

Reconceptualising the Governance of Migration Policy in Australia: From Centralised to Cooperative Approaches

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Current debate on immigration policy in Australia raises questions about whether the federal government can continue with its traditionally centralist approach. Overcrowding and congestion placing stress on metropolitan infrastructure have been issues in recent elections. There are calls for greater participation by subnational governments in determining updates on population growth and migrant destinations. The key question addressed in this paper is; what are the key challenges and opportunities of establishing cooperative approaches to immigration policy in a multilevel system? Issues involved in a potential transition of Australia's immigration policy from a centralist approach to a more cooperative approach will be examined

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through the lens of a framework of analysis that consists of three scenarios for the structure of immigration policy: the centralist, the cooperative and the asymmetric scenarios. Consideration needs to be made of issues involved with improving vertical and horizontal cooperation within and between levels of government in a traditionally centralised policy area.

Keywords: Australia, migration policy, intergovernmental cooperation, governance

1. Introduction

Since 1945 immigration has supported over seven million migrants boosting Australia's population and stimulating post-war economic development (Department of Parliamentary Service - DPS, 2010). Australia's focus on multiculturalism since the 1970s has seen the population drawn from over 180 countries. With 28% of the population born overseas Australia ranks first within the OECD among nations with populations over ten million. It compares with 20% overseas-born in Canada, 13% in Germany, 13% in the United States, 12% in the United Kingdom, and 12% in France. The average for the OECD is 12% (Markus, 2018). Australians have been generally accepting of immigration as a tool for economic growth. Survey research from 2018 shows that more than 70% of respondents agreed with the following statements: "overall, immigration has a positive impact on the economy of Australia" and accepting immigrants from many countries makes Australia stronger (Lowy Institute, 2018). However, another national survey found that only three out of 10 Australians believe the nation needs more people (Biddle, 2019). There is growing concern that the current rate of migration intake into Australia is feeding populist concerns like overcrowding, rising house prices, congestion, reduced job security and damage to the environment (ibid). In addition to the shifts in public opinion, recent events have witnessed a shift in political sentiment of the ongoing appropriateness of what has been a centralised approach to immigration (Murphy, 2018).

State governments have been responding to public concerns over migration and they have been pressuring the Australian Government (Commonwealth) for autonomy on a range of immigration policy issues. Overcrowding and traffic congestion placing stress on metropolitan infra-

structure have been election issues in recent state elections in Australia's most populous states, Victoria (5.9 mil. inhabitants) and NSW (7.95 mil. inhabitants) (Australian Bureau of Statistics - ABS, 2018). State premiers have been pressuring the Prime Minister to include state governments in the decision-making processes in migrant settlement issues such as destinations upon entering Australia. State leaders argue that their responsibilities for education, health and infrastructure planning require them to be serious policy partners in deciding rates of population growth largely driven by migration. Current debate raises questions about whether the Commonwealth can continue with its traditionally centralist approach to migration policy. The Premier of NSW called on the Prime Minister to establish a formal process of cooperation to "determine our policy and our updates on population growth" (Visentin, 2018). In a recent speech, the Prime Minister claimed he recognised the significant contribution of state and local governments to the success of immigration policy: "My approach will be to move away from top-down discussions about population to set our migration intake caps. It is the states who build hospitals, approve housing developments, plan roads and know how many kids will be going into their schools in the future" (Morrison, 2018). The Prime Minister claims he is considering a new approach where state premiers would be invited to create their own population plans and discuss the issue at the Council of Australian Governments (COAG); the body established in 1992 for cooperation and coordination (Shields, 2018). For some, the Prime Minister's statements are tapping into a growing discontent with the way immigration policy has been developed and implemented in Australia over the past decade (Murphy, 2018). At the COAG meeting in December 2018 the Prime Minister "committed to working with states and territories to ensure that the immigration program is informed by the needs of local communities, as one element of strengthening coordination of population planning and management across all levels of government" (COAG, 2018).

Research suggests that effective coordination of immigration policy formulation and implementation requires integration between different levels of government and agencies, NGOs and private organisations (Giljević & Lalić Novak, 2018). The key question addressed in this paper is; what are the key challenges and opportunities of establishing cooperative approaches to immigration policy in a multilevel system? The aim is to examine the issues involved in a potential transition of Australia's immigration policy from a centralist approach to a more cooperative approach through the lens of a framework of analysis that consists of three sce-

narios for the structure of immigration policy: the centralist, the cooperative and the asymmetric scenarios (Zapata-Barrero & Barker, 2014). Consideration needs to be made of issues involved with improving vertical and horizontal cooperation within and between levels of government in a traditionally centralised policy area. Evidence from the Australian context of how current methods can be transformed into more cooperative approaches could provide insights for other multilevel systems dealing with migrant settlement issues. To date Australian research on immigration has largely focused on social issues (Hugo, 2008; Collins, 2013; Neumann et al., 2014; Galligan et al., 2014), integration of migrants and refugees (Radford, 2016), racism (Forrest & Dunn, 2013), and the processing and treatment of refugees (Nethery & Holman, 2016). There is a lack of scholarly research on intergovernmental governance arrangements needed to support more effective cooperation and integration between governments in meeting the increasing scale of the challenges brought about by migration. The findings of this paper will provide insights and learnings on the factors potentially facilitating and constraining coordinated approaches in a multilevel system.

Besides a general theoretical consideration on how to reconceptualise policy approaches, the paper will bring together the literature on cooperative federalism in Australia and research on migration issues being faced through the analysis of empirical material sourced from policy documents, government reports, non-government reports and submissions, and survey analysis. The first section will outline the theoretical dimensions established by Zapata-Barrero and Barker (2014) with a particular focus on the relationships between central and sub-state levels of government. The second section will outline the past and present approaches to migration settlement policies in the Australian context with a particular emphasis on centralised approaches and proposals to establish cooperative arrangements across levels of government and with NGOs. The third section examines the literature dealing with cooperative federalism in the Australian context with emphasis on the opportunities and challenges inherent in the institutional context. The findings will contribute to our understanding of how governments in multilevel systems may approach the complex consequences of immigration policy. This is important as it will extend the debate on the challenges posed in most dimensions of migration and settlement policies and the cooperative arrangements needed to manage them. The paper provides a theoretical positioning of the findings from the Australian experience and research intersecting migration and public administration.

2. Conceptualising Cooperative Approaches to Governance of Migration

Zapata-Barrero and Barker propose an interpretive framework that they argue contains a set of concepts and categories that can help “map the nexus between multilevel governance and immigration policy” (2014, p. 19). The fundamental premise of the model is drawn from Dahl’s work based on the tension between who decides and who does (Dahl, 1961). In a multilevel system this distinction can be complex and multifaceted. The model attempts to identify the potential tensions between national and subnational units through both structural and policy dimensions. The focus of the structure dimension is on the organisation of power and the relationships and character of governance. The focus of the policy dimension will be important in federal states where sub-state units are involved or not involved in decision making, as a result tensions can arise when their policy preferences are different to those of the centre. In the case of immigration this can be particularly challenging as it will deal with conflicts over such issues as admissions policy, citizenship issues, integration and diversity. In the case of state and local governments, conflicts can also emerge over planning and infrastructure issues where investment in urban infrastructure, broadly speaking, can simply be overwhelmed by rapid population growth. The policy dimension focuses on tensions between levels of government due to the distinctive features of immigration.

Zapata-Barrero and Barker (2014) have developed a model that examines the relationships between central (national) and the sub-state levels (state and local), and the character of governance in a multilevel system. The driving forces are efficiency and national identity. In multilevel systems efficiency is ideally based on the subsidiarity principle that regulates authority within a political order, directing that powers or tasks should rest with the lower-level sub-units of that order unless allocating them to a higher-level central unit would ensure higher comparative efficiency or effectiveness in achieving them (Follesdal, 1998, p. 190). National identity will be a potential source of tension for those states in multinational arrangements, for example the European Union, where arguments for “greater centralization of immigration policy can be based on security and maintenance of the multilevel structure of the governance and national stability” (Zapata-Barrero & Barker 2014, p. 22). The two principles of coordination and coherence arise from and feed the driving forces of efficiency and national identity. Coordination is possible through a com-

mon framework, including constitutional arrangements and a minimum rule of law. Coordination becomes possible for immigration due to the commonality of shared interest, for example, factors relevant to settlement and integration like education and employment issues. Coherence is normative in character and relates to the different interests each level of government may have in immigration. Different challenges facing individual jurisdictions may determine different policy responses to immigration flows. Of particular relevance to federal systems is the need for cooperation that identifies areas of constitutional responsibility in specific policy areas. Both vertical and horizontal cooperation promotes coherence that helps to reduce duplication and contradiction between approaches taken by different jurisdictional units. From these principles and driving forces, Zapata-Barrero and Barker identify at least three potential scenarios for the structure of immigration governance: the centralist, the cooperative and the asymmetric scenarios. The scenarios consider the two levels of governance proposed by Dahl, who decides (decision making) and who does (implementation), do not necessarily coincide with the same level of governance in multilevel systems (Zapata & Barrero, 2014, p. 26). Each scenario relates to different possibilities in the relationships between the levels of government. In the centralist scenario the central government retains primary control of the coordination/coherence of decision making and implementation of immigration policy. In the cooperative scenario the central government retains control over coordination/coherence but enlists sub-units as partners with some administrative discretion, most likely at the implementation level. In the asymmetric scenario the central government allows some units discretion on decision making, based on efficiency/national identity criteria. Coordination/coherence are centrally controlled and supervised by consent between the partners. Self-management can also be a feature of implementation for certain units.

3. Governance of Migration Settlement Policy in Australia

Historically Australia's immigration policy has been centralised with the Commonwealth making decisions on admissions, citizenship, integration and accommodation of diversity on the grounds of linguistic, cultural and economic interests. Under the Australian Constitution, responsibility for administering the migration and humanitarian programs and asylum seeker policy rests with the Commonwealth. The Australian *Migration Act*

1958 remains the main legislative instrument for managing immigration in Australia. Settlement programs were managed first under the *Nationality and Citizenship Act 1948* which has since been renamed the *Australian Citizenship Act 1984*. There have been four distinct periods between 1962 and the present where the legislation has been flexible enough to permit a distinct shift in policy direction, usually brought about by international or domestic events. Recognition of this fact leads Pietsch (2013) to argue that immigration policy in Australia has the classic features of the punctuated equilibrium model established by Jones and Baumgartner (2005). The first period 1945-1972, focused on assimilation policy during a time when Australia was accepting migrants from European countries, under what was referred to as the White Australia Policy, to generate population growth and economic development. The 1973 to 1978 period marked the end of this policy and witnessed an influx of migrants from war torn countries such as Vietnam and Cambodia. The third period from 1978-2001 marked the official beginning of policies to support multiculturalism. In the current period since 2001 there has been a shift away from multiculturalism to a focus on settlement and integration and, more particularly, border protection (Australian Government, 2016).

In practice immigration policy has required participation by state and local governments as well as non-government bodies. The challenges in developing cooperative arrangements between these stakeholders have tended to reflect the classic tension of governance in federal systems between the Commonwealth at the centre (decision maker) and the subnational state and local level (implementation). Australian state and local governments have been service providers responding to the top down policy initiatives from the national level. Since the 1990s all Australian states and territories have developed policies and agencies dealing with multiculturalism and settlement issues arising from Commonwealth immigration policies. Jurisdictions vary in their approaches and the nature of their multicultural policy structures, ranging from legislatively enshrined principles, statutory bodies and mandatory reporting requirements to declaratory policy statements. NSW, Queensland and Victoria are the most populous jurisdictions, which contain the majority of Australia's migrant communities and have the longest standing multicultural policy frameworks. The experiences of these governments highlight the need for deeper consideration of the opportunities that more cooperative approaches could produce for settlement outcomes for migrants.

The first attempt at promoting a more cooperative approach between governments toward immigrant settlement was initiated by the Com-

monwealth in 2009, with the establishment of the Strategic Settlement Framework following a national consultations process lead by the then Department of Immigration and Multicultural Affairs. Departmental reviews had been stressing the need for “a more strategic and coordinated approach to settlement” (DIMA, 2006, p. 7). The Department argued cooperative approaches would improve the ability of governments, service providers, community organisations and other settlement stakeholders to plan for the arrival and settlement of new entrants (ibid). In 2007 the Commonwealth commenced an agenda to involve the state governments in a new form of cooperative federalism in policy areas of interest to the Commonwealth. The political context had changed considerably following the 2007 election and provided opportunity for collaboration between the Commonwealth and the states as all governments were ruled by the same “progressive” Australian Labor Party. Working through COAG the Commonwealth established joint working groups consisting of Commonwealth, state and local government representatives. They agreed to establish a Select Council on Immigration and Settlement with the task of developing a framework to improve services and outcomes for migrants. This work resulted in a *National Settlement Framework* (NSF), agreed across the three tiers of government. The NSF provided both a shared commitment and understanding of settlement, and outlines three focus areas for governments: supportive and collaborative settlement and support service planning structures and processes, including information sharing; coordinated client-centric service delivery, eliminating gaps and duplication; and evaluation and review to provide a robust evidence base for better understanding delivery and outcomes (COAG, 2015).

3.1 Commonwealth Horizontal Coordination

The Commonwealth Department of Social Services (DSS) administers most settlement services in Australia. Australia’s settlement services can be classified as Pre-arrival, On Arrival, Post-Arrival and English Language. The majority of services (On Arrival and Post-Arrival) are only available to humanitarian entrants. However, English Language assistance is available to a wider range of migrants. The DSS promotes a view on collaboration and coordination as necessary to involve multiple sectors of government and civil society, and develop a strategy for ensuring all stakeholders, including different levels of government, non-government organisations, community, private sector and individuals, consult and work co-opera-

tively to support successful settlement and draw on the skills and expertise of civil society to provide services and support.

The DSS funds settlement service providers to deliver a range of settlement services to migrants from refugee backgrounds immediately on their arrival in Australia. Commonwealth funding for settlement services in 2014-15 was \$141.5 million, increased to \$183.6 million in 2018-19 (Productivity Commission - PC, 2016, p. 275). Settlement service providers are the first point of contact in Australia for many new arrivals and the support they offer has a significant influence on future settlement outcomes. Supporting people when they first arrive to help them understand not only the practical details of living in a new country, but the underlying ethos of tolerance and respect which informs multicultural Australia is an essential step in fostering inclusion. Independent program reviews have found that settlement service providers are generally well-regarded by clients and other stakeholders. The Ernst & Young review of the two main settlement programs, the Humanitarian Settlement Scheme (HSS) and the Complex Case Support (CCS) programs in 2015 (EY, 2015, p. 3) concluded, "On the whole, both programmes are working well and are achieving their objectives". The Australian National Audit Office (ANAO) performance audit of the Settlement Grants Program (SGP) concluded that SGP was implemented in a manner consistent with its strategic objective of assisting eligible immigrants to become self-reliant and participate equitably in Australian society (ANAO, 2009, p. 13). The Productivity Commission (2016, p. 278) recognised the ANAO observation that while the objectives of DSS settlement services programs were generally clear, program outcomes and performance indicators were either not developed or difficult to identify. Cooperation between governments on immigration settlement has been operationalised through the Senior Officials Settlement Outcomes Group (SOSOG) as an inter-governmental forum to consult and exchange information on settlement-related issues. Membership of SOSOG comprises senior officers from the DSS (Chair), the Department of Immigration and Border Protection, and each state and territory government (typically from a central agency such as the Premier's Department), and a representative of the Australian Local Government Association. Senior representatives of other Australian Government agencies, such as Home Affairs, Education, and Health may attend meetings as needed. SOSOG has a role in mentoring the implementation of the NSF. The Commonwealth claims SOSOG works to improve settlement related services and outcomes for permanent migrants and long-term temporary migrants including asylum seekers.

Despite the commitments outlined in the NSF, recent research has called into question the effectiveness of the horizontal coordination between the DSS and other Commonwealth departments. One area fundamental to the success of settlement of immigrants is the opportunity to attain employment that reflects their skills and qualifications. Research by Major et al. (2014) suggests that immigrants' sense of social inclusion and belonging can depend on whether they can obtain work at a level commensurate with their pre-migration qualifications and experience. This is a particularly serious issue in the Australian context as immigration policy is based on perceived labour market skill shortfalls. Current data reveals "up to 40% find it difficult to find suitable employment" (Tani, 2018). As a result, Australia often experiences skill shortages despite the presence of qualified migrants. Discrimination and racism have been shown to influence employment outcomes despite migrants having prerequisite qualifications and skills (Colic-Piesker and Tilbury, 2007; Syed & Murray, 2009). Analysis by the Australian Population Research Institute shows 256,504 of overseas born persons aged 25-34 who held degrees or above level qualifications arrived in Australia between 2011-2016. "The vast majority, 84 per cent, came from Non-English-Speaking-Countries (NESC). Just (16 per cent) came from Main-English-Speaking-Countries (MESC). Only 24 per cent of the NESC group were employed as professionals as of 2016, compared with 50 per cent of the MESC and 58 per cent of the same aged Australian-born graduates" (Birrel, 2018, p. i-ii). Such results raise doubts over the effective coordination between Commonwealth immigration and employment policies.

In its review of migration policy, the Australian Productivity Commission (PC) (2016) recognised the lack of data available from the Commonwealth relating to employment outcomes for immigrants as a result of poor cooperation between agencies. The pathway to permanent residency comes largely through temporary migration arrangements. Commonwealth data confines data to the labour market integration of permanent immigrants only and results in an overly optimistic view of immigrants' labour market settlement. The PC called for improvement in data on demographic variables, visa type, qualifications, language skills, industry, occupations, participation and employment statistics, income and hours worked. Tani (2018) argues that using these data would rebalance the current focus of both immigration and employment policies so that Australia more efficiently uses all the available resources, and for which it competes internationally, as in the case of highly qualified migrants. Improved coordination between Commonwealth agencies could contribute to improve-

ments in the governance of immigration policies and help reduce some of the skill wastage promoted by current arrangements. Improvements could also help reduce the contribution of migrant unemployment to the emergence of social and economic problems that need to be managed at the local level (Vermeulen & Stotijn, 2018; Reitz, 2018).

3.2. Vertical Cooperation with State and Local Governments

3.2.1. State Governments. State governments argue there is a gap in the provision of settlement services between the Commonwealth and the states. It is the Victorian State Government's position that the mix, coordination and extent of settlement services provided by the Commonwealth Government could be improved to deliver more sustainable settlement outcomes for migrants and humanitarian entrants (Victorian Government, 2017). Victoria argues it has been necessary to develop a range of settlement support services to bridge some of the gaps in service provision that have been left by the withdrawal or inadequacy of Commonwealth services. For example, Victoria has developed a range of policies to ensure new arrivals, regardless of visa status and Commonwealth restrictions, can access key services such as hospitals, together with additional and practical supports such as in the areas of employment, training and language services (Victorian Government, 2017).

NSW and Queensland Governments have responded in similar ways to what they regard as the deficiencies of the Commonwealth approach. NSW has attempted to work together with migrant representative groups and bring them into the decision making process. The NSW Coordinator General's office established the Government Immigration and Settlement Planning Committee (GISPC) that provides cross agency governance of NSW responses to settlement matters and settlement issues. It is made up of key NSW Government agencies, a non-government organisation representative and a local government representative. The GISPC provides NSW input into the Commonwealth-administered Senior Officials Settlement Outcomes Group (SOSOG). Multicultural NSW is the lead agency responsible for coordinating policy responses to support settlement and migration outcomes. The GISPC also supports a network of Regional Advisory Councils (RACs) to identify issues that affect communities within regional and metropolitan Sydney, including those related to settlement. Queensland has adopted a similar approach through a legislative frame-

work established by the *Multicultural Recognition Act 2016*. The state government released an action plan in 2017 and all government agencies with actions in the plan must report a summary of their progress at the end of each financial year. The Queensland Minister for Multicultural Affairs reports to Parliament on the actions taken and progress towards the multicultural policy outcomes. This is an attempt to recognise the cross-agency response needed to immigration issues and the need for a mainstreaming as a governance strategy to guide structural attention (Scholten, 2018).

The Australian Capital Territory (ACT) argues the Commonwealth has been cost shifting by increasingly placing the responsibility for settlement services on the states and territories, particularly in relation to the provision of free interpreting services and affordable housing. The ACT argues that both access to interpreters and access to and options for affordable housing must be joint responsibilities as they underpin and are fundamental to establishing the conditions necessary for successful settlement (ACT, 2017). Reflecting a possible lack of consistency in the Commonwealth's approach to cooperation with the states and territories, the South Australian Government (SA) claims Commonwealth and state agencies have collaborated to bring together the key settlement stakeholders across government and the non-government sector to share information about settlement-related issues, gaps, best practice and to improve service delivery. SA regards itself as a leader in facilitating such a cooperative approach. Unfortunately, these differences between the experiences of the states highlights a possible lack of cooperation between them in terms of policy learning for more effective approaches to migration issues (SA, 2017).

3.2.2. *Local Governments*. Current research by Boese and Phillips (2017) shows that local governments have been involved in supporting the implementation of multicultural policies and fostering social cohesion through community-based inclusion focused activities. Small grant programs to assist community organisations to provide family support (such as home visits to ethnic playgroups) can play an important role in engaging the volunteer community within migrant groups. These activities are important for building social capital by connecting the ethnic community (PC, 2016, p. 275). They are also however often a reflection of the limited capacity of Australian local governments due to their resource limitations. Activities include, but are not limited to, cultural festivals, cultural networks, information sharing and knowledge building. Australia's largest local government, the Brisbane City Council, developed the *Brisbane Access*

and Inclusion Plan 2012-2017. The Council claims it funded approximately 250 cultural festivals between 2012-17. Other activities include a newsletter "One Brisbane: Many Cultures" as a bi-monthly update on multicultural events. In Victoria local councils can take part in proactive activities to help reduce potential race based discrimination. One such example being the Municipal Association of Victoria's (MAV) promotion of the local government's role in a program called *Localities Embracing and Accepting Diversity* (MAV, 2014). Local governments also raise concerns over the lack of co-operation and coordination between governments and how it impacts on them. One example is the NSW City of Wagga Wagga, which in its submission to the Parliamentary Inquiry into Migration argued it had seen an increase in the duplication of settlement services particularly around those that provide advocacy and referral (Joint Committee, 2017, p. 31).

Local councils and their representative bodies have been calling for greater support from the Commonwealth and state governments to contribute to more effective responses to the demands caused by rapid population growth. They argue that with existing pressure on infrastructure, particularly in capital cities, it is incumbent on policy makers to ensure the rate of intake does not exceed the capacity of the country to provide the level of infrastructure, including social infrastructure, necessary to avoid placing additional pressure on the living standards of the existing population, particularly those displaced from the housing market. In a call for greater vertical coordination between governments the Parliamentary inquiry into developing Australian cities concluded it is clear that "infrastructure provision and urban development needs to be in line with population growth - that there must be a direct link between immigration policy and cities policy" (HRSCITC, 2018, p. 342). If the two are not in alignment, any investment in urban infrastructure, broadly speaking, will simply be overwhelmed by population growth, leaving planning and infrastructure spending in a permanent state of catch-up.

The MAV (2014) argues there is agreement across stakeholders from all spheres of government and from community organisations that to achieve the most effective community development outcomes, collaboration and partnerships with local government are essential. Research by the Victorian Local Government Multicultural Issues Network and the Municipal Association of Victoria highlights some evidence around the need for effective partnerships. Multi-sectoral partnerships and collaboration continue to be an effective response to a rapidly growing diverse population (VLGMIN, 2014). Local councils in areas with high migrant flows were working to address the ongoing social, economic and cultural challenges

facing particular geographic areas and communities across the state. The most responsive councils demonstrated a balance of formal engagement with the community through council led committee structures together with council representation and participation in local community networks and settlement planning committees (ibid).

3.2.3. *Non Government organisations.* According to migrant representative peak bodies, such as the Refugee Council of Australia, the Migrant Council of Australia and the Settlement Council of Australia, the NSF provides a solid foundation for settlement policy. The Framework states NGOs should play a “key role in advising all tiers of government on community and client groups, settlement needs and social policy issues” (DSS, 2016, p. 7). However, these groups raise questions over the effectiveness of SO-SOG as a coordinating body as they argue in practice much could be done in terms of better communication, coordination and collaboration between the three tiers of government and, crucially, with the non-government sector. Some NGO’s also see the duplication of Commonwealth and state settlement services as a reflection of poor cooperation and coordination between governments. One service provider argued there is no mechanism to coordinate and align case management and client outcomes across settlement programs and there is a risk of increased complexity, confusion and competing outcomes.

Both the Migrant Council of Australia (2015) and the Settlement Council of Australia (2018) argue that a useful and informed debate on these benefits is hampered by the absence of a reliable and comprehensive collection of publicly available data that can be used to measure the impacts of migration on the Australian community. Access to such data is crucial, both for policy-makers but also, more broadly, to assist in combatting the often misinformed, misleading and/or contradictory rhetoric that exists in the public sphere concerning immigration. The Productivity Commission (2016) clearly saw the need for investing in the evidence base in its migration report. The report concludes that the Commonwealth needs to invest sufficient funds into the collection of timely, accurate and relevant data concerning migration to Australia, across all streams, and its social and economic impact on Australia.

The findings of the Joint Standing Committee on Migration (Joint Committee) (2017) into migrant settlement services support the arguments of both state governments and NGOs on these cooperation and coordination issues. Although the NSF was established to better define roles and responsibilities of Commonwealth, state and local governments – the

inquiry findings show a lack of clarity and suggest further work is needed to refine roles and responsibilities. There are instances of duplication of services – which confuses clients and results in over-servicing and wasted resources. The current framework also does not go far enough in helping identify service gaps. The Joint Committee (2017) argued it would be useful if state and local governments produced their own frameworks to better help consumers and stakeholders understand what services are available and identify funding duplication and gaps. The constantly evolving nature of programs at all levels will make this a challenge.

4. Reconceptualising Migration Policy to Cooperative Approaches

Erk (2007 p. 94) claims that, for most Australians, federalism is not a major concern, political issues are national and the states are seen as intermediary layers of public administration in the implementation of national policies. The demands of cooperation and integration of policy between the jurisdictions are not quite so clear cut. The case of immigration policy shows the complexities and challenges that can emerge to prevent consistent approaches. Even where political cooperation exists, administrative cooperation is fundamental for implementation (Giljević & Lalić Novak, 2018). Additionally, effective implementation requires planning and sufficient resources. While Australia can be regarded as a homogeneous federal system in many respects (Riker, 1964), cooperation for national policy development and implementation become matters of management and governance. In the case of immigration settlement, Commonwealth policy makers lack an effective system of management because the “dispersal of decision making across the bureaucracy dilutes accountability. Services and support are poorly measured, inhibiting feedback loops to improve policy when environments change” (CPD, 2017, p. 37). The Australian case provides insights into various factors at play that impact on cooperation for policy development and implementation in a multilevel system. The following sections draw from the cooperative federalism literature and identify three approaches that have the potential to promote more meaningful cooperation between Australian governments in immigration policy. These ideas will require a reconceptualisation of current approaches to cooperation toward integration and settlement of immigrants in Australia.

4.1 Bundestreue

“Federalism works best when each level of government conducts itself in a way that respects the others place in the system and the others responsibilities” (Wanna et al., 2009, p. 11). In those circumstances where all levels of government have a role to play, as with immigrant settlement, effective action will require joint effort. The principle of *Bundestreue* (comity) as practiced in the German federal system sees “all parties to the constitutional ‘union’ are bound to cooperate according to the nature of this union and to contribute to its consolidation and to the preservations of its interests and the well-known interests of its members” (Reich, 1963, p. 209). Critical to this legal principle is the clarity of the roles of each level of government. Such a principle would have value in the Australian federal system as governments would be required to take the legitimate concerns and interests of other governments into account in their decision-making, to negotiate in good faith and to engage in cooperation (Wanna et al., 2009). The Canada Québec Accord is an example of how comity could be applied to immigration policy. In Canada, the federal government remains solely responsible for admitting immigrants into Canada and for determining the total number of immigrants admitted annually. Under the Accord the Canadian Government takes into consideration the number of immigrants that the Government of Québec wishes to receive, as well as Québec’s criteria and conditions for residence (Labelle, 2015).

Australian governments intended the NSF to set out “focus areas for the three tiers of government to regularly engage and work together in partnership on, and to collaborate with stakeholders”...It is also the starting point for “more collaboration across all these groups to address gaps or barriers in service delivery” (DSS, 2016, p. 1). Although it is not a legal and binding contractual arrangement, the NSF is an attempt to establish some clarity, by outlining the roles and responsibilities of each level of government in the delivery of settlement services. In describing a joined-up approach the NSF states:

“All tiers of government are responsible under existing access and equity obligations to ensure that settlement and mainstream services are accessible to eligible migrants and new arrivals. All tiers, as well as the non-government sector, have an important role to play to promote social cohesion, cultural diversity and participation in civic society” (DSS, 2016, p. 6).

The NSF outlines a potential situation where all governments work collaboratively as well as with relevant stakeholders, including NGOs, in pro-

viding settlement services. The NSF provides a breakdown of responsibilities for settlement services at Commonwealth, state and local government levels. In practice, the NSF appears to have made little impact despite the agreement between governments to cooperate. The Joint Committee (2017, p. 36) found that, despite the NSF, the roles and responsibilities of Commonwealth, state and local governments still lacks clarity. As a result, there is duplication of services across jurisdictions. With duplication comes the potential for confusion by vulnerable migrants, the risk of over servicing, the lack of identity of service gaps with corresponding waste of resources. In line with the Committee findings, one NGO, the Refugee Council of Australia (RCOA), argues the lack of clarity contributes to more systemic problems that require changes in state/territory or national policies or practice. Further work is needed to refine roles and responsibilities. At the December 2018 COAG meeting there was some agreement that state and local governments produce their own settlement frameworks to better help consumers and stakeholders understand what services are available and identify funding duplication and gaps. Formally recognised state plans could contribute to a form of comity by clarifying roles that permit consideration of the concerns and interests of each government.

Evidence also suggests there are benefits from greater alignment between priorities of across Commonwealth agencies contributing to settlement programs (Joint Committee, 2017; CPD, 2017). Some argue there is little alignment between stated economic priorities for the humanitarian program – Employment, English and Education – and the current administrative arrangements for humanitarian support with responsibility for humanitarian migrants spread thinly across Cabinet Ministers and their Departments (CPD, 2017). One suggestion to strengthen clarity of roles is to centralise post-arrival humanitarian resettlement and integration policy, including employment and language support, within a Commonwealth “Office for Humanitarian Settlement,” or similar organisation, that would provide the necessary leadership to implement a new approach and improve current administrative arrangements. This would help reduce duplication by reducing the number of potential agencies in the delivery of settlement services. Current thinking on this matter suggests clearly delineating bureaucratic operations and responsibilities for humanitarian policy into pre- and post-arrival categories would help improve role clarity and open opportunities for formalised state and local government as well as NGO roles in settlement policy. This could help overcome policy implementation difficulties and, over the long-term, strengthen govern-

ance frameworks to increase the number of refugees actively participating in the labour market (CPD, 2017). In addition, clarity of roles and responsibilities within the Commonwealth would contribute to reducing gaps in governance and accountability that undermine the capacity of all other stakeholders to improve outcomes. Clarity at the Commonwealth level would help facilitate cooperation with other levels of government by streamlining and mainstreaming settlement policy.

4.2 Subsidiarity

Subsidiarity arguments in Australia are usually promoted by lower levels of government (Head, 2007). The principle of subsidiarity is intrinsic to the efficient and effective allocation of responsibilities in a federal system. It is a means of ensuring that decision-making remains close to citizens and enables the system to be judged for whether it remains responsive to the needs of citizens. State governments use subsidiarity arguments in attempts to reduce financial dependency on the Commonwealth. Local governments argue against cost shifting by the states. Arguments that support state and local governments' position on subsidiarity include, being closer to their communities, placing them in a position to represent those communities when engaging with the national level government and in consultations over national policy frameworks. The closer the proximity of government to the community, the more authentic the notion of representative democracy becomes (Wanna et al., 2009). These arguments have relevance to the participation of the different levels of government in migrant integration and settlement policy. In Zapata-Barrero and Barker's (2014) model, subsidiarity drives efficiency in the administration of immigration policy. At a functional level, services relevant to migrant settlement and integration, such as education, culture, and social services are in any case commonly subject to some form of decentralisation in multi-level polities. Subnational governments – or in some cases even municipal authorities – are therefore already accustomed to implementing policy in areas related to migrant integration and a variety of approaches is tolerated or even actively encouraged by the central state in many countries.

Federal systems have proven to be popular due largely to the capacity to allow local communities to shape policies to meet their own local preferences. This contributes to greater allocative efficiency because non-standard or differentiated service provision is better calibrated across the country. In social terms, it means communities can choose the mixture

of goods and services and the types of regulation that they prefer (Wanna et al., 2009). In most policy fields, the Commonwealth now prefers to work through other providers and mechanisms (Head, 2005). According to Head (2005), the pattern of recent decades has been to gain control through agreements, standards, and accountabilities. Most settlement services are funded by the Commonwealth, which then allocates money to states and they then distribute to local governments, that may then pass on to local not-for-profits. Distributing funding via so many levels erodes accountability, makes it difficult for services to be evaluated and for governments to assess if the funds have been used effectively. Current settlement policy and programs need to be made more genuinely cooperative and involve real devolution based on subsidiarity principles if they are to achieve ownership at lower levels (Head, 2005).

In recognition of the potential contribution of a stronger role for local government the RCOA (2014) claimed that in many smaller communities, networks tend to work more efficiently due to the small numbers of organisations and people involved. Research supports this view (Boese and Phillips, 2017) with local area coordination generally reported to be effective and practically oriented and long-term in nature. This would require both the Commonwealth and the states taking subsidiarity more seriously. This is clearly outlined in the NSF including specific roles of local governments and NGOs (DSS, 2016 pp. 6-7). It is likely that the current Australian system lacks the political incentives necessary for this to occur. The system currently tends to respond to power and conflict rather than new strategic thinking (Head, 2007, p. 167). To place greater responsibility at state and local levels for settlement policy, more research and policy development is needed on options, transitional arrangements, and the testing of public support for various objectives and institutional options. Current approaches should be improved by innovative attempts to deliver better services through a combination of national agreements, clear responsibilities for service arrangements with NGOs, and stronger approaches to state and local level policy and programs that involves genuine devolution (Head 2005). Evidence from Canada shows that state level bureaucrats, through the current COAG proposal regarding immigration policy of Australian governments, should take the opportunity to directly incorporate other participants into the intergovernmental policy processes, such as industry and community representatives. This would require both the Commonwealth and the states taking subsidiarity more seriously, and encourage local input, engagement and participation in decision-making.

4.3 Organisational Culture

Research on organisational culture indicates that “culture is central to the change process and to the attainment of strategic objectives” (Parker & Bradley 2000, p. 125). Organisational culture has been shown to affect the performance of public sector organisations and to explain why managerial reforms may have different effects on different public sector organisations (IPA, 2015). Cultural practices could be one of the most difficult aspects of Australia’s federal relations to reform. Harrison and Baird (2015) found that public sector organisational culture in Australia remains reflective of the internal process culture of bureaucracy and hierarchy, with attendant emphasis on rules, conformity and attention to technical detail. The strength of a culture of this nature could be that it provides an administrative focus for an agency’s direct responsibilities, clarifies policy carriage and offers clear lines of accountability for nominated responsibilities. Another argument however is that the weakness of this culture is that government agencies can become insular, lack of innovation and experimentation, and an absence of incentives to work cooperatively with other bodies (Wanna et al., 2009, p. 23). Barriers emerging from internally focused organisational culture are worthy of attention as cultural dynamics within departments and agencies are critical to excellence in government performance, particularly in a federal system, and to addressing complex and cross-sectoral and multilevel policy problems such as immigration settlement. Zapata-Barrero and Barker’s model highlights coordination and coherence as fundamental principles for cooperative approaches to immigration policy implementation. Cooperation between agencies at the implementation stage will be restricted if insular cultures are present. A lack of incentives to cooperate on migration issues can impact both horizontal and vertical relationships between agencies in a multilevel system.

Given the current centralised approach to immigration policy by the Commonwealth, Zapata-Barrero and Barker’s model suggests there may be challenges with cooperation when involving state and local public sector agencies. A recent review of the Australian Public Service (APS) revealed a recognition by public sector employees that there is a need for more collaborative approaches (DPMC, 2018). Within the APS there seems to be widespread recognition that there should be stronger focus on collaborating both within the APS and with different levels of government, communities, academics, non-government organisations and industry. Employees and members of the public contributing to the APS review ar-

gued that there is a need for a less siloed approach to policy development and service delivery and better communication and collaboration both in and outside the APS (DPMC, 2018). The final report of the review states there are many opportunities to improve policy development and service delivery through leveraging data, information and expertise.

The challenge associated with adopting more cooperative approaches is one of transitioning a culture based on hierarchy, with emphasis on “rules, conformity and attention to technical detail to one willing to adopt a greater emphasis on change, flexibility, entrepreneurialism, outcomes, efficiency and productivity” (Parker & Bradley, 2000, p. 125). Transition to more cooperative approaches has the potential to contribute solutions to the issue of horizontal coordination between Commonwealth agencies identified by the PC report on migration policy. Research on organisational culture in the public sector is limited. There is some agreement however that fostering collaborative cultural practices requires skills and techniques in public administration that are not always nurtured by existing organisations (Wanna et al., 2009). One set of proposals to align organisational cultures to improve cooperative federalism was proposed by the Council for Australian Federation and included:

- Committing to develop cooperative philosophies of policy making and delivery to improve the outcomes for the community,
- Recognising the inherent shared responsibilities and mutual inter-dependence involved in achieving those desired outcomes,
- Developing a preparedness to step back from some of the “old norms” of public administration such as “unilateral decision-making”, “claims of exclusive policy ownership or carriage”, “command and control” logics and “we know best” mindsets (ibid).

In addition to these proposals, reforms of organisational culture for more cooperative approaches to settlement policy would benefit from greater engagement with the public, including through more place-based co-design processes, to better understand and design solutions that are tailored for individuals and communities. The widespread view is for the Commonwealth to do more to tap into citizen experience and use feedback to improve policies and services (Joint Committee, 2017; SCOA, 2018). The review of the APS argued there should be more partnering with different levels of government, the public, industry and business to reduce duplication and provide more efficient and effective services.

Scholarly research suggests reforming organisational culture in public sector organisations will be problematic and challenging. The results of

Australian analysis support the claim that “existing cultures have tremendous inertia” (Denison, 1990, p. 190). According to Harrison and Baird (2015), their research serves to highlight an inherent problem in the public sector; that is, while the new public management approach can propagate accountability, efficiency and effectiveness, it may be that realisation of these objectives is constrained by the prevailing organisational culture. Research by Sullivan and Skelcher (2002) on public sector organisations in the UK working across boundaries revealed five key imperatives which dictate whether or not actors and organisations will be pushed towards collaborating with each other: achieving shared vision; maximising the use of available resources; addressing complexity in policy or service environments; maximising power and influence in relation to a policy or service area; and resolving conflict (Durose & Rummery, 2006). COAG has agreed to ensure that the migration program is informed by the needs of local communities, as one element of strengthening coordination of population planning and management across all levels of government (COAG, 2018). It is too early to tell if the new approach will include some assessment of how cooperation can be supported by reforms within the agencies implementing new approaches. Canadian experience since 1990 shows that the decision to give provinces more authority over immigration revealed the different dynamics of immigration policy-making at the national and subnational levels. Provincial bureaucrats have been entrepreneurial in policy activism, pushing forward pro-immigration policies, and in convincing elected officials to become interested in this issue (Paquet, 2015, p. 1831; Collins, 2018).

5. Conclusion

This paper raises a number of concerns regarding the capacity of Australian governments to cooperate on integration and settlement of immigrants under current governance arrangements. The dominance of the centralising tendencies of the Commonwealth restricts the opportunities for state and local governments to make more meaningful contributions. Despite the drafting of the NSF to support higher levels of cooperation, the current situation results in inefficiencies that fail to benefit from coordinated actions between governments, NGOs and volunteer organisations. These inefficiencies are a call to the Commonwealth to recognise a centralised approach needs to be reconsidered. The impact of migration on other policy areas, including state responsibilities, and the impact of other policy

areas on migration outcomes creates the need for a more cooperative approach. Research on cooperative federalism in Australia provides insights into the opportunities and challenges facing governments in moving to more coordinated approaches to migration.

If Australia is to move from a centrist toward cooperative approaches to immigration policy as outlined in the Zapata-Barrero and Barker (2014) framework then new strategies need to be identified to reconceptualise Australian immigration settlement policy development and implementation. Challenges remain as cooperation requires a mix of top down and bottom up approaches based on genuine consultation between equal policy partners. The states remain important policy actors. They still provide or regulate most of the essential services, including the supply of electricity and water, health, education, police, prisons and public transport. Local knowledge and sensitivities matter in politics and in immigration policy. The reality however, is that state governments are part of a federation in which the Commonwealth government is fiscally dominant and has greatly expanded its policy ambition and reach over the past century.

This paper reveals that much work is needed to face the challenges and opportunities posed by migration settlement in the Australian context. The coordination of integration and settlement policy could be improved through clarity of the roles and responsibilities of each level of government in the implementation of immigration policy, following subsidiarity principles in allocating roles to the most appropriate level of government and NGOs, and ensuring a culture of cooperation is encouraged and supported within Commonwealth agencies that supports bottom up as well as top down approaches to the development and implementation of policy. The political sensitivity of migration policy in the Australian context as well as the complexities of multilevel governance on federal principles will be ever present obstacles to meaningful cooperation. The ongoing use by the Commonwealth of immigration as a leading driver of economic growth will ensure the need for a reconceptualisation toward cooperation that will only intensify as the inefficiencies of a centralised approach become increasingly evident.

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RECONCEPTUALISING THE GOVERNANCE OF MIGRATION POLICY IN AUSTRALIA: FROM CENTRALISED TO COOPERATIVE APPROACHES

Summary

This article offers a comprehensive assessment of the current trends in the governance arrangements of migrant settlement policy in Australia. It outlines the context of migrant policy as an important element of nation building and in contributing to the most multicultural society in the OECD. While immigration remains popular with the majority of Australians it is not without challenges in terms of coordination between levels of government to achieve effective outcomes. The lessons from Australia have relevance for other multilevel systems in terms of the need for cooperative approaches that combine top down and bottom up contributions from government agencies at all levels and non-government organisations. The article provides an analysis of governance issues from the perspective of the major stakeholders. The key question addressed in this paper is; what are the key challenges and opportunities of establishing cooperative approaches to immigration policy in a multilevel system? Issues involved in a potential transition of Australia's immigration policy from a centralist approach to a more cooperative approach will be examined through the lens of a framework of analysis that consists of three scenarios for the structure of immigration policy: the centralist, the cooperative and the asymmetric scenarios.

Keywords: Australia, migration policy, intergovernmental cooperation, governance

REKONCEPTUALIZACIJA UPRAVLJANJA MIGRACIJSKOM POLITIKOM U AUSTRALIJI: OD CENTRALIZIRANOG DO SURADNIČKOG PRISTUPA

Sažetak

Rad pruža sveobuhvatnu analizu suvremenih trendova u provedbi politike naseljavanja migranata u Australiji. Migracijska politika prikazuje se kao važan element u izgradnji države, a ona je zaslužna i za razvoj kulturološki najraznovrsnijeg društva među zemljama članicama Organizacije za ekonomsku suradnju i razvoj. Iako većina Australaca podržava doseljeništvo, ono predstavlja izazove suradnji među svim razinama vlasti koja je nužna kako bi se postigli učinkoviti rezultati. Australski primjer upozorava na potrebu da se u višerazinskim sustavima upravljanja razvije zajednički pristup i suradnja te da se osigura "top down" i "bottom up" sudjelovanje državnih i nevladinih organizacija na svim razinama vlasti. Rad analizira problematiku upravljanja s gledišta glavnih dionika. Pitanje koje postavlja je s kojim se ključnim izazovima, ali i mogućnostima, susreću višerazinski sustavi vlasti kada pristupaju izgradnji suradničkih odnosa u implementaciji migracijske politike. Problematika mogućeg prelaska s centraliziranog na suradnički pristup u kontekstu australske migracijske politike promatra se kroz analizu triju mogućih scenarija strukturiranja migracijske politike: centraliziranog, suradničkog i asimetričkog scenarija.

Ključne riječi: Australija, migracijska politika, međurazinska suradnja, governance