to induction, ongoing training (including significantly increased legal training) and the injection of a large number of new Case managers into the ORP system over the past 3 years, have brought an overall shift in culture towards an "approval approach" with the correct emphasis on how to find and protect a genuine refugee. At this stage this view is not shared by many complainants although there might be some evidence that such a shift of culture is underway.

4.6 MINIMISING DELAYS IN MAKING PRIMARY DECISIONS

Despite the meeting of individual caseload targets of 45.6 cases p.a. (Sydney) and 44.9 p.a. (Melbourne), long delays (up to 2 years) can still result because of the backlog (over 5000 in Sydney and 800 in Melbourne) of cases awaiting assessment in ORP. The backlog continues to grow for a variety of reasons:

- Continuing high levels of applications (5175 in 93/94, 4717 in 94/95, and 4551 in the first 10 months of 95/96).
- Special categories of applicants who add significantly to the pool such as the 650 DORS cases transferred from the November 1 Taskforce to ORP for processing and the 470 East Timorese awaiting an outcome from either the judicial or political consideration of their unusual status.
- The arrival in increasing numbers at the border of people, including boat people, who are undocumented, placed in immigration detention and require a large investment of time and resources to establish their true identity and whether they already have prior protection in another country. Despite streamlining of systems, it may still be difficult to procure the relevant information or fingerprints from overseas within a reasonable period.

- The centralised system for securing information from overseas through CIS involves a number of steps, eg a request from the Case manager to CIS in Canberra who go to DFAT in Canberra and then to the overseas post and back again. This can sometimes take many weeks and delay the refugee decision process considerably, leading to loss of urgency and flavour and resulting in frustration. However in some urgent cases it has been possible to short-circuit the process and deal directly with a post, allowing a turnaround of a couple of days in some instances. Overall the impression from Case managers was that the information service through CIS seems to be improving.
- There were also some very strong opinions among Case managers about the usefulness of the Help Desk. Some felt it was helpful but not vital, particularly when it might take many weeks to get answers on a legal issue. On the other hand an example was given where one Sydney Case manager had the answer to a query in 5 minutes.

ORP staff have a view that applicants and their representatives in a significant number of cases engage in deliberate delay tactics in order to prolong the applicant's stay. For example:

- It can be difficult to get some people to come in for an interview (eg in the case of a young Thai woman; one Solicitor apparently cancelled 6 appointments!).
- Some applicants are without valid protection claims but applications are lodged anyway by representatives to delay departure.
- Withdrawal of claims at the last moment.
- At interview an applicant may come with a wad of new documents and sometimes new claims which further delays the processing.
- The lack of legal pressure on the applicant to submit Parts B & C of the application form which contain information and the claims, within a specified period. The current requirement is 5 days but in many cases 6 weeks may elapse before further details are forthcoming.

On the other hand some detainees (who believe they have strong cases) are desperate to get an early decision and confirmation they can stay. It has been claimed for example that one detainee deliberately chose to refuse a bridging visa and remain in detention in order to keep the pressure on the Case manager to make a decision.

As well as producing much personal angst for applicants, delays can be costly to the Department. The cost of keeping one person in detention is about \$140 per day or \$4,200 per month. For people who are in receipt of Asylum Seekers Assistance for many months the costs can mount rapidly. The average cost per month for each ASA is \$1,075. As at March 31, 1996, the Department estimated

the cost of processing delays for 639 ASA cases was \$4,438,724 for 1995/6 alone (an average of \$7,000 per case).

Another important factor highlighting the need to minimise delays at the primary decision making stage is the further separation from their immediate families that many Protection visa holders experience after the grant of a visa. This situation has been exacerbated since the Senate on 7 November 1996 disallowed proposed amendments which would have meant the Humanitarian and Protection visa holders in Australia would not have needed to meet the Australian citizenship requirement in order to sponsor their immediate family members, nor would they have needed to provide an Assurance of Support for them. This has meant that immediate family members who cannot satisfy the Humanitarian Program criteria in their own right, have to apply to enter Australia under the Preferential Family category and meet the same criteria as the prospective family entrants of non Humanitarian category migrants. This adds an extra layer of hardship in the case of those families who experience long delays.

It is clearly in everyone's interest for decisions to be taken in as timely way as possible and the objectives of efficiency and accuracy of assessment and the desire not to accommodate those who are exploiting the system, should not necessarily be in conflict.

The Department has acted to reduce delays and their impact over the past year by putting in place a number of mechanisms:

- Priority processing of certain groups.
- Administrative improvements for assistance from the Red Cross which reduces the time between *approval* and *evidencing* of protection visas for ASA recipients by 4-6 weeks.
- Benchmarking and reporting on performance standards on a monthly basis to measure efficiency and detect trends.
- Regular monitoring of outstanding CIS requests of DFAT by the Assistant Secretary, Refugee and Review Decision Support Branch, to detect any lengthy delays.
- If doubts about an applicant still linger in the mind of the Case manager after 2 years, giving the person the benefit of the doubt and granting the protection visa.
- A more coordinated and effective approach to investigating identity and prior protection of detainees and analysis of cases through the Detention Case Management Group in Melbourne. For example medical checks and

requirements are organised at the outset or in parallel with other enquiries rather than at the end of the process.

- Where identity of detainees has not yet been determined after 6 months in immigration detention, making a decision in some cases to grant a protection visa in the knowledge that if subsequent information is uncovered to prove that person does not have a claim, then action will be taken to cancel the visa. Another option is referral to the Minister for the exercise of his discretion to allow release on a bridging visa whilst further inquiries are made.

Some ideas have been put forward to deal with the problem of the clogging of the system. These are:

- Reducing the length of written decision records.
- A mechanism to deal more expeditiously with the two ends of the spectrum, namely the "*totally unmeritorious claims*" and those with strong protection claims by eliminating the time-consuming interview requirement for these two categories and making a decision on the papers. A decision on the papers may be acceptable where there is clearly a favourable decision to be made but it is important that an interview is available for all other applicants. A claim may at first appear unmeritorious because the application has not been adequately filled out or because of ignorance on the applicant's part and yet the interview may give rise to a different assessment. Such a move could therefore seriously disadvantage some genuine applicants, particularly among the more than 80% of applicants who do not have representation.

4.7 ROLE OF THE APPLICANT'S REPRESENTATIVE

Some tension seems to exist in the relationship between the Case managers and the legal representatives. While concerns about the Case managers have been outlined above by the complainants, in return the Managers raised a number of matters that relate to the practices of legal representatives.

These included the holding back of some claims at the primary stage, failure to pass on DIMA correspondence to their clients, an "assembly line" approach to claims, and emotional involvement by some so that when the Case manager questions the credibility and claims of the applicant as obliged to do, the representative becomes visibly agitated.

With two often very different perspectives on the refugee decision process, there is a need for more opportunities for exchanges of views between ORP officers and clients and their representatives. The new Manager of Sydney ORP is committed to providing such opportunities

to discuss issues of mutual interest and concern as well as to revisit guidelines that exist on the role of legal representatives. These forums would be in addition to the Practitioners Forums which covers a broader area than ORP.

The Detention Case Management Group was set up in Melbourne to monitor and review detention cases, but reportedly has also been extremely successful in giving non-government representatives access to the various Departmental officers involved in handling their clients' cases and providing a mutually beneficial forum for discussion of individual cases. The meetings are open to the representatives on alternate weeks.

The DCMG has facilitated the flow of more accurate information and lessened some of the pressures on the Department to make a premature decision by increasing the understanding of issues the Department needs to address before a decision can be made. On the other hand, the Department is also made more aware of the pressure that is placed, often on a daily basis, on the legal representatives by their clients.

4.8 COMPLAINTS PROCEDURES

Under the new ORP State Manager in Sydney, the following complaints handling procedures have now been put in place:

- Complaints about a Case manager are to be dealt with by the Team Leader.
- Team Leaders will refer complaints to the State Manager of ORP.
- Written responses will go out within 14 days to complainants.
- In cases where there is a difficulty between the Case manager and the applicant, the option of transfer of the case to another Case manager will be considered.
- The tapes of the interview are an important record to assist in resolving a complaint about the interview.

In Melbourne, the few complaints received by ORP are mostly handled informally over the phone or requested in writing if the matter is a serious one. They are handled by the Team Leaders and State Manager. Most complaints in the past have related to Case managers' handling of interviews and the procedure followed is to seek a view of events from the Case manager and to listen to the tapes of the interview. Given that the perception of the applicant is recognised as a very important part of the process, in a majority of cases, even

where it is considered that there has been no mishandling of the interview, there is a referral to a new Case manager.

Where the criticisms are of the interpreter, ORP will often send the tapes to TIS and ask for their assessment of the interpreting of the interview. This is a useful back up for the Case managers.

Currently there is not a centralised system for recording complaints in Melbourne but there is an intention to establish one in order to track trends and highlight further training needs.

5. RECOMMENDATIONS

As outlined above, in my opinion the Department has already put in place a number of measures which are likely to reduce the sorts of complaints analysed in this paper. In May 1996 I recommended some further actions that could assist this process.

- **Improved communications** both within the Department and between the Department and clients. This could happen by means of:

DCMG type internal meetings in Sydney as well as Melbourne to help minimise delays and assist coordination of functions.

ORP to meet with clients' representatives on a regular basis and to address issues such as the lodging of unmeritorious claims through the Law Institute and MARS.

Clarification of the role of representatives in the ORP process (particularly the interview) and agreed protocols between the Department and representatives.

Clarification and communication of procedures for internal complaints handling to clients in Sydney and Melbourne.

- **Further training** be conducted with Case managers in cross-cultural sensitivity and the conduct of interviews, with a priority given to involving legal representatives and non-government organisations to provide an applicant's perspective.
- **Ensuring ongoing rotation of case officers** so that staff with expertise or background from a particular area, do not gain a hold (or are not perceived to have a hold) on policy or decision making for that country or region.

- **Continuing monitoring and improvement of ORP support systems** to assist Case managers to make timely and quality decisions.
- **Adequate resources to minimize delays**
Most importantly, the existence of a backlog of applications and adequate resourcing for primary decision making to ensure timely, quality outcomes, needs to be addressed. As argued above it is in everyone's interest to have timely decisions and the costs of delay are quite significant. This is a matter for consideration for Government but attention is drawn to it here as there may be net financial gains as well as reduced anxiety for genuine applicants.

5.1 THE DEPARTMENT'S RESPONSE TO THE RECOMMENDATIONS

Communications

The Department values its relationship with clients and their representatives. Accordingly, it encourages the development of improved communication links with its clients through seminars, meetings with the NGO community and meetings with refugee practitioners at both the local and national level. Other important avenues of information exchange are the regular (approximately every 6 months) meetings with the Migration Institute of Australia (MIA), an industry peak body representing individuals and agencies involved in providing commercial migration services, and the Inter Government and Non Government Organisations (IGNGO) forum, which takes place approximately three to four times a year. This latter forum brings together the Department, the United Nations High Commissioner for Refugees and representatives of peak Non Government organisations to discuss policy and program development for Australia's Offshore and Onshore Humanitarian Program. These meetings act as a valuable forum for both sides to raise issues of mutual interest and to explain initiatives and difficult or contentious areas of the program.

Extensive consultations are entered into with stakeholders when forms or instructional material are revised or developed. Migration Series Instructions (MSIs) are made available to interested parties through the Government Information Shops (GISs), formerly the Australian Government Printing Service. Further, the Onshore Refugee Procedures Manual is currently being incorporated into the Department's Procedures Advice Manual (PAMS) instruction system, in which format it will be available for purchase by the public through the GIS.

Training

The Department promotes the principle of Continuous Improvement and provides training programs and seminars at frequent intervals. Guest speakers have included experts in the field of refugee law such as the Canadian academic Professor James Hathaway, Mr Guy Goodwin-Gill, a Canadian writer on refugee law and principles, as well as representatives from UNHCR. Individuals and organisations external to the

Department are also frequently called on to participate in the training of case managers, for example, the Refugee Council of Australia has been funded to develop a training module for case managers on dealing with clients who have special needs, such as the aged, people with physical and mental disabilities.

Rotation of Case managers

See comments on page 11 above.

Monitoring and Improvement of ORP Support Systems

See comments on page 17 above.

Elimination of the backlog of cases and adequate resourcing for primary decision making to ensure a timely, quality outcome

See comments on page 13 above.

Current strategies to address delays

Correspondence from the Department in April 1997 in response to a particular complaint about delays in the processing of protection visa applications, outlined new objectives the Department was moving to achieve:

- new applications will be decided within 3 months of lodgment
- the current backlog of cases will be cleared in approximately 2 years.

These objectives to be achieved by improving ORP's processing capacity and efficiency through the following strategies:

- streamlining the protection visa determination process
- recruiting additional case managers and support staff
- provision of additional training
- review of procedures, instructions and guidelines
- improved data gathering, processing, analysis and diagnostics, and

- monthly management meetings of senior officers from Canberra, Melbourne and Sydney onshore protection areas

I hope these goals can be achieved. I will follow up this report in mid 1998 to examine whether the various improvement strategies developed by the Department have had the desired affect.