

## JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

\*Q72\*

**Question:** What is the CISSR? Who are the members? How often does it meet? Can we see copies of the minutes of these meetings from its establishment in November 2009?

**Answer:** The Council for Immigration Services and Status Resolution (the CISSR) is an advisory council to the Minister for Immigration and Citizenship. The CISSR provides independent advice on policies, processes, services and programs necessary to achieve the timely, fair and effective resolution of immigration status for people seeking migration outcomes in Australia.

The members are as follows:

Mr Paris Aristotle AM (Chair)

Air Marshal Ray Funnell AC (Retd) (Deputy Chair)

Ms Kerrin Benson

Ms Caz Coleman

Mr Noel Clement

Ms Libby Lloyd AM

Dr Maryanne Loughry AM

Associate Professor Harry Minas

Professor Nicholas Procter PhD RN

Dr Jamal Rifi

Professor Samina Yasmeen

The CISSR meets at least four times a year. Minutes from these meetings have been attached.

**IN-CONFIDENCE**

**MINUTES  
COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION  
(CISSR)  
INAUGURAL GENERAL MEETING  
21 October 2009  
Department of Immigration and Citizenship (DIAC) National Office  
Canberra, Australian Capital Territory (ACT)**

**ATTENDEES**

**Council**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Mr Noel Clement  
Ms Libby Lloyd AM  
Associate Professor Harry Minas  
Associate Professor Nicholas Procter  
Professor Samina Yasmeen

Apologies    Ms Caz Coleman  
                  Dr Maryanne Loughry  
                  Dr Jamal Rifi

**Minister and Staff**

Senator the Hon Chris Evans, Minister for Immigration and Citizenship  
Ms Allison Henry, Advisor to the Minister  
Mr Isaac Trienen, Advisor to the Minister

**Department Staff**

Mr Andrew Metcalfe, Secretary  
Mr Bob Correll PSM, Deputy Secretary

**Community and Detention Services Division (CDSD)**

Ms Jackie Wilson, First Assistant Secretary (FAS)  
Ms Jan Tankiang, Assistant Secretary (AS), Policy and Planning Branch  
Ms Fiona Lynch-Magor, AS, Services Management Branch  
Mr Chris Linton, A/g AS, Tender Management Branch  
Mr Daniel Caldwell, Director, Stakeholder Engagement Section  
Dr Jon Rosalky, Director, Community Assistance Support Section  
Ms Jo Boardman, A/g Director, Client Support and Liaison Section  
Ms Jennifer Bryant, CISSR Secretariat  
Ms Evangelia Nucifora, CISSR Secretariat  
Ms Heather Donnellan, CISSR Secretariat

**Compliance and Case Resolution Division (CCRD)**

Ms Alison Larkins, FAS  
Mr Robert Illingworth, AS, Compliance and Integrity Strategy Branch  
Ms Lynne Gillam, AS, Compliance Resolution Program Management Branch  
Mr Charles Wann, Director, Community Status Resolution Section

## **AGENDA ITEM 1: WELCOME AND INTRODUCTIONS**

Mr Paris Aristotle AM, Chair, Council for Immigration Services and Status Resolution (CISSR) welcomed the Members of the Council and expressed his gratitude to Members for agreeing to join the Council.

Mr Aristotle noted the opportunity before the Council to make a substantial and practical contribution to the work of the portfolio, particularly with respect to providing advice to the Minister and the Department on the development of a holistic approach to the timely status resolution for clients. Departmental Officers and Members in attendance were then invited to make introductory remarks.

### Department

Mr Bob Correll PSM, Deputy Secretary, opened the introductory remarks on behalf of the Department, discussing the recent reforms undertaken by the Department, noting that the Compliance and Detention divisions are working together to resolve the status of our clients and doing so fairly and humanely. Mr Correll identified the Department's goal of becoming the best Immigration Department in the world and acknowledged Mr Aristotle's similar commitment to strive for leadership and best practice in this respect.

Ms Jackie Wilson, First Assistant Secretary, Community and Detention Services Division welcomed the Council, inviting its participation in the work of her Division, including detention contract transition, the key immigration detention values, residential housing arrangements and the provision of community-based services provision. Ms Wilson also welcomed the involvement of the Council in advising the Department on its arrangements for Christmas Island including case management and services provision to support timely status resolution.

Ms Alison Larkins, First Assistant Secretary, Compliance and Case Resolution Division welcomed the Council, inviting its participation in the work of her Division which has responsibility for resolving the immigration status of a range of clients including visa over stayers, bridging visa E clients and those people in immigration detention.

### Members

Air Marshal Ray Funnell AC (Retd), referenced his contributions to the immigration portfolio, since 1999, being: a part of the Minister's Advisory Council on People Smuggling and a Member of Immigration Detention Advisory Group (IDAG) from 2001-2009.

Ms Kerrin Benson, discussed her role as CEO of the Multicultural Development Association, in providing systemic advocacy and community development for people resettled in Brisbane. She described her work in domestic violence, department of housing and refugee housing.

Ms Libby Lloyd AM, discussed her background and rationale for accepting a position on the Council, being: her significant work with Indo-Chinese refugees in the late 1970s, her work with Iraqi boat arrivals, her role in international development and as the Chair of the National Violence Against Women Advisory Group.

Mr Noel Clement, described his work with the Australian Red Cross, specifically in refugee and humanitarian work in Australia wide programs. He cited his role in providing services in consultation with the Department such as the Asylum Seeker Assistance scheme, Community Assistance Support program, Community Care Pilot, Immigration Detention Visits Program, reconnecting families, community and public health.

Associate Professor Nicholas Procter, stated his background in nursing and his work across disciplines, within Health Services at the University of South Australia (SA), he also described his work in the Peace Defence, working with Torture and Trauma counselling and Mental Health Screening.

Associate Professor Harry Minas, described his role at the University of Melbourne and the Centre for International Mental Health. He referenced his work with the IDAG and expressed his delight at the Council having been formed to bring together the work of the IDAG and other aspects of the Immigration Portfolio. Professor Minas referenced the work of the Detention Health Advisory Group (DeHAG) in implementing a range of work that advanced issues in the Health Forum.

Professor Samina Yasmeen, described her work as Director of Muslim States and Societies and her contribution to international politics, she referenced her work with Muslim identities within Australia and her contribution to the Australian Red Cross.

Mr Aristotle emphasised the importance of ensuring the Council is not drawn on the current public debate surrounding irregular maritime arrivals, and instead remains focussed on the broader mandate of the group in providing independent advice aimed at facilitating the timely, fair, and effective resolution of immigration status for people seeking asylum or other migration outcomes in Australia.

Mr Aristotle identified the need for a strong practical approach to the work of the Council, noting that there is much to accomplish within its two year mandate. Given this substantial workload, it will be important to think carefully about the allocation of the Council's resources, including the need to share the workload across the group and the identification of specific areas of focus for the Council which make best use of Member's time and expertise through the establishment of a sub-group framework.

Mr Aristotle also acknowledged the need for Council to work closely with both the CDSD and the CCRD to ensure an integrated approach to services provision, case management and status resolution.

Following discussions on the role and priorities of the Council, Mr Aristotle summarised the Council's objective as ensuring that immigration services and status resolution processes achieve a timely outcome for people – ethically – in a complex global environment and a challenging operational context.

## **AGENDA ITEM 2: MINISTER'S ADDRESS**

Mr Aristotle welcomed the Minister and the Secretary to the meeting and expressed his appreciation for the opportunity to contribute to the work of the portfolio on behalf of Council.

Senator the Hon Chris Evans, Minister for Immigration and Citizenship, thanked Council Members for accepting a position on the council, noting the wide range of skills and expertise of the group as a whole.

The Minister acknowledged the hard work and valuable contributions of the Immigration Detention Advisory Group over the past 8 years. He recognised that with increased involvement of the Commonwealth Ombudsman, the Australian Human Rights Commission and other oversight bodies, the role of the Council could now grow to include policy input on the way forward, rather than playing a primary role in scrutinising what we currently do.

The Minister underscored the importance of evidence based policy development and decision making and emphasised the need for developing and maintaining a humane system which ensures integrity and compliance and fosters positive relationships with clients. He outlined his intention to encourage a bipartisan approach to this issue which gives credit for past achievements and builds upon these areas of success. He acknowledged the significant improvements that have already been made by the Government including substantial reductions to the onshore and long term caseloads, faster turnover of clients and improvements to the removals process for those found to not have a right to stay.

The Minister invited the Council to provide feedback on the reforms, noting that the continued resourcing of a particular program should depend on its continued relevance and ability to provide the right services to the right people. It will be the evidence base that should determine what stays the same and what changes. He noted that timely and effective resolution of immigration status, and not social welfare, remains the priority of the Department and that support and care provided to clients should be results driven in this respect.

## **AGENDA ITEM 3: TERMS OF REFERENCE**

Mr Aristotle opened the floor for discussion on the terms of reference. There was observation that the Terms of Reference are quite broad and encompassing.

### Discussion

There was discussion about the way advice would be provided to the Minister and it was noted this would be further explored following discussion of the forward work program and possible sub-groups.

There was discussion about the ability to co-opt people from outside the Council's membership where this is required to bring necessary expertise to the work of the group – such as someone with legal expertise.

## **OUTCOMES**

**Agreed:** The Chair noted the consent of Council members on the Terms of Reference.

## **AGENDA ITEM 4: CURRENT DETENTION LEGISLATION**

### Presentation

Mr Robert Illingworth presented on the *Migration Amendment (Immigration Detention Reform) Bill 2009* (the Bill), This Bill establishes the purposes of immigration detention as managing risk to the Australian community and resolution of immigration status. The Bill introduces the following:

- new principles in regard to immigration detention, particularly in relation to children.
- requirements of an officer to make reasonable effort to ascertain identity, security and health issues – and resolve the immigration status of the detainee (except those being processed in an excised offshore place)
- delegation of the Minister’s power to make residence determinations; and
- creates a temporary community access permission (TCAP) allowing a detainee to be outside a detention facility without an escort.

Mr Illingworth explained that the Bill also notes that a person’s immigration status is resolved through grant of substantive visa or departure from Australia. Government-sponsored amendments to the Bill have been drafted to reflect recommendations from the Senate Legal and Constitutional Affairs Committee and other stakeholders. Mr Illingworth described the intention that DIAC decisions to detain (or grant of Bridging Visa) be justifiable on the basis of risk.

### Discussion

Mr Aristotle asked what guidance the Department provided to Departmental officers to assist them in applying the best interests of the child. Ms Larkins responded that the proposed new Ministerial Direction will provide that guidance for staff.

Mr Clement mentioned a case where a person was detained because they were destitute and failed to comply with the ‘no work’ condition on their visa. Mr Clement observed that this scenario would not happen under a case management system, stressing the importance of having this change written into the legislation.

## **OUTCOMES**

**Agreed:** The Council thanked Mr Illingworth for his presentation, agreeing that further discussions would be required at the next meeting, owing to time constraints.

<b>ACTION 1</b>	Secretariat to set next agenda item to discuss the Migration Amendment (Immigration Detention Reform) Bill 2009
<b>ACTION 2</b>	Compliance and Case Resolution Division to provide Members with a package of information including Reform Bill, 2nd Reading speech, the explanatory memorandum and information on s501 cancellations
<b>ACTION 3</b>	Case Management & Review Branch to provide Members with further briefing on Children and Minister’s Direction: Best Interests of the Child

## **AGENDA ITEM 5: CONTRACT TRANSITION**

### Presentation

Mr Chris Linton, A/g AS Tender Management Branch, presented a history of the tender and transition processes including an introduction to the new services Provider, Serco.

### **OUTCOMES**

**Agreed:** The Council thanked Mr Linton for his presentation.

## **AGENDA ITEM 6 (a): STATUS RESOLUTION FRAMEWORK**

### Presentation

Mr Charles Wann presented on the Community Status Resolution Framework.

The presentation covered the evidence base for and main elements of the department's approach to resolving status, including the establishment of the Community Status Resolution Service.

Central to this risk based approach is early engagement with clients, drawing on a suite of tools to help resolve status as quickly as possible while the client remains in the community, though recognising that for certain groups in the compliance caseload it may still be necessary to detain and remove.

Mr Wann outlined some evidence to date which indicated the approach was generating some positive results.

Ms Larkins explained that the work was based on the evidence that the Department has gathered from trialling informed good ideas made by people with specific knowledge in the appropriate areas.

### Discussion

Associate Professor Procter raised the issue of methodology and enquired into what tests were being done in order to ensure that the service is working to potential.

Associate Professor Minas raised the issue of being able to differentiate between different client circumstances and being able to provide services accordingly.

### **OUTCOMES**

Associate Professor Minas suggested that the Department undertake research into the predictors used in order to categorise the caseload. This research would prescribe the services required for each client. He proposed this research in order to create an evidenced based approach to applying services and systematic testing into the effectiveness of case management.

## **AGENDA ITEM 6 (b): CASE MANAGEMENT**

### Presentation

Ms Alison Larkins presented on Case Management Services, introducing case managers as those who ensure that the most vulnerable clients receive individualised and active support whilst working towards a timely immigration outcome.

Ms Larkins emphasised the aims of achieving a faster immigration outcome and reducing the risk of adverse impacts on clients, with good documentation and accountability, regular review and appropriate focus on minors and other vulnerable groups. Ms Larkins explained the advocacy role of case managers, including the need to obtain an outcome quickly and appropriately, maintaining a client-centred approach and escalating to National Office where policy gaps are identified.

In establishing the Case management service it was initially the intention to employ people with relevant professional background including social workers and psychologists. Over time Departmental staff without these backgrounds have also moved into these roles.

Ms Larkins advised that there is a list of vulnerability indicators, which are used to screen clients into Case Management. Work is also being undertaken by Foundation House which will inform how clients are referred into Case Management.

#### Discussion

Members discussed the professional background of case managers, noting that there is a wide range of health backgrounds including social workers, psychologists and other professionals.

Members discussed some of the vulnerability indicators of clients including lack of family support, lack of English and discussed the importance of cultural awareness training provided to case managers.

Ms Larkins stated that there is a lot of work being undertaken in this area with respect to indicators and predictors and undertook to provide more detailed briefing at the next meeting.

#### **OUTCOMES**

**Agreed:** Members agreed that there should be further discussion on Case Management at the Councils' next meeting.

<b>ACTION 4</b>	Members to be provided with further briefing on case management.
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#### **AGENDA ITEM 7(a): COMMUNITY BASED SUPPORT SERVICES**

##### Presentation

Ms Lynch-Magor presented on Community Based Support Services, providing Council with an analysis of the client group and a summary of the services that are currently provided, before presenting on current strategies to improve service delivery. These strategies include a vulnerability study to inform the development of assessment and triaging mechanisms and reforms to achieve a more coherent and integrated service delivery approach to community based services. Ms Lynch-Magor identified as a priority strengthened linkages between service provision and timely status resolution, and the opportunity to integrate future service delivery arrangements to be more coherent, drive efficiencies and better align services to client needs.



Discussion

Members acknowledged that clients in all three of the community based support services, that is, Community Assistance Support (CAS), the Asylum Seeker Assistance (ASA) scheme and the Immigration Advice and Application Assistance Scheme (IAAAS) receive similar services. It was suggested that the three services should be combined before going to tender.

Ms Lynch Magor noted that she envisaged a role for the Council, possibly through the establishment of a sub-group that would focus on assuming a cohesive approach to engagement of non-government organisations and other stakeholders in the delivery of services.

The Chair agreed that there was a role for the Council, noting the possibility of probity issues with respect to any future procurement arrangements, such as tendering for services, given Council membership. Mr Aristotle suggested that the Council would undertake research into which areas of the Community Care Pilot were most successful and made the most impact.

**OUTCOMES**

**Agreed:** Members thanked Ms Lynch-Magor for her presentation and requested further updates on the services delivery framework.

<b>ACTION 5</b>	<b>Case Management to provide Members with an outline of the client life cycle</b>
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**AGENDA ITEM 7(b): CHRISTMAS ISLAND**

Ms Jackie Wilson presented an item on Christmas Island operations. The presentation covered a description of the facilities, an explanation of the role of immigration as the lead agency, the capacity of the facilities and current issues with capacity.

Discussion

The Council enquired about the health services provided on Christmas Island, with Ms Wilson advising that the health services on Christmas Island are provided by IHMS and IOTHS and are a hybrid of long-standing and new services combined. Ms Wilson further outlined the provision of health and mental health services and how the agencies had streamlined the health check process by carrying out the health checks while clients are being transported to Christmas Island.

The need for a reinvigorated relationship between the Detention Health Advisory Group (DeHAG) and CISSR was identified by Council, with Associate Professor Minas suggesting the possibility of DeHAG routinely reporting on Christmas Island health services provision to CISSR, with particular focus on the provision of mental health services.

Ms Wilson asked the Council to consider how the Department can continue to provide the high standards of service on Christmas Island.

## **OUTCOMES**

**Agreed:** Members thanked Ms Wilson for her presentation and agreed that there is a role for the Council in ensuring high standards of service on Christmas Island.

## **AGENDA ITEM 8: FORWARD WORK PROGRAM**

### Discussion

Discussion of the forward work program focussed on the contribution of the Council in assisting the Department in its development of integrated service delivery and case management, particularly with respect to minors and other vulnerable groups and the use of Christmas Island. The Council's future stakeholder engagement role was briefly discussed, with resolution for a more detailed discussion to be held over until the next meeting.

The sub-groups and convenors provisionally identified were:

### Integrated Service Delivery Framework sub-group:

- Mr Paris Aristotle (convenor)
- Ms Kerrin Benson
- Mr Noel Clement
- Ms Caz Coleman
- Ms Libby Lloyd

### Research and Evaluation sub-group:

- Associate Professor Harry Minas (convenor)
- Dr Maryanne Loughry
- Professor Samina Yasmeen
- Associate Professor Nicholas Procter

### Christmas Island sub-group:

- Mr Paris Aristotle (convenor)
- Air Marshal Ray Funnell (Retd)
- Ms Libby Lloyd
- Dr Maryanne Loughry
- Associate Professor Nicholas Procter
- Professor Samina Yasmeen

### Mainland Detention Centres sub-group:

- Air Marshal Ray Funnell (Retd) (Convenor)
- Ms Kerrin Benson
- Ms Caz Coleman
- Dr Jamal Rifi

## **OUTCOMES**

**Agreed:** Final membership of sub-groups to be confirmed following out of session discussions with Members.

**Agreed:** Stakeholder engagement would remain a matter for the Council as a whole, with specifics of an engagement strategy to be discussed at a later date.

**Agreed:** The Department to use CISSR as a point of reference for trialling / testing its thinking as integrated service delivery and case management models are developed.

<b>ACTION 6</b>	Further information to be provided to members on Ministerial Direction <i>Best Interests of the Child</i>
<b>ACTION 7</b>	Department to provide Members with an analysis of the impacts of the local CI community on people in detention on the Island
<b>ACTION 8</b>	Secretariat to organise logistics for a visit to Christmas Island for those Members available to attend

#### **NEXT MEETINGS**

Melbourne            10 – 11 November 2009.

Sydney                10 – 11 December 2009.

Canberra            10 – 11 February 2010.

Venue TBA            6 – 7 May 2010.

**IN-CONFIDENCE**

**MINUTES  
COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION  
(CISSR)  
SECOND GENERAL MEETING  
10-11 November 2009  
Novotel Melbourne on Collins  
Melbourne, Victoria**

**ATTENDEES**

**Council**

Mr Paris Aristotle AM (Chair)  
Ms Kerrin Benson  
Mr Noel Clement  
Ms Caz Coleman  
Ms Libby Lloyd AM  
Dr Maryanne Loughry  
Associate Professor Harry Minas  
Professor Nicholas Procter  
Dr Jamal Rifi  
Professor Samina Yasmeen

Apologies     Air Marshal Ray Funnell AC (Retd) (Deputy Chair)

**Ministerial Staff**

Ms Allison Henry, Advisor to the Minister

**Department Staff**

**Community and Detention Services Division (CDSD)**

Ms Jackie Wilson, First Assistant Secretary (FAS)  
Ms Jan Tankiang, Assistant Secretary (AS), Policy and Planning Branch  
Ms Fiona Lynch-Magor, AS, Services Management Branch  
Mr Daniel Caldwell, Director, Stakeholder Engagement Section  
Ms Jo Boardman, A/g Director, Client Support and Liaison Section  
Ms Jennifer Bryant, CISSR Secretariat

**Compliance and Case Resolution Division (CCRD)**

Ms Alison Larkins, FAS  
Ms Lynne Gillam, AS, Compliance Resolution Program Management Branch  
Mr Dermot Casey PSM, AS, Case Management and Review Branch

## **AGENDA ITEM 1: WELCOME AND INTRODUCTIONS**

Mr Paris Aristotle AM, Chair, Council for Immigration Services and Status Resolution (CISSR) opened the meeting and invited introductions from those Members attending their first meeting.

### Members

Ms Caz Coleman, Dr Jamal Rifi and Dr Mary Loughry introduced themselves to the Council.

## **AGENDA ITEM 2: Correspondence and action items, Summary of forward work program**

There was no correspondence.

Discussion of the forward work program focussed on how members could provide the Minister with advice. Mr Aristotle commented on probity issues regarding the Integrated Service Delivery Framework and reflected on his conversation with the Department's Chief Lawyer. The advice was that there may eventually be some issues for Members who are participating in sub-groups, as their agencies may wish to tender in the future. However, at this time a tender is more than 12 months away.

The sub-groups and convenors identified were:

### Integrated Service Delivery Framework

Mr Paris Aristotle AM (convenor)  
Professor Nicholas Procter  
Ms Kerrin Benson  
Mr Noel Clement  
Ms Caz Coleman  
Ms Libby Lloyd AM

### Research and Evaluation

Associate Professor Harry Minas (convenor)  
Dr Maryanne Loughry  
Professor Samina Yasmeen

### Christmas Island

Mr Paris Aristotle AM (convenor)  
Air Marshal Ray Funnell AC (Retd)  
Ms Libby Lloyd AM  
Dr Maryanne Loughry  
Professor Samina Yasmeen

### Mainland Detention Centres

Air Marshal Ray Funnell AC (Retd) (convenor)  
Ms Kerrin Benson  
Ms Caz Coleman  
Dr Jamal Rifi

### Discussion

Members discussed Community Consultative Groups (CCGs) and resolved that it may be useful and appropriate for state-based chairing of CCGs as the Department moves through transition to new service providers. The issue of members chairing CCGs can be reviewed in six months. Members are encouraged to visit their local facility and meet with the Regional Manager.

### **OUTCOMES**

**Agreed:** Members agreed to chair CCG meetings in their state every month and review the arrangement in six months.

<b>ACTION 1</b>	<b>DIAC to provide Members with information on Community Consultative Groups</b>
<b>ACTION 2</b>	<b>Secretariat to arrange for Members to meet with the Regional Manager in their state</b>

### **AGENDA ITEM 3: DIAC TRANSFORMATION**

#### Presentation

Ms Alison Larkins and Ms Jackie Wilson presented on the DIAC Transformation, identifying efficiency of programs and services and the effectiveness of policy development and implementation as the key drivers. Members were given an outline of the new structure which includes three groups: policy and program management, client services and business services.

#### Discussion

Members discussed the potential risks with separating policy from operations and the need to ensure good internal communication and cooperation to overcome this. Members expressed interest in understanding how the transformation would effect CISSR's interactions and support networks within the Department. It was noted that transformation has a long (12 month) lead time in order to allow time to work through such issues and that Community & Detention Services Division (CDSD) and Compliance and Case Resolution Division (CCRD) would work through this and apprise the Council at a future time.

### **AGENDA ITEM 4: CASE MANAGEMENT**

#### Presentation

Mr Dermot Casey commenced the discussion on Case Management by giving an outline on the history of Case Management in the Department and outlined some recent improvements and achievements including prioritising speedy resolution, positive engagement with Clients and triaging support based on need to ensure the most effective use of limited resources.

Mr Casey described the current shift from an individual case officer approach to a team-based approach where officers are able to share expertise and contribute cooperatively in providing whole-of-client care. He noted the opportunity this presents in allowing for greater skills transfer and support for less experienced case officers.

Mr Casey noted the special difficulty of maintaining an inclusive care and case management philosophy in a regulatory environment which by nature excludes some clients and invited Council's assistance in meeting this challenge.

#### Discussion

Members discussed the qualifications of case management staff, noting that other industries use a model with more experienced team leaders and utilise a team focus instead of task focus.

Council noted the opportunities for a Research and Evaluation sub-group to use the reform of Case Management as an opportunity to build the evidence base, particularly with respect to implementation at a local level, with members noting the importance of empowering staff in the network to be problem solvers and solutions focussed.

#### **OUTCOMES**

**Agreed:** Ms Larkins and Ms Gillam to provide a paper on case management, via the Secretariat, to be considered by the Research & Evaluation sub-group.

<b>ACTION 3</b>	<b>Secretariat to include case management as an item on the Research &amp; Evaluation sub-group agenda</b>
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#### **SPECIAL TOPIC – MINORS IN DETENTION**

Arising from the Case Management discussion, Ms Henry drew attention to the management of minors in detention as an area where Council's advice is required.

Mr Casey identified the challenge of identifying minors, noting that as many as 40% of the cohort treated as minors could be over 18. Mr Casey sought Members' advice on how to treat people who claim to be minors and the associated risks of doing so. The risks may include public criticism, other people in detention feeling discriminated against and influences of adults on true minors.

#### **OUTCOMES**

**Agreed:** A 'Minors Taskforce' is to be established, for an initial period of six months to focus on the handling of minors on Christmas Island.

#### Minors Taskforce Membership

Ms Libby Lloyd AM (convenor)

Professor Samina Yasmeen

Professor Louise Newman (member of Detention Health Advisory Group and Chair of the Mental Health Sub-Group).

<b>ACTION 4</b>	<b>Facilitate a meeting of the Minors Taskforce</b>
<b>ACTION 5</b>	<b>Secretariat to facilitate Ida Kaplan from Foundation House to present draft findings at the next meeting</b>

## **AGENDA ITEM 5: MIGRATION AMENDMENT BILL**

Following discussions at the Inaugural CISSR meeting on 21 October 2009 members were provided with papers on the Migration Amendment Bill on 2 November 2009. Members were invited to provide any feedback directly to Ms Larkins.

## **AGENDA ITEM 6: RESEARCH AND EVALUATION**

Members discussed preliminary papers which identify areas of research and evaluation that the Council could provide advice on to the Minister. Members agreed that a coherent program of research would be required, which takes a long term vision and generates efficiency in terms of governance and procurement arrangements.

Areas of interest initially identified by Members were case management and minors. There was further discussion about the specific role of the Council with respect to research, with Members confirming that it is appropriate for the subgroup to provide advice to the Minister on areas of priority for research, rather than being responsible for commissioning or conducting specific research.

Members noted the opportunity for Departmental research to be planned and designed to complement research already being undertaken in other spheres such as NGO research, and the Department noted that it is already exploring existing evidence bases as a means of economy.

## **OUTCOMES**

**Agreed:** The Research & Evaluation subgroup will teleconference with key staff from CDSD and CCRD to clarify priority areas for research and to discuss the current research priorities for the Department. This will be followed by a meeting with Rebecca Irwin, First Assistant Secretary, Strategic Policy Research & Evaluation.

<b>ACTION 6</b>	<b>Sub groups to produce a one page summary of priorities for Research and Evaluation</b>
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## **AGENDA ITEM 7 – CHRISTMAS ISLAND**

### Presentation

Ms Jackie Wilson presented a summary of the facilities and current capacity of Christmas Island. Ms Wilson described what is being done to adjust the facilities to meet the changing demands on Christmas Island. Ms Wilson asked Members to consider practical suggestions for how to best manage the number of people considering the current difficult circumstances.

Professor Yasmeen and Ms Lloyd provided a summary of their visit to Christmas Island observing:

- Some *Life without barriers* staff appear to require additional cultural training
- High levels of security at North West Point facilities a concern
- Appears to be high levels of disengagement by people being detained due to lack of activity
- Living arrangements are generally good
- Case processing is happening quickly
- Serco management is making a good impression



- Development of greenery and garden areas is positive
- Utility in spending a longer time on Island (rather than same day turnaround) to get a better impression of life on-Island.

#### Discussion

Members identified concern that the positive mood on-Island may be closely linked to the high percentage of positive outcomes and speedy turnover of cases. There is a need to ensure the Department has contingency plans in place if the percentage of acceptances falls. Expanding operations to 'maximum capacity' is a real concern in this respect as there is less possibility to 'quarantine the contagion of anxiety'. Expansion also presents problems more generally as it becomes more difficult to provide services within resource and accommodation constraints.

Members discussed the use of religious service providers, doctors and third parties as pastoral care officers as a practical measure to keep the clientele engaged and to de-escalate problems quickly.

#### **OUTCOMES**

**Agreed:** Members will consider practical measures to manage the large numbers on Christmas Island.

#### **AGENDA ITEM 8: 'THE SANCTUARY' VISIT**

#### **AGENDA ITEM 9: 'BOX HILL' VISIT**

#### **End of Day One**

#### **AGENDA ITEM 10: REVIEW OF FIRST DAY**

Mr Aristotle opened the floor to Members to provide feedback on the previous day.

#### Discussion

Members raised the following:

- CISSR should try to understand the motivation of people coming by boat to Australia
- the role of CISSR in case management
- the ethical underpinning of the support given to asylum seekers including 89% of Centrelink payments
- outcome for permanent residents of Christmas Island if the government changes policy on detaining people on Christmas Island
- support for staff especially if more people are refused asylum.

#### **AGENDA ITEM 11: CHRISTMAS ISLAND AND MAINLAND DETENTION CENTRES**

Agenda Item 7 was continued on day two and also included discussions about mainland immigration detention centres.

#### Discussion

Members suggested that the Department consider using more people from the ethnic communities in Australia. For example, Tamil cooks or community leaders

to provide interpreter and pastoral care. Members raised the issue of providing ethnic communities in Australia with correct information and engaging these groups in problem solving.

The Members discussed managing communication on Christmas Island in smaller groups and also suggested that Clients be engaged with the more complex problems and be invited to put forward solutions.

Mr Aristotle reminded the Council of the Department's request that Members consider suggestions and improvements for services and structures which are supportive of Clients and enable speedy status resolution.

Mr Clement suggested that a village set up would support people such as Torture and Trauma survivors better.

## **OUTCOMES**

### **Agreed:**

Some Members indicated an interest in travelling to Christmas Island with Ms Wilson.

#### **ACTION 7**

**Secretariat to arrange travel for Members to Christmas Island with Ms Wilson**

## **AGENDA ITEM 12: VILLAWOOD IMMIGRATION DETENTION CENTRE REDEVELOPMENT**

Ms Tankiang provided a review of the current redevelopment of Villawood Immigration Detention Centre (VIDC).

## **AGENDA ITEM 13: SERVICE DELIVERY FRAMEWORK**

### Presentation

Ms Fiona Lynch-Magor provided a presentation to the Council on the Service Delivery Framework. Ms Lynch-Magor discussed the issue of probity and that the Department would be funding a probity advisor for the Council.

Ms Lynch-Magor noted that it would be many months before a tender process would commence. Ms Lynch-Magor asked the Council to consider how to use the assessment tool to target the services appropriately.

### Discussion

The Members of the Council discussed the issue of probity.

Members raised the possibility of 'wrap around services' a concept utilised in other areas such as aged care which ensures that people receive the services they need not just what is available.

Members raised the issue again of the importance of ensuring service provider staff are apprised of the Department's vision and the risks of wrong information being given to people in detention. Members suggested the Department hold information sessions.

Associate Professor Minas identified a role for the Research and Evaluation sub-group to evaluate triaging of services. Members discussed the costs

associated with Research and Evaluation and using evidence-based research to influence the impact of funding.

Ms Henry informed the Council that the Minister had been reviewing programs such as Community Detention and considering ways of streamlining them.

Mr Aristotle reminded the Council that services are required to fit within the internal protection framework.

### **OUTCOMES**

Ms Larkins to investigate possible resources for funding Research and Evaluation.

<b>ACTION 8</b>	<b>Alison Larkins to review the available budget for Research and Evaluation</b>
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### **AGENDA ITEM 14: OTHER BUSINESS**

Mr Aristotle confirmed with Members of Council that the next meeting would be in Sydney on 10-11 December 2009. This meeting will include a community visit and a short visit to VIDC.

<b>ACTION 9</b>	<b>Secretariat to follow-up with Members on their availability for the next twelve months</b>
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### **AGENDA ITEM 15: MARIBYRONG IMMIGRATION DETENTION CENTRE VISIT**

#### **NEXT MEETINGS**

Sydney 10 – 11 December 2009.

Canberra 10 – 11 February 2010.

IN-CONFIDENCE

MINUTES  
COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION  
THIRD GENERAL MEETING  
10-11 December 2009  
DIAC Office Lee Street  
Sydney NSW

**ATTENDEES**

**Council**

Mr Paris Aristotle AM (Chair)  
Ms Kerrin Benson  
Mr Noel Clement  
Ms Caz Coleman  
Ms Libby Lloyd AM  
Professor Nicholas Procter  
Dr Jamal Rifi  
Professor Samina Yasmeen  
Dr Maryanne Loughry (10 December only)

**Apologies**

Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Associate Professor Harry Minas

**Ministerial Staff**

Ms Allison Henry, Advisor to the Minister

**Department Staff**

Community and Detention Services Division (CDS)

Ms Jackie Wilson, First Assistant Secretary (FAS)  
Ms Jan Tankiang, Assistant Secretary (AS), Policy and Planning Branch  
Ms Fiona Lynch-Magor, AS, Services Management Branch  
Ms Jo Boardman, A/g Director, Client Support and Liaison Section  
Ms Jennifer Bryant, A/g Director, Stakeholder Engagement Section  
Ms Heather Donnellan, CISSR Secretariat

Compliance and Case Resolution Division (CCRD)

Ms Alison Larkins, FAS  
Mr Dermot Casey PSM, AS, Case Management and Review Branch  
Ms Charles Wann, A/g AS, Compliance Resolution Program Management Branch

Refugee Humanitarian and International Division

Ms Arja Keski-Nummi, FAS

NSW State Office

Mr Gavin McCairns, State Director

## **AGENDA ITEM 1: WELCOME AND INTRODUCTIONS**

Mr Paris Aristotle AM, Chair, Council for Immigration Services and Status Resolution (CISSR) opened the meeting.

Mr Aristotle mentioned the pressures of the Council and the importance of the work program to the Minister and the Department.

Mr Aristotle welcomed Mr Gavin McCairns, NSW State Director. Mr McCairns introduced himself and explained his role to the Council.

Mr Aristotle requested that Members read the CISSR Operating Guidelines before the next meeting and provide feedback.

## **AGENDA ITEM 2: NEW REGIONAL COOPERATION FRAMEWORK – IMPACT OF IRREGULAR MARITIME ARRIVALS ON HUMANITARIAN PROGRAM**

### Presentation

Ms Arja Keski-Nummi presented an item on the New Regional Cooperation Framework being developed by Refugee, Humanitarian and International Division and explained some of the regional engagement work being done on asylum seeker issues. Ms Keski-Nummi spoke of the Department's efforts in building confidence amongst Australia's regional partners, its examination of assisted voluntary return programs and assistance programs for host countries as strategies for regulating movements within the region.

Ms Keski-Nummi discussed trends identified at the intergovernmental conference she had attended in Geneva. Ms Keski-Nummi's presentation gave substantial oversight on asylum seeker trends worldwide, noting that there is presently an estimated 30-40 million illegal migrants globally. Ms Keski-Nummi sought to give some insight to the drivers for these movements observing that around two thirds of movements are secondary displacements. She noted that Somalis are the largest cohort, followed by Afghans and Iraqis, with Iranian movements declining in Australia and in most of Europe also.

### Discussion

Members noted the importance of the Department's work in building a regional cooperation framework, particularly with respect to ensuring some level of uniformity in the way other countries in the region approach asylum assessment processes and timeframes.

With respect to processing timeframes it was observed that in Spain people must be released from detention if they do not have an outcome within three months.

Members expressed interest in what examination is done of those people who are returned and were advised that Australia does not monitor returns. It was observed that the UK does follow-up visits, either through international agencies or directly, and that the Netherlands has a returns and departures program.

<b>ACTION 1</b>	<b>The Chair has requested updates to be provided to CISSR on the progress of the Regional Development framework</b>
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### **AGENDA ITEM 3: CHRISTMAS ISLAND**

#### Presentation

Ms Jackie Wilson outlined the Department and Serco's management of the disturbance at the Christmas Island Immigration Detention Centre (IDC) in November, including handling of injured persons and police involvement.

Ms Wilson outlined some of the factors believed to have precipitated the incident and identified some measures already taken including informing clients of 'safe places' and regular compound briefings for all clients. Ms Wilson acknowledged pressures associated with accommodation and sought members' input on managing this.

#### Discussion

Members reflected upon the pressures created by current arrangements on Christmas Island including the approach taken by the Department to resource activities appropriately, pressures on Serco in getting up to speed to manage daily operations and pressures on the Christmas Island Community. Members also acknowledged the pressure on people detained, the risks to client's mental health and the increased likelihood of erratic behaviour with high numbers and difficult circumstances. Members gave an outline of their experience in managing large numbers of people in overseas detention camps and the importance of understanding the triggers to frustration which can result in violence and behavioural problems.

Members discussed arrangements in place to deal with misbehaviour and the Department advised that whilst there is some indication that individuals in the detention population want the trouble-makers brought to account, there is also a level of reticence in coming forward. Regular compound briefings and group consultations are being held in preference to using a single nominated representative to achieve better communication. Members supported a group engagement approach, suggesting that individuals with good knowledge of group sentiment could be used to inform risk assessments and advice provided.

Members generally acknowledged the efforts being made by the Department in difficult circumstances. Members noted that tensions will inevitably build as people in detention increasingly feel the need to be noticed and taken seriously. It was observed by the Department that there are often not obvious triggers for unrest, with daily reports showing the mood to be positive – Members answering that tensions may be triggered by small incidents without warning. It was observed that it was incumbent upon Serco to understand the small issues and minor annoyances that can often serve as trigger points. Members suggested using conflict resolution training and peer education as methods by which clients could participate in keeping group mood more stable and help de-escalate tense situations.

Members were interested in the present relationship with the Christmas Island community, particularly with respect to recent events and in response to the increased numbers. The Department advised that the community was generally happy with the way the November incident was managed, but would have liked to have been informed sooner. The reaction to growth in numbers has been mixed – increased business and commitment to building programs is welcomed but

increased demands on services such as schools and fresh food provision remains a concern.

Members asked about future contingency options if numbers continue to rise on Christmas Island and were advised that alternatives are being considered and that decisions on future locations would, of course, be decided on a case by case basis.

Members agreed that the Chair would approach the Minister to express the Council's concerns over the high numbers currently on Christmas Island.

## **OUTCOMES**

**Agreed:** There is an urgent need to develop alternative accommodation options, in preference to further increasing the surge capacity at the Christmas Island Immigration Detention Centre.

<b>ACTION 2</b>	<b>Professor Procter and other interested Members to work with Ms Wilson on Christmas Island strategies.</b>
<b>ACTION 3</b>	<b>Mr Aristotle to call the Minister to voice the Members concerns.</b>

## **AGENDA ITEM 4: INTEGRATED SERVICE DELIVERY FRAMEWORK**

### Presentation

Mr Aristotle, Ms Lynch-Magor and Ms Boardman briefed the group on key outcomes of the Integrated Service Delivery Framework sub group meeting, on 8 December 2009. Minutes of the sub group meeting are in draft. Ms Boardman invited input or comments from sub group Members prior to finalising.

### Discussion

Lengthy discussion was held on future service delivery concepts to clients whose status remains unresolved, with a strong focus on the most appropriate way to deliver services under a coherent and integrated model. A key aspect of the discussion included the relationship between immigration services that support clients in various visa streams and health and welfare services that support client needs as they progress along their immigration pathway. CISSR members discussed if indeed service level need differed significantly across the various visa streams.

CISSR members agreed that there will be significant issues in the shaping of a new service delivery model to appropriately determine service levels that address and support status resolution under varying visa streams and attached International or Duty of Care obligations, and that are assessed based on need.

In providing advice to the Minister or the Department, a key challenge for the CISSR Services Framework sub group will be to examine and agree on whether client needs or visa streams should drive service delivery. Subsequently, the sub group will need to explore the most appropriate way to structure a future service delivery model and framework that meets client need and status resolution objectives.

CISSR members agreed that pivotal to a future service delivery model was the capacity for services to support clients to remain appropriately focussed on immigration pathway decisions and timely resolution of their status.

## **AGENDA ITEM 5: JESUIT REFUGEE SERVICE VISIT – KINGS CROSS**

Members attended the Jesuit Refugee Service (JRS) office in Kings Cross and were briefed about the work of JRS. Members were then taken to a property owned by JRS and introduced to a client living there. The client discussed his life at the residence and how JRS helped him find work and integrate into the community while he awaits his immigration outcome.

### **End of Day One**

## **AGENDA ITEM 6: REVIEW OF FIRST DAY**

Mr Aristotle opened the floor to Members to provide feedback on the previous day.

### Discussion

Members raised the following:

- Resettlement issues of clients, such as receiving a visa but not being left destitute and that these programs are not a funded service.
- DIAC staff would benefit from a form of clinical supervision to assist with professional development particularly case management and staff undertaking interviews.
- The Department cannot continue to assume that services, such as JRS, will always be provided and that there are always people who will not fit into a category to receive support from such services.
- Ministerial Intervention submissions should include details of the financial status of the client, so the visa given ensures they are not left destitute.
- Old methods of service delivery and access to services should not limit the thinking of the Council and that its future focus should be on effective service delivery and timely status resolution.

<b>ACTION 4</b>	<b>Mr Jamie Fox to be invited to the next meeting to present to the group on resettlement issues.</b>
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## **AGENDA ITEM 7 – BRIEFING ON STATUS RESOLUTION QUALITATIVE RESEARCH PROJECT**

### Presentation

Ms Alison Larkins and Mr Charles Wann presented on the Status Resolution Qualitative Research project. The research engaged around 160 clients including lawful entrants, visa over stayers and bridging visa E holders and found that most people don't have direct contact with the Department and typically have a limited understanding of visa pathways and their associated obligations.

Clients are subsequently shocked when there is compliance involvement. The research suggests that the Department needs to engage earlier with clients in a non-threatening manner to ensure they are provided accurate and clear messages about their visa requirements. Communication options being trialled



include fact sheets, improved information on the web, an anonymous phone contact centre and the proposed use of SMS technology for visa holders.

#### Discussion

Members acknowledged the innovations outlined by the Department but also noted that some clients may be uncomfortable with these new and technology-based forms of communication. Mr Wann acknowledged that the challenge is to find the right method of communication for each person and that research has shown the need for more conversation – this is something the Department is working on.

Members suggested the use of media to communicate these messages about their visa requirements. Members supported the need for oral communication of these messages, also emphasising the need to deliver and repeat short, clear messages – targeted and translated for local communities to ensure the right messages are picked up and repeated, rather than risking having the message get lost in translation.

<b>ACTION 5</b>	<b>Research and Evaluation sub-group to meet before February meeting.</b>
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### **AGENDA ITEM 8: EVALUATION OF COMMUNITY STATUS RESOLUTION PROGRAM**

#### Presentation

Ms Alison Larkins and Mr Charles Wann presented on the evaluation methodology that is proposed for assessing the impact of the Department's approach to resolving immigration status. To assess success in status resolution the Department will look for:

1. an increase in the number of clients resolving their status, more quickly, while in the community and while engaged with the Department;
2. status being resolved lawfully, transparently and consistently with government policy; and
3. evidence that these methods of engagement with clients are proving more cost effective than the 'locate, detain and remove' approach.

Early indications show an increase in the number of people approaching DIAC counters, particularly first time interactions.

#### Discussion

Members opened discussion by suggesting an examination of what the determinants are for 'a better outcome'. Members also offered that the Department may wish to look at case studies and identify the cause and effect and also suggested the possibility of undertaking a literature review.

Members discussed need identification, citing the UNHCR's approach to global needs assessment with long term plans budgeting for what they need, not what they have.

More generally Council noted the potential need for a probity advisor in any research undertaken under the Council's purview.

<b>ACTION 6</b>	<b>Global Needs Assessment – Geneva – details to be provided to</b>
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	Members
ACTION 7	CCRD to update CISSR at the next meeting with research agenda. Cost modelling of proposed project explaining budgetary restraints, including legal advice and funding.

## AGENDA ITEM 9: MINORS SUB-GROUP REPORT BACK

### Presentation

Ms Libby Lloyd updated the group on the discussions at the Minors sub-group teleconference. Ms Lloyd described a framework for discussion on priorities in respect to children in immigration detention.

Immediate issues include determining the age of those claiming to be minors, and the appropriateness of the proposed framework for accommodating minors in alternative places of detention and Residence Determination with particular regard to timeframes and processing, procedures for escalation, suitability of accommodation, involvement of detention services and health services providers and the involvement of other organisations such as the Australian Red Cross and Life Without Barriers.

The Council was briefed on the current guardianship laws for unaccompanied minors coming to Australia with the intention of remaining who can become the responsibility of the Minister. Minors, such as fishers, who are brought to Australia under enforcement provisions do not fit these provisions and nor do minors who initially enter lawfully on temporary visas and subsequently apply for asylum.

Ms Henry mentioned that the Minister has sought advice on the operations of the *Immigration (Guardianship of Children) Act 1946* (IGOC Act) and that he has concerns that he has a potential conflict of interest, being responsible for both their detention and their guardianship.

### Discussion

The Department and Members reaffirmed that the best interests of the child remain the priority. The Department noted that alternative arrangements, such as Immigration Residential Housing or Community Detention, are put in place as soon as possible for minors.

## OUTCOMES

**Agreed:** All Council Members to be given the opportunity to provide input and suggestions to the work of the Minors sub-group. All Members to be given the opportunity to review the s499 Ministerial Direction and provide feedback to the Minors sub-group. Members are asked to consider if the Direction covers all aspects of minors in detention.

Mr Casey asked Members to consider who needs to be consulted on minors. UNHCR was identified.

ACTION 8	Ms Irwin to be invited to attend the next CISSR meeting to discuss the DIAC research program, with reference to minors.
ACTION 9	Ms Henry to provide Members with a revised draft of the proposed s499 Minister Direction on children and Members to

	provide feedback to Ms Lloyd, through Secretariat, on their thoughts on the content.
<b>ACTION 10</b>	Members of the Minors sub-group to meet face to face before the February 10 meeting.
<b>ACTION 11</b>	CISSR Members to meet with case managers to hear how they are currently working with children.

## **AGENDA ITEM 10: COMPLIANCE RESEARCH PROJECT**

### Presentation

Ms Alison Larkins sought Council's advice on how best to utilise \$100,000 of departmental funds that has been identified for compliance-related research as part of the 2009-10 Policy Innovation Research and Evaluation Unit (PIREU) research program. Within the limits of time and budget, it is proposed to conduct a comparative review of international legislation, policy and procedures for involuntary removals.

### Discussion

In discussion Members explored the underlying intent, which was clarified as a desire to understand the power to undertake involuntary removal and to ensure it is used properly. For example, are there other more appropriate ways to manage these clients and why does Government have/need this power – do other countries achieve a better outcome without it. Members suggested follow-up with clients at 'the other end of the process' as an initial step and were advised that the general policy on this is that clients who have been removed do not receive follow-up services.

Members discussed the annual removal rates and the numbers of involuntary removals compared with those who are advised of their options and elect to leave. Members suggested that the Department talk to staff about their experience of voluntary and involuntary removals, to provide 'practical wisdom'.

Council resolved to consider the written submission prepared by the sub-group and the Chair invited Member's comments on this paper.

<b>ACTION 13</b>	Members to be shown current policy on removals and provide comments.
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## **AGENDA ITEM 11: AUSTRALIAN HUMAN RIGHTS COMMISSION**

### Presentation

The Hon Catherine Branson QC President of the Australian Human Rights Commission (AHRC) was introduced to CISSR Members. Ms Branson explained the role of the AHRC noting that their focus is to:

- Investigate individual detainee complaints
- Report on findings
- Address complaints
- Conduct inquiries, such as that into children in detention in 2004
- Develop immigration guidelines
- Provide consistent standards of human rights
- Hold annual inspections of mainland detentions centres
- Conduct interviews with DIAC staff, service providers and clients in Immigration Detention Centres and

- Examine proposed legislation.

The AHRC have limited resources and rely on support from other agencies, including funding support from DIAC.

Ms Branson identified the following issues that AHRC would like to address:

- equal treatment to all people
- monitoring of treatment of people in immigration detention in regards to international human rights obligations
- one protocol to cover all states and all forms of detention
- AHRC would like to have the power to enter facilities without notifying the department
- information sharing of Christmas Island
- formalised approach to monitoring immigration detention facilities
- legislative minimum standards for detention.

Ms Branson hopes to develop a close relationship with Members and would like to be able to share information. The Hon Branson expressed her interest in the minors sub-group and offered to attend meetings or to send a staff member.

#### **AGENDA ITEM 12: VILLAWOOD IMMIGRATION DETENTION CENTRE VISIT**

Members attended VIDC Stage 1 and briefly reviewed the improved visits arrivals and outdoor recreational facilities and were briefed on the overall improvements of the amenities due for completion in 2010. Members were invited back for a full tour when it can be scheduled.

#### **MEETING CLOSED**

#### **NEXT MEETINGS**

Canberra 10-11 February 2010.

**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION**  
**4<sup>th</sup> GENERAL MEETING MINUTES**  
**10-11 February 2010**

**PARTICIPANTS**

**Council Members**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Ms Caz Coleman  
Mr Noel Clement  
Ms Libby Lloyd AM  
Dr Maryanne Loughry  
Associate Professor Harry Minas (11 February 2010 only)  
Dr Jamal Rifi  
Professor Samina Yasmeen  
Apologies: Professor Nicholas Procter

**Minister's Office**

Ms Allison Henry, Advisor to the Minister

**Guests**

Professor John McMillan AO, Commonwealth Ombudsman  
Ms Helen Fleming, Senior Assistant Ombudsman  
Mr Tony Hassall, Director Serco Immigration Services  
Dr Ida Kaplan, Direct Services Manager, Foundation House

**Department**

Mr Andrew Metcalfe, Secretary  
Mr Bob Correll PSM, Deputy Secretary

**Community and Detention Services Division**

Ms Deborah Jacka, Acting First Assistant Secretary  
Ms Jan Tankiang, Assistant Secretary Policy and Planning Branch  
Ms Fiona Lynch-Magor, Assistant Secretary Services Management Branch  
Mr Daniel Boyer, Assistant Secretary Irregular Maritime Arrivals Branch  
Mr Peter Manwaring, Acting Assistant Secretary, Tender Management Branch  
Dr Jon Rosalky, Director Community Assistance Support Section  
Ms Jo Boardman, Acting Director, Client Support and Liaison Section  
Ms Jennifer Bryant, CISSR Secretariat  
Ms Heather Donnellan, CISSR Secretariat

**Compliance and Case Resolution Division**

Ms Allison Larkin, First Assistant Secretary  
Mr Dermot Casey PSM, Assistant Secretary Case Management Branch  
Ms Lynne Gillam, Assistant Secretary Compliance Resolution Program Management Branch  
Mr Charles Wann, Director Community Status Resolution Section  
Ms Johanna Drake, Assistant Director Community Status Resolution Section

Citizenship, Settlement & Multicultural Affairs

Mr Jamie Fox, First Assistant Secretary

New South Wales State Office

Ms Rocio Trapaga-Saul, Deputy State Director

Ms Sharon Edgerton, Acting Director, Compliance and Case Resolution

Minutes: Daniel Caldwell, CISSR Secretariat

**1. WELCOME, CORRESPONDENCE AND ACTION ITEMS**

- 1.1 Mr Aristotle welcomed Members of the Council for Immigration Services and Status Resolution (the Council) and staff from the department to the meeting and invited opening remarks from participants.
- 1.2 The issue of the current use of Christmas Island was raised, with Ms Henry acknowledging that the Minister is mindful of the dynamics impacting on the client group and on operations, noting that processing was still occurring at a rapid rate in light of increased numbers on the island.
- 1.3 Mr Aristotle advised that he has taken the issue of Christmas Island to the Minister's Chief of Staff, Dr Michael Boyle, on behalf of the Council. Dr Boyle confirmed that the Minister considers the Council's input on Christmas Island to be warranted and necessary. Mr Aristotle confirmed that the Minister would welcome, in particular, the advice of the Christmas Island Sub-Group and the Council on how these pressures can best be managed in light of the current practical and political constraints.

**2. EXECUTIVE SERVICES UPDATE**

- 2.1 Mr Aristotle welcomed Mr Metcalfe and Mr Correll and thanked them for making time to address the Council. Mr Aristotle noted that commencement of this item had been delayed due to transport problems and thanked Mr Metcalfe and Mr Correll for their flexibility in this respect.
- 2.2 Mr Metcalfe thanked the Council for its time and continued involvement, noting the importance of the Council to the work of the portfolio. Mr Metcalfe thanked Mr Aristotle for his involvement with the Oceanic Viking noting the achievement of a good outcome despite difficult circumstances.
- 2.3 Mr Metcalfe noted his interest in hearing from the Council on a number of issues including Christmas Island, case resolution, case management and the best way to ensure timely and effective status resolution, the best practice management of mental health and suggestions on how the department can continue to build upon improvements and show leadership. He acknowledged that despite the sustained flow of boat arrivals, increased numbers on Christmas Island and the associated impact, the department had made significant positive reforms.

- 2.4 Mr Correll noted that one key focus for the department's executive has been on Christmas Island and that this close attention would continue while boats arrive and the operational use of Christmas Island remains high. He noted the importance of remaining vigilant on issues, including public health, and the need to ensure risks are effectively managed and the need for contingency planning in this respect. Mr Correll noted that visa outcomes remain the principal focus for clients on Christmas Island and that the mood remains positive despite a peaceful protest about visa processing times. Mr Correll acknowledged that there has been positive feedback about operations on the Island.
- 2.5 Mr Metcalfe observed that the department remains mindful of lessons learnt from previous surges in numbers, particularly with respect to long term detention issues. He noted that it was imperative to remember the lessons learnt from the case of Ms Vivian Alvarez, and to ensure that the senior leadership focuses on the other challenges and not on the numbers of boat arrivals in isolation. He noted the importance of the Council's work in improving status resolution and associated processes in this respect. Mr Metcalfe indicated his and Mr Correll's preference to take this opportunity to listen to some of the issues of concern to the Council.
- 2.6 Mr Aristotle affirmed that the Council's focus will be on status resolution and the integration of programs and services to achieve this including the integration of case management and service delivery, with a focus but on achieving status resolution facilitated by appropriate welfare support for clients. Mr Aristotle mentioned the work by Foundation House in developing an assessment tool which will help the department to provide services and support to people on a needs basis. He mentioned the need to reconsider the existing configuration of services to ensure they are right in the context of the New Directions in Detention and associated key values.
- 2.7 Mr Aristotle noted how pleased he has been to observe collaboration between the different divisions of the department. He observed that more resources were required for the service delivery framework in the future and that CISSR and the Department would need to do the work necessary to justify any case for additional funding.
- 2.8 Dr Loughry also noted how open and accessible the department's staff have been in their interactions with the Council. Dr Loughry observed that in its discussions, the Council has observed that the individual programs of the department are not always as well integrated as they might be. Mr Metcalfe noted the value in having the Council's outside perspective to help identify these gaps and the importance of ensuring internal networks and communication channels are operating as well as possible. Ms Lloyd observed that there was room to improve linkages external to the department also, giving the example of child protection which involves potential for gaps and overlaps with outside organisations.

- 2.9 Air Marshal Funnell observed that Christmas Island operations were resource intensive and queried the potential impacts to the local community in this context. Air Marshal Funnell advocated undertaking contingency planning for the mainland as soon as possible. Mr Metcalfe acknowledged that there had been scenario planning by the department and confirmed that Christmas Island would remain the operational focus.
- 2.10 Mr Metcalfe thanked the Council for sharing its views, noting what an excellent resource it was for the portfolio.

### **3. INTEGRATED SERVICE DELIVERY FRAMEWORK**

- 3.1 Mr Aristotle acknowledged the valuable contributions by Council Members and departmental representatives to the second meeting of the CISSR Service Delivery Framework Sub-Group. Mr Aristotle advised that much of the discussion arising from the first meeting of the Sub-Group was expanded upon at the second meeting, with particular respect to the aims, objectives and service types for those who are vulnerable and whose status remains unresolved.
- 3.2 Mr Aristotle recounted for Council the Sub-Group's discussion on the need to ensure that support services take account of Australia's international obligations whilst still ensuring timely immigration status resolution. He outlined that the Sub-Group started with a 'blank slate' approach, conceptualising a service delivery framework that facilitates timely status resolution. The Sub-Group commenced the identification and analysis of the various service types including accurate and early provision of information to clients, the provision of timely, quality immigration advice and application assistance, accommodation support and income support.
- 3.3 Mr Aristotle acknowledged that there are many service types that the Sub-Group was not able to cover at the meeting and that a working group including Mr Aristotle, Ms Benson, Ms Boardman and Ms Rooney would be convened to continue this initial identification of service types ahead of the next Sub-Group meeting. Mr Aristotle acknowledged the department's efforts to date, particularly the collaboration between the Community and Detention Services Division and the Compliance and Case Resolution Division.
- 3.4 Mr Aristotle introduced Dr Ida Kaplan from Foundation House to provide the Council with a presentation on the vulnerability study and assessment tool commissioned by the department. Mr Aristotle noted that the assessment tool would help to identify vulnerabilities and that, whilst not predictive, the tool would enable staff to make proper assessments of the indicators of vulnerability. Mr Aristotle emphasised the importance of this work to service delivery and case management as a means of targeting services to the needs of the individual in the context of timely status resolution.



- 3.5 Dr Kaplan advised that the vulnerability study was premised on the understanding that a range of health and welfare vulnerabilities can affect an individual's ability to engage in status resolution and that by providing health and welfare support, case management and counsel, the individual can think clearly and participate in the resolution of their immigration outcome. Dr Kaplan gave Members some background on the study, including methodology, interviews conducted and the relevant departmental tools and procedures and external reports that were examined in the formulation of health and wellbeing 'domains' which describe eight broad categories of vulnerability.
- 3.6 Dr Kaplan discussed the importance of developing clear definitions of vulnerability types which provide consensus and commonality across public and private service providers and non-government organisations (NGOs) in order to develop screening indicators that are reliable, valid and do not require specialist training to be used effectively by staff. Dr Kaplan described the methodology for establishing the domains which aimed to separate the vulnerability categories from specific indicators, noting that these are currently mixed in the department's assessment procedures.
- 3.7 Dr Kaplan noted that the study excluded exceptional cases and other factors not directly related to health and welfare vulnerabilities such as illiteracy. Dr Kaplan did emphasise that criteria such as illiteracy or inability to access timely quality immigration advice were recognised as important vulnerabilities, but ones that should be systemically addressed rather than relying on case management.
- 3.8 In discussion about transient versus integral vulnerabilities, Dr Kaplan confirmed that the assessment tool is dynamic and is designed with the presumption that, with early identification and intervention, vulnerabilities can be successfully addressed. She gave an example where an assessment indicator (the client was missing immigration appointments) created a trigger point for an officer to investigate further. With some sensitive investigation and good cross-cultural insight, referral to a female General Practitioner ultimately led to a discovery that the client had been the victim of rape with significant physical trauma and, which enabled greater understanding of her circumstances and more appropriate service provision.
- 3.9 Dr Kaplan noted that the assessment tool does require a level of experience and competency to be used effectively including the ability to undertake hypothesis-testing rather than simply 'checklisting' questions. It was also noted that protective factors must be incorporated into an assessment, such as where it can be determined that a particular vulnerability (eg pregnancy) is being appropriately addressed (eg regular access to health care).
- 3.10 Dr Kaplan confirmed for Members that a level of cross-cultural awareness and training is inherent to the success of the tool and it was noted by Mr Aristotle that cross-cultural awareness is an issue across the industry.
- 3.11 Dr Loughry identified the linkages between the training required to use the assessment tool and the health and mental health training currently being implemented.

- 3.12 Mr Aristotle gave strong support to this observation, noting that the case management, health services and service delivery framework initiatives all required analysis of gaps, overlaps and common training requirements. Participants resolved that a health-professional working group will be established to identify training and implementation linkages, with membership to include the department's contracted health services provider, IHMS, and other key agencies such as the Indian Ocean and Territories Health Service (IOTHS) and Foundation House. Mr Aristotle affirmed that the working group should frame a discussion on the intersections of these initiatives within the context of case management and status resolution.
- 3.13 Dr Kaplan identified the data collection opportunities associated with piloting the assessment tool, including the ability to identify numbers that meet the screening criteria, how many of those go on to be assessed as vulnerable and timeframes for addressing vulnerabilities.
- 3.14 In the context of discussion about such a pilot, Ms Larkins and Mr Casey noted that a 'desktop study' involving a small number of identified case officers and clients would be a preferable first step as a means to establishing the practical requirements for a pilot, including the impacts on other departmental processes and systems.
- 3.15 Dr Rifi questioned how universally the tool would be used and it was confirmed that the tool serves as an initial screening point for clients that have come to the attention of the department. There was recognition that this type of triaging is common to all related organisations, such as hospitals.
- 3.16 Mr Aristotle clarified that in the immigration context, the goal is to identify the specific services required by an individual to facilitate their status resolution, in preference to making assumptions about what services and support an individual might need based on their visa class. In this context, it was affirmed that health and welfare needs are met as a support to an individual's ability to resolve their immigration status.
- 3.17 The interrelationship between the service delivery framework and the assessment tool was acknowledged by Mr Aristotle and it was suggested that the Research and Evaluation Sub-Group may have a role in identifying linkages between various initiatives and to assist in the development of a coherent picture of how they interrelate.
- 3.18 Ms Jacka flagged the need to be cognisant of immigration risk factors when assessing vulnerability, such as the risk of ending up in detention prior to their case being resolved, if vulnerabilities resulted in a client being noncompliant with visa conditions. Mr Aristotle acknowledged the complex set of risk factors associated with vulnerable clients and suggested that the assessment tool can help reduce this complexity by assessing clients and identifying specific needs.
- 3.19 Ms Benson suggested that some local engagement with case managers might be useful ahead of a pilot to test the tool and to help establish and standardise how it might be used in practice.

- 3.20 Mr Aristotle observed that the assessment tool requires a pilot prior to finalisation and that this discussion had identified how critical it is to ensure that service delivery, case management and status resolution are examined together. Ms Coleman and Mr Aristotle agreed that a pilot would be necessary to identify where services are required and the gaps in current service delivery.
- 3.21 Ms Henry suggested that a roadmap showing how the various pieces of work fit together into an integrated whole, including timeframes for delivery would be of assistance to the Minister.
- 3.22 Members thanked Dr Kaplan and complimented her and Foundation House on a good piece of work.

**Noted:** The Research and Evaluation Sub-Group to consider a project aimed at identifying linkages and interrelationships between the assessment tool, service delivery framework and case management.

ACTION 1	A health professional working group to be established to frame discussions on the intersections of various health, mental health and welfare training requirements across the services and status resolution space.
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#### 4. SERCO BRIEFING

- 4.1 Ms Lynch-Magor welcomed Mr Hassall to the meeting and provided the Council with an outline of the current contracts for immigration detention services including her role as the Contract Administrator. Ms Lynch-Magor advised Members that Serco has won the contract for the management of the Immigration Detention Centres (IDC) and the contract for the management of Immigration Residential Housing (IRH) and Immigration Transit Accommodation (ITA). Ms Lynch-Magor outlined the changes to detention services, in particular the introduction of the regional management model which gives DIAC staff a greater role in contract management, leaving Serco to undertake the day to day administration of facilities. Ms Lynch-Magor noted that the transition to these new arrangements provides the opportunity to further apply the New Directions in Detention and Key Immigration Detention Values.
- 4.2 Mr Aristotle acknowledged the role of Air Marshal Funnell as the Immigration Detention Advisory Group representative on the tender oversight committees.
- 4.3 Mr Hassall prefaced his presentation by noting Serco's expertise in innovation and change and its commitment to the delivery of immigration detention services that reflect the Government's key values.
- 4.4 Mr Hassall identified for the Council some of the operational dynamics faced by Serco and steps taken to address them. He acknowledged that the increase in numbers on Christmas Island and associated high level of focus has placed pressure on Serco's mainland operations, particularly with respect to the assignment of staff. Serco expects to have a new management structure in place on Christmas Island by the end of February to better match the service delivery required. Mr Hassall also indicated that as Serco learnt DIAC's

business, other increasing demands, such as increased escort commitment at Villawood had been identified.

- 4.5 Mr Hassall noted that the opening of a new library and new gym on Christmas Island has been positively received by clients, with over 350 clients using the gym on its first day of operation. The introduction of new English and Australian history classes was also noted as an extension of activities on Christmas Island.
- 4.6 Within the above context, Mr Hassall noted that workforce planning and training are key priorities to ensure the delivery of cultural reform, including basic training for all staff and more extensive training for managers and team leaders.
- 4.7 Mr Hassall advised that Serco will examine 'client experience' measures in order to drive the performance management of facilities. Mr Hassall also noted the importance of forming and maintaining close relationships between Serco's Centre Managers and the department's Regional Managers.
- 4.8 Air Marshal Funnell asked Mr Hassall how he felt the regional management model was working to date, citing previous occasions where changes in management arrangements at places of immigration detention had been problematic. Mr Hassall noted that he felt good progress was being made, particularly given that the model had only been implemented recently.
- 4.9 Ms Lynch-Magor noted that there has been a major change to the department's culture and that there were challenges for the department in articulating this in its requirements of Serco, noting the particular challenge for the department in remembering to step-back during crises and allow Serco to manage things as is provided for in the contracts. The department recognises it has a non-delegable duty of care but, at the same time, it has faith in Serco and will step back to allow it to resolve issues. Ms Jacka supported Ms Lynch-Magor's observations and underscored that the new contracts are more prescriptive where the risks are the greatest.
- 4.10 Mr Aristotle observed that he had previous experiences where a new provider came in with strong values and expressed the view that these values stand up when the pressure is on in the most critical issue. Air Marshal Funnell supported this observation, noting an undertaking by a previous provider to enrich the daily life for people in immigration detention but that, in practice, the commitments to increased excursions and activities never came to fruition. Mr Hassall noted that Serco is committed to maintaining an ethical service provision.
- 4.11 Ms Coleman noted the positive interaction she had experienced at Community Consultative Group (CCG) meetings and suggested that Council members may be able to play a role between the NGO sector, service providers and the department to ensure positive and constructive relationships.
- 4.12 Mr Hassall gave an example of a previous experience he has had with the management of minors where staff did not feel empowered to organise activities and conduct outreach. He acknowledged that Serco is working to ensure it gets the balance right so staff can apply discretion appropriate to the circumstances.

Ms Henry asked what the levels of staff transferring from G4S to Serco were, and was advised that most staff are the same with some turnover in management and with new senior management in some of the IRH and ITA. Mr Aristotle observed the importance of having the culture and values right at all levels.

- 4.13 Dr Loughry asked how the increase in skills required under the new contract was being reconciled in light of the numbers of staff that had been retained. Mr Hassall advised that to some extent this was a matter of formal accreditation, which was being pursued within the first 100 days of the contracts, while also acknowledging that improvements to skills and competencies were required. In this respect he noted Serco's commitment to developing a tool that allows it to measure how people feel about their detention experience, including how they well they think complaints are dealt with and how safe they feel. He noted that this would include the conduct of exit interviews and focus groups run for staff and clients. With this information Serco will have a better understanding of what is required to manage and improve its performance. Professor Yasmeen asked whether this research would be shared with the department and was advised that it would be when it is completed.
- 4.14 Dr Loughry asked after Serco's strategy for cultural transformation and was advised that Serco is focussing on getting its leadership right. He also outlined that Serco is 'listening to learn' with staff asking clients about their experience of the centre and what can be done to make the experience better. Serco has also commissioned a cultural audit of its staff which will include face to face interviews to better understand their management style and to get a better picture of the overall workforce.
- 4.15 Air Marshal Funnell noted that Baxter was a well designed centre that was not run effectively. The then DSP staff appeared to take a passive role in the management of the facility. By contrast, the department staff used to get out amongst the clients and as a result they had better interactions and information than the detention service provider.
- 4.16 Mr Hassall observed that two of the features DIAC had purchased from Serco was its expertise in dynamic security and the personal officer scheme. Mr Hassall outlined the concept of dynamic security for Members as the use of interpersonal relationships and interactions, in addition to the security infrastructure, to build positive sentiment and to improve intelligence. Air Marshal Funnell noted that the department should be quite familiar with the principles of dynamic security, recalling two outbreaks from Villawood IDC around nine years ago following which the department commissioned a Queensland security expert who advised them to not just observe but to employ dynamic security.
- 4.17 Ms Benson noted that in the approximately 300 clients she had seen come off Christmas Island, she had observed a remarkable positive difference compared with those who were in detention under previous arrangements. Reports from clients are that Serco staff are respectful and that upon release clients are more confident to go into the community and integrate into their new surroundings and are more hopeful.

- 4.18 Ms Benson asked what Serco is doing to ensure its staff have cross cultural competence. Mr Hassall advised that Serco understands the importance of this and has approached a couple of organisations to conduct training, including the Australian Human Rights Commission, but that this is only in early development. Mr Aristotle emphasised the importance of being sensitive to cross-cultural issues, noting the difficulties associated with a member from one ethnic group providing services (such as translation) to a member of a different ethnic group from a particular country, including the risk of preconceived ideas interfering with the delivery (or perception) of an unbiased service. Ms Benson supported the need for staff to have cross-cultural competence in order to assess what support an individual requires. Professor Yasmeen agreed with this, noting the value in having staff from the same background as the individual in order that they understand the person's history and circumstances.
- 4.19 Ms Lloyd asked about Serco's skills with respect to the management of minors, those at risk of self-harm and other vulnerable groups. Mr Hassall advised that individuals self-harm for a range of different reasons and that he encouraged his staff to be non-judgemental to enable people to feel safe to express themselves in ways other than through self-harm. He acknowledged the different capability and skill levels of individual staff members to handle these situations. He advised of negotiator training that had been provided to staff to address these issues at a more superficial level and the personal officer scheme which aims to outreach to clients and avoid such situations in the first place.
- 4.20 Mr Casey provided, for context, the observation that financial-year-to-date there had been eight instances of self harm compared with 1020 in 2001-02. Mr Hassall noted that he works closely with Ms Jacka to ensure that individuals get the best care possible. Ms Coleman asked whether there are guidelines for the use of force and Mr Hassall advised that there are, and that use of force remains a measure of last resort. Ms Lynch-Magor affirmed that the department has policies in relation to use of force and other matters, and worked with Serco during the transition process to ensure Serco's policies and procedures were in alignment with the department's.
- 4.21 Professor Yasmeen observed that there is a heavy emphasis on pool tables and English classes as the main activities for people in immigration detention and suggested a greater range of activities with greater emphasis on physical involvement. Mr Hassall acknowledged this and foreshadowed that Serco is developing improved activities programs. Mr Hassall observed that in the past there has been no shortage of volunteers and community groups that come into the centre to engage clients, but this left staff being seen as "the guards". In order to build better relationships, Serco wants its staff to engage in more activities with clients to build and improve these relationships.
- 4.22 Ms Benson asked how Serco and the department manage the issue of sex and sexual relationships at facilities. Ms Lynch-Magor prefaced comments by acknowledging that for public health reasons the department makes condoms universally and freely available. Mr Hassall noted that Serco does seek to provide public health and sex education to enable clients can make informed choices.

- 4.23 Mr Clement asked how privacy and private space was handled, particularly given the high numbers on Christmas Island and the collocation of many young single men. Ms Lynch-Magor acknowledged that giving individuals a sense of safety, space and dignity was a challenge at the Northwest Point facility in particular, also noting the need to ensure that IHMS nurses interact in a culturally appropriate way. Ms Tankiang noted that the department does, in its design of facilities, examine how to afford access to private spaces. Dr Loughry observed, from previous experience, that accommodating men and women in separate areas can itself change the cultural dynamic.
- 4.24 Mr Aristotle asked how Serco's relationships were going with IHMS and other external providers including the non-government sector. Mr Hassall advised that he felt there was a good relationship with IHMS at the local level on Christmas Island and that staff were working well together to improve the processes as clients come off the boats and settle into the facilities. He acknowledged that the relationship needs more work at senior levels in order to ensure that the environment is as conducive to good health as possible, noting that he would meet with the head of IHMS to work on this.
- 4.25 With respect to NGOs, Mr Hassall observed that there has been a positive interaction with the Australian Red Cross and others, in the development of an holistic and transparent relationship. Mr Clement affirmed this, observing that Serco is the first detention services provider to approach the Australian Red Cross in order to have regular dialogue.
- 4.26 Mr Aristotle noted that in the past there had been many lost opportunities to address gaps and overlaps because of a lack of interaction and trust between service providers and the non-government sector. He noted this opportunity to start a forum for stakeholders to come together which could be supported by the involvement of the Council and the department. Mr Hassall observed that he would work with Ms Lynch-Magor, Ms Jacka and others to create better integration. Ms Lynch-Magor noted that the department is uniquely placed to bring the relevant stakeholders together in order to achieve the balance between everyday learning and over-the-horizon planning. Mr Aristotle encouraged this interaction to occur.
- 4.27 Professor Yasmeen observed that from her perspective, the Perth IDC was a difficult environment, noting challenges with visiting arrangements in particular and suggesting that university students could partner with individuals at the centre to decrease their sense of isolation. Professor Yasmeen also observed that there are many Muslims at the centre and questioned what religious provisions are made, such as religious feasts. Mr Hassall observed that activities at the Perth IDC is a difficult issue in light of the physical configuration of the centre. With respect to visitors, there is regular access for ministers of faith and provision of festivals and there are links to the community to address issues of cultural isolation. Ms Benson observed that visits needed to be managed carefully to protect privacy. Mr Clement supported this, citing the need to ensure visitors are appropriately screened. Ms Coleman noted the designated persons program as one option that could be used to address this issue – suggesting this matter could be considered by the Mainland Sub-Group.

ACTION 2	Department to establish a service provider forum.
ACTION 3	Mainland Sub-Group to consider the issue of community visits programs and associated issues of privacy.

## 5. CHRISTMAS ISLAND UPDATE

- 5.1 Mr Boyer commenced the discussion on Christmas Island by providing the Council with some key statistics on Christmas Island and undertook to circulate the most recent statistics to Members following the meeting. Mr Boyer noted that the numbers being settled had increased this year with 80-100 settlements occurring most weeks. He noted that this is not easy to achieve with refugee processes to complete, along with the health, identity and security checks which can be variable. Mr Boyer noted that despite these challenges, processing times were presently approximately 106 days average.
- 5.2 Mr Boyer noted the greater priority given to families and children and mentioned that the department is in the process of increasing accommodation capacity on Christmas Island, with beds going into the Northwest Point facility and the Phosphate Hill A compound being opened up for use by families and children when no longer used to accommodate staff.
- 5.3 Air Marshal Funnell inquired whether the old casino was being considered as alternative accommodation and was advised that the department is considering all options available..
- 5.4 Mr Boyer noted that since the start of 2009 the department has issued 1457 visas (1034 Afghani, around 200 Sri Lankan and around 100 Iraqi). Mr Aristotle asked about numbers of rejections and Mr Boyer undertook to provide the number of primary refusals to Members. The vast majority of removals are voluntary, there have been 124 voluntary removals since the start of 2009 and 13 involuntary removals. The average time on-island for people removed voluntarily is around 96 days which is considerably less than for those on the mainland who are not subject to excision and have access to the Australian courts.
- 5.5 Mr Clement observed that the use of Construction Camp for families with children and unaccompanied minors has meant that young children are collocated with 16 and 17 year olds and asked if the Phosphate Hill site would be exclusively for younger children and their families. Mr Boyer confirmed that this was the plan based on current numbers, observing that Phosphate Hill A and C compounds remained the preferred option for families with minors placed in Construction Camp. Efforts continue to remove Indonesian crewmembers from Construction Camp to Darwin as quickly as possible. Mr Clement was also advised that Phosphate Hill, as an alternative place of detention, requires line-of-sight detention but that it has better amenity with respect to cooking, play areas and other domestic activity.
- 5.6 Air Marshal Funnell asked how community detention arrangements were working on Christmas Island, recalling that there were some teething problems



to begin with. Mr Boyer advised that these arrangements are working well, but clarified that there is very limited community detention on Christmas Island as staff and support staff are occupying most of this style of accommodation. Mr Boyer also advised that there are substantial activities programs for minors including attendance at school.

- 5.7 Ms Henry observed that some vulnerable irregular maritime arrivals had been brought to the mainland for health reasons or other exceptional circumstances including being survivors of torture and trauma or being an unaccompanied minor.
- 5.8 Mr Aristotle asked for an update on the challenges on Christmas Island at present, for example, maintaining the decision rate and associated quality assurance issues. Mr Boyer informed the Council that this situation is likely to change as more staffing accommodation comes on line, for example, the soon-to-be-refurbished Poon Saan units. Mr Boyer acknowledged that in general people in detention on Christmas Island have a singular focus on visa outcome and that this will always present detention management issues for those who receive negative decisions or whose cases are delayed. Mr Aristotle attributed the currently low level of incidents to the high percentage of positive decisions and asked about those who had been refused and had spent a longer period of time on Christmas Island.
- 5.9 Mr Boyer acknowledged that the security clearances for Tamil clients are taking some time to complete. This cohort has been advised that delays with security clearances are driving the delays in processing and efforts are made to keep them active and for case managers to continually engage with them.
- 5.10 Ms Jacka advised that in terms of managing the detention environment, Serco officers engage with clients regularly in the compounds to gauge the atmosphere and to decide upon the best placement configurations. Mr Boyer noted that ethnic groups were balanced as best as possible and that community leaders were flown in from Melbourne and Sydney to spend time with clients. Mr Boyer cited the example of a Tamil leader arriving in time to conduct a ceremony for those who perished on the SIEV 69 as having a powerful effect on the sentiment of the Tamil clients. Ms Benson observed that engagement of community leaders from other States may be tactically wise given the increased pressure on resettlement arrangements.
- 5.11 Mr Aristotle asked what the three highest risks are on Christmas Island and was advised that the size and rapid growth of the Christmas Island detention population is the largest risk. The capacity to separate groups within the detention population is also a risk, especially with respect to public health issues. A third risk is the potential inability to immediately monitor changes in the mood of the population, which can occur quickly.
- 5.12 Dr Loughry expressed concern at the remoteness of Christmas Island and asked, if anything goes wrong, what contingency plans are in place. Mr Boyer noted that the health facilities on Christmas Island are good and that the department works, in conjunction with other agencies such as the AFP, on contingency plans. He noted that with the introduction of tents and

demountables the risk of fire was an issue now and required attention. Ms Lynch-Magor outlined the operations of the Indian Ocean and Territories Health Service (IOTHS) hospital and procedures for bringing staff and clients to the mainland where required.

- 5.13 Mr Clement reflected on the capacity of mainland facilities to cater for health requirements and to respond to crises. Mr Boyer noted that the use of mainland facilities is a matter for Governemnt but that appropriate contingency plans were in place should mainland centres be required. Mr Aristotle observed that the Council should provide advice on how this could be managed, reflecting that that effective engagement of the non-government sector would be critical. Mr Aristotle indicated his support for Air Marshal Funnell’s observation that early planning is vital.

ACTION 4	Members to be provided with the latest statistics on Christmas Island.
ACTION 5	Members to be provided with the numbers of primary refusals on Christmas Island.

## 6. MINORS

- 6.1 Ms Lloyd provided the Council with an overview of the second meeting of the Minors Sub-Group, noting that there was particular value in meeting in person and that a sketch of the work program for the Sub-Group had been developed.
- 6.2 Ms Lloyd advised that the Sub-Group had reviewed the draft section 499 Ministerial Direction, *Exercise of decision to detain a minor under section 189 by officers* and provided comment for the department including suggested rewording for some passages and the suggestion of a way forward for the incorporation of information on the *Convention of the Rights of the Child 1989*. Ms Lloyd advised that the Sub-Group wanted to ensure that whoever is working with minors has easy access to comprehensive supporting documentation and training.
- 6.3 Ms Henry informed the Council that the Minister had reviewed the draft Ministerial Direction since the Sub-Group meeting, but without the Sub-Group’s recommended changes. Ms Henry advised that the Minister has stressed that children are sometimes detained to preserve family unity where parents must be held for health, identity and security requirements. The Minister has also requested an examination of the operation of these powers so that the department can assume oversight instead of the Minister’s Office undertaking this function.
- 6.4 Ms Lloyd gave the Council a brief summary of the Sub-Group’s discussion regarding the department’s policy on accepting a minor’s age as stated, which can sometimes be in contrast to a view held by the Police. Ms Tankiang noted the importance of having clear lines of authority for the amending of records regarding personal information and Mr Casey observed that it is not unusual for the department to hold multiple, and sometimes conflicting, pieces of information on an individual.

- 6.5 Mr Casey explained that the Police may sometimes subject an individual to a wrist x-ray and submit this to a court as evidence of age and that courts sometimes make a finding, for lack of contrary evidence, that a person is in fact over 18. Mr Casey noted that in some instances the department will put it to the individual, before a court finding, that the Police are of the view that they are over 18. In some cases the person will accept this and make a declaration that they are over 18. In other cases they will advise that they do not know how old they are and that they gave a particular age because that is how old they have been told they are; in these cases the department will continue to treat the person as a minor. Ms Lloyd advised that Sub-Group members were supportive of the treatment of such individuals as minors where there is no persuasive evidence to the contrary.
- 6.6 Air Marshal Funnell noted the challenge of interacting with some individuals as children where they have been treated as an adult for many years, having worked on a fishing boat since the age of 12 in some cases. Dr Loughry observed that Australia was still required to meet its domestic and international obligations to those under the age of 18. Professor Yasmeen and Mr Aristotle made the point that these individuals are often put in these circumstances not by their own choice and, in cases such as conscripted child soldiers, they may have missed important childhood development as a result.
- 6.7 Dr Loughry recalled the Sub-Group's discussion on whether it is perceived to be advantageous to be accommodated and processed as a minor and the suggestion that qualitative research could be undertaken to establish what people's perceptions are. Air Marshal Funnell observed that such nuances were likely to be lost on the general community and Ms Lloyd suggested that resolution of the issue was nonetheless important in order to ensure proper management and to ensure duty of care.
- 6.8 Mr Aristotle observed that the perception that being a minor would itself be advantageous in securing a positive decision was inaccurate and asked whether this was made clear to individuals at the time of initial screening. Dr Loughry underscored that this is why the Sub-Group felt research would be useful; to identify the origins of information – accurate or inaccurate, positive or negative – that contribute to people's perceptions about the process.
- 6.9 Ms Lynch-Magor observed that the substantial consequences of failing to properly distinguish minors may be the downstream requests for processing of other family members and associated pull factors. Ms Lloyd observed that there were issues that related to the guardianship of these minors and Ms Henry indicated that there is concern with respect to the risk of placing these older individuals, treated as minors, with true minors in schools and other settings. Dr Loughry observed that there are also integrity issues, as discussed at the Sub-Group.
- 6.10 Ms Lynch-Magor observed that the levels of resilience and life experience of this cohort sometimes served as a practical impediment to identifying their age. Dr Loughry reinforced the importance of ensuring staff understand the needs of minors. Ms Lloyd observed that their life experiences can often have many impacts on them in later life. Ms Coleman observed that the age of majority

does not always serve as a realistic point of demarcation for adulthood. There are many vulnerable 18 and 19 year olds and the issue is more about vulnerability than guardianship in such cases.

- 6.11 Mr Aristotle asked whether the Sub-Group examined the post detention context and was advised that this was discussed including how to track and care for individuals once they disperse in the community. Dr Loughry observed that clarity and visibility of responsibility for minors is an area of concern. Ms Henry advised that there is work being undertaken to audit the department's responsibilities with respect to minors and that a broader reform of the *Immigration (Guardianship of Children) Act 1946* was also being considered for a later date, including considering whether an advisory council or expert committee should be commissioned to look at this issue.
- 6.12 Mr Aristotle observed that an improved system for training and assessments is required to produce clear procedures for determining age. Mr Aristotle noted that with the high numbers of unaccompanied minors coming off Christmas Island, there were associated pressures for settlement and that Memoranda of Understanding were required with settlement and other service providers to ensure integration of services for clients. Mr Aristotle resolved to discuss this issue further when Mr Fox attended to discuss resettlement issues at agenda item 9.

## **7. DAY ONE CLOSING REMARKS**

- 7.1 Mr Aristotle noted that it had been a detailed and fruitful discussion, thanking Members and participants for their contributions.

## **8. REVIEW OF DAY ONE**

- 8.1 Mr Aristotle asked Council Members for their acceptance of the minutes. The following changes were noted:
- GM02 p4: – remove the reference to Christmas Island – the Minors Sub-Group was always intended to have a broader application.
  - GM02 p7: – add names of members wishing to travel to visit Christmas Island; Professor Yasmeen, Ms Lloyd, Professor Procter and Dr Loughry.
  - GM03 Action Item 06: – the Global Needs Assessment to be sent to all Council members, not just Members of the Minors Sub-Group.
- 8.2 Mr Aristotle observed that he considered some form and style changes to be necessary for the minutes and noted he was in the process of discussing his requirements with the Secretariat. Mr Aristotle sought views from members about attributing specific comments to individuals. Mr Clement expressed his support. Professor Yasmeen asked what Mr Aristotle's thinking was, and was advised that this would encourage Members to consider more carefully what comments they make and would also serve to provide better clarity on when a comment is made independently or has the Council's consensus. Further to this, it was suggested that the Council write to the Minister after each meeting to keep him informed of progress on Council matters.

- 8.3 Professor Yasmeen requested a set of photos for each facility to serve as a reference point.
- 8.4 Mr Aristotle thanked members for their discussion at the dinner with the Minister.
- 8.5 Mr Aristotle noted that the work on the service delivery framework pilot should continue, emphasising the importance of building an evidence base and the need to test the framework through a pilot. Associate Professor Minas noted that the Council should continue to provide its frank advice to the Minister,.
- 8.6 Mr Aristotle noted the positive progress made in yesterday's discussion with respect to the presentation by Dr Kaplan and the joint work being undertaken on the service delivery framework. He was positive about the Serco presentation, observing that time will tell whether the commitment to values is practiced in reality. Air Marshal Funnell noted that the previous provider made similar positive commitments. Mr Clement observed that Serco's ethics committee was a positive sign.
- 8.7 Ms Jacka noted that the performance indicators were improved now the department has more experience in what to measure and that, with the associated abatement measures, the department has strong controls to manage performance. Professor Minas observed that in some instances the previous provider found it more cost effective to absorb the abatement than to fix the problem. Ms Jacka acknowledged that the economics of a contract can motivate bad results but that she was confident in this instance that a mature approach and a positive relationship would overcome this.
- 8.8 In anticipation of the discussion with the Ombudsman, Ms Henry suggested a brief discussion on current oversight mechanisms. Mr Aristotle agreed that there was the potential for overlap with multiple agencies all visiting facilities.
- 8.9 Mr Aristotle thanked Mr Boyer for his presentation on Christmas Island and Air Marshal Funnell expressed his interest in the top three risks identified by Mr Boyer. Mr Aristotle noted the positive progress of the Minors Sub-Group and the importance of these issues for the care of minors and for government.

ACTION 6	CISSR Secretariat to note individual remarks and comments in minutes in preference to summarising discussion and leaving comments de-identified at a group level.
ACTION 7	CISSR Secretariat to provide Members with a set of photos to serve as a 'virtual tour' of facilities.
ACTION 8	Mr Aristotle to write to the Minister after each Council meeting to inform him of progress.

## 9. RESETTLEMENT ISSUES

- 9.1 Mr Fox commenced his presentation by noting the work being undertaken by Kate Pope on the settlement of minors, undertaking to provide Members with a written summary of Ms Pope's work out of session. Ms Lloyd welcomed this, noting the interrelationship with the Minors Sub-Group.
- 9.2 Mr Aristotle noted the application of this work to the minors coming off Christmas Island and the concern of the Sub-Group about the capacity to cope with the numbers that are coming off the Island. Mr Fox acknowledged the challenges associated with placement of this cohort in group housing and risks associated with their supervision and monitoring, noting that it is on the agenda for discussion with his state government colleagues.
- 9.3 Dr Loughry observed that it is clear that guardianship and fostering is an issue, noting that at least five years ago in the United Kingdom this had been a big issue and that it was still ongoing. She suggested that there might be other agencies, working on the juvenile justice sectors, that have more expert knowledge of the challenges to be addressed and how to go about this. Mr Fox agreed that the department does not have identified policy expertise in this area and welcomed the suggestion. Ms Lloyd suggested Gillian Calvert – the former NSW Children's Commissioner. Mr Aristotle also suggested Father Joe Caddy from Centrecare in Melbourne and the Victorian Child Safety Commissioner Bernie Geary.
- 9.4 Ms Benson identified that the issues and expertise required vary depending on the cohort, noting that some older unaccompanied minors might only require settlement support whereas a younger child might also require health and welfare support. Ms Benson also noted that the key to delegating responsibility is to be sure that the person you are delegating to has competence, noting that most child safety officers are only competent to deal with minors under the age of 15. Mr Fox agreed that the current model is being tested by this, with many of the minors coming off Christmas Island being close to 18. Mr Fox agreed that a better set of policy parameters was needed to deal with this cohort.
- 9.5 Professor Yasmeen talked of the experience of young Afghan men in Perth, noting the importance of community connections as informal modes of information and support. She supported the provision of a buddy system of support along the lines provided by CARAD. Associate Professor Minas noted the importance of engaging the individuals themselves when designing the method of engagement. Professor Yasmeen supported this notion, suggesting that they would make substantial and positive contributions if brought onside. Professor Minas noted that this engagement was in itself important to their recovery. Dr Rifi affirmed the importance of engagement, citing his work in NSW with youth groups and the success from engaging those at risk. Mr Clement gave his support to community based engagement, such as an 'big brother' type arrangement and Dr Rifi suggested that an 'other mother' arrangement could also be useful with certain individuals who may not be influenced by a brother or sister type relationship.

- 9.6 Dr Loughry identified the need to examine who had carriage of this primary relationship and Mr Fox agreed that a review of these arrangements was needed. Dr Loughry noted that there is a great deal of experience out there in the sector that could be picked up and Professor Yasmeen noted the importance of ensuring children are not stuck in their own ethnic groups but have means to integrate into the broader community. Mr Fox noted that the issue of where to locate people in settlement is complex, with some groups asking for group housing and others asking for anything but group housing. Mr Fox noted that flexibility is the key.
- 9.7 Ms Coleman noted the value in providing clients with life skills earlier in the process, without necessarily building up false expectations about a positive outcome.
- 9.8 Ms Benson noted that when the department has minors at an ITA who are on a positive pathway, this would be the time to interact with them on these issues to sound them out about what the model should look like.
- 9.9 Mr Aristotle noted that the Council's discussions had identified that the issues did not centre entirely around minors and that it might be better to cast the discussion in terms of minors and young adults who require support. Mr Fox acknowledged that the 16-25 cohort were in some respects the most exposed given that up to the age of 15 the state arrangements provide good coverage.
- 9.10 Mr Aristotle observed that with 80-100 people coming off Christmas Island every week it is important to get ahead of the curve, suggesting work with Mr Casey, Mr Fox, service providers and possibly the Refugee Resettlement Advisory Council. Mr Aristotle suggested the inclusion of Ms Carmel Guerra, Director, Centre for Multicultural Youth and Ms Jacka suggested the involvement of Life Without Barriers as the current providers of much of this support.
- 9.11 Mr Aristotle thanked Mr Fox for attending and invited him back at a future meeting to present to the Council on settlement issues.

<b>ACTION 9</b>	<b>Ms Pope to provide members with a summary of her work in minors.</b>
<b>ACTION 10</b>	<b>A working group to be established to engage with all stakeholders involved in settlement issues for minors.</b>

## **10. CASE MANAGEMENT OPERATIONS**

- 10.1 Mr Aristotle introduced Ms Rocio Trapaga-Saul, Deputy State Director, New South Wales State Office. Ms Trapaga-Saul noted that her role was about to change to Global Manager for Compliance and Case Resolution. Ms Edgerton was also introduced, with her role being Director of Compliance and Case Resolution in New South Wales.
- 10.2 Ms Trapaga-Saul informed the Council of the structure of Compliance and Case Resolution activities in New South Wales. In particular, she emphasised that the state office was taking a far more holistic approach in terms of its

structures and integration of client service principles. She noted that the Sydney office handles 70-80% of the case management caseload.

- 10.3 In terms of the structure within the state office, the Compliance section was split into Case Management and Removals Teams. The Case Resolution section was split into compliance field teams, status resolution, and ministerial intervention. Many teams were co-located to ensure that information could be shared quickly, to provide clients with consistent and holistic communications, and to manage risks in relation to particular clients.
- 10.4 Ms Trapaga-Saul outlined the client service approach taken in New South Wales. The compliance counter is one of the busiest in Australia, and much work has been done to ensure the client experience is not diminished, including specific induction processes, redesigned lounges, and wide use of interpreters (over 80% of clients required interpreters). This extends to communicating with the client, using one case officer for each client, and ensuring that, prior to interview, the case officer has complete information.
- 10.5 There has been a client satisfaction survey conducted on 283 clients (approximately 5% to 10%) of the caseload to determine the effectiveness of the client service improvements. The written survey was produced in five languages, and there were interpreters available as well. Most of the client service aspects were covered including waiting time, amenities, professionalism of staff and understanding of requirements.
- 10.6 Mr Clement suggested that there may need to be separate feedback to distinguish feedback on clients' satisfaction with their immigration outcome compared to their satisfaction with the client service experience itself. Professor Minas suggested that online surveys separate from the client service environment may improve the validity of the data.
- 10.7 Council Members expressed interest in how the information from the survey would be used. Mr Aristotle expressed the need to follow through on the survey and determine whether the client service improvements made a difference in relation to the status resolution. This was echoed by Professor Minas, who suggested that a longitudinal study of clients moving through the system (noting ethical concerns) would provide most benefit.
- 10.8 Dr Rifi indicated that the quality of the advice from the department to clients had improved considerably, which meant a lesser reliance on migration agents to provide advice. Dr Loughry noted that the access to departmental staff had improved, and could provide further information in this regard.
- 10.9 Ms Trapaga-Saul welcomed this feedback as evidence that the improvements to client service were having the intended effect. Ms Trapaga-Saul observed that clients are treated appropriately regardless of whether their outcome was to remain in Australia or to be removed. In particular, care is taken to ensure that those who are on a removal pathway are not made to feel they had done anything wrong and that their dignity is maintained. This means that the client is more likely to be cooperative upon removal, although on rare occasions restraints are still required. .



- 10.10 Ms Trapaga-Saul provided some examples to the Council of the process taken for different client groups, including whether clients would be referred to status resolution or case management. The nature of the client's situation drove the response for each group. .
- 10.11 Members received a handout detailing key statistics in relation to caseload and clients in New South Wales. Ms Trapaga-Saul pointed out to Members key areas of interest, including that the majority of clients entering from the People's Republic of China did not enter on electronic travel authorities. In terms of the NSW Status Resolution Snapshot, Mr Aristotle asked how the information can be relied on. The response was that the snapshot was not split out between legacy cases and regular workload, and that as the legacy cases are removed, the percentage of cases going to case management is likely to shift.
- 10.12 After examining the statistics further, Mr Aristotle asked where the threshold was for clients going into case management; in particular, was it based on an assessment and was the assessment refined enough. Ms Trapaga-Saul noted that the co-location of teams assisted in the refinement of the process, particularly with ministerial intervention requests and determining whether there was new information to consider. Mr Aristotle reflected that more work needed to be done in relation to the definition of 'new information', particularly in specialist areas such as health.
- 10.13 In terms of NSW Status Resolution outcomes as at 31 December 2009, it was noted that there was considerable effort placed in increasing the number of final immigration outcomes, but there had been an increase in changes in immigration status, primarily due to the legacy caseload. Ms Larkins remarked that there were over 25,000 overstayers who had been in Australia for more than ten years. Mr Aristotle noted that this reinforced the need to process the legacy caseload, as only then could it be accurately understood how the changes in visa grants have impacted on status resolution. Mr Wann noted that there was still considerable recruitment to be completed in this area, and it may take up to six months before the real impact could be assessed.
- 10.14 Ms Trapaga-Saul discussed with Members the statistics around clients disengaging with the status resolution process. In particular, she noted clients disengaging: immediately after the first ministerial intervention request had been finalised (28%); after a travel ticket had been requested (30%), and after the first ministerial intervention request had been lodged – this was seen to be tied to the granting of work rights (12%). In addition, Ms Trapaga-Saul noted that there were 19 common obstacles to status resolution that had been identified as requiring solutions, such as loopholes in legislation in relation to minors who were not permanent residents. With reference to clients in immigration detention, Ms Trapaga-Saul noted that numbers had decreased since April 2009, as had the time spent in detention. Ms Trapaga-Saul invited Members to view status resolution processes in New South Wales.

- 10.15 Ms Edgerton addressed Members on the logistics of case management in New South Wales. At present, there are 320 clients from 53 different nationalities being case managed. Most referrals to case management come from the compliance counter, however referrals could come from a number of sources, including Onshore Protection, the Red Cross and other welfare and government organisations. Most interactions with clients take place within a couple of days of referral.
- 10.16 The case manager makes an assessment of a client's immigration status, their health and welfare, and undertakes a screening interview. Appropriately 50% of those screened are be excluded from case management and referred elsewhere. The main client groups who are case managed include those with significant health issues, elderly clients with no family, families where children are at risk, those who have experienced some catastrophic events, and those experiencing family law issues including adoption. Those clients lodging protection visa applications are generally referred to the Asylum Seeker Assistance (ASA) program and are not case managed.
- 10.17 For those who are case managed, there is a comprehensive case assessment conducted. Those with health and welfare issues are referred to the appropriate organisation. There is also an assessment to see if clients are eligible for the Community Assistance Scheme (CAS). Those with significant physical or mental health risks, or minors at risk, are referred to the Red Cross – there are currently 130 clients who have Red Cross case workers. The majority of clients with access to CAS are not asylum seekers.
- 10.18 Clients' immigration history, potential barriers to status resolution, and other options are investigated. Immigration Advice and Application Assistance Scheme (IAAAS) services are seen as an option. For those on a pathway of removal, clients are referred to the International Organisation for Migration (IOM), who provide services in relation to assisted voluntary removal, as well as other services. It was noted that some clients disengage once their health and welfare issues are resolved.
- 10.19 Mr Aristotle asked if the current system included some double handling. Ms Edgerton indicated that it did, but this was seen to be a better outcome than risking having clients in need of assistance slipping through a gap. Mr Casey indicated that there were still significant shortages in the case management space (only 45 of the required 100 are available). Mr Aristotle asked if there was merit in combining status resolution and case management staff. Mr Wann responded by noting that the delegations around granting bridging visas and detaining people were with status resolution staff, and case managers did not have a similar delegation.
- 10.20 Dr Loughry suggested it would be useful to have separate case managers dealing with legacy and new cases, so that a sense of status resolution patterns could be obtained. Ms Trapaga-Saul noted that this reinforced the case to collect separate data for these groups.
- 10.21 Dr Loughry noted that advocates and representatives seemed to be operating in an outdated model and giving clients hope where it may not be well placed.

Ms Trapaga-Saul acknowledged that clients were not well informed, and that she would be looking at targeting specific groups to better inform them.

- 10.22 Mr Aristotle asked how relationships with external providers were progressing. Ms Trapaga-Saul noted that some relationships with Non-Government Organisations (NGOs) were good, whilst others need work in terms of them understanding what is required regarding services. Mr Aristotle remarked that some NGOs are not as connected with case management as they should be. Air Marshal Funnell queried whether NGO representation on Community Consultative Groups (CCGs) makes a difference – Ms Coleman indicated that it did not due to the detention focus of CCGs.
- 10.23 Ms Edgerton noted that in relation to the CAS, the department needed to get better at debriefing on changes in decisions. This should assist organisations in being more able to support clients' needs. Mr Clement noted that the discussion with NGOs needed to address the impact on the client's health and well being in relation to cases becoming protracted.
- 10.24 Dr Rifi remarked that the flow of information through community liaison had considerably reduced in recent times, and that this needed to be addressed.
- 10.25 Ms Benson asked what qualifications case managers had, apart from the five week training course. Ms Trapaga-Saul noted that personnel came from a mix of social welfare and other backgrounds, and there was no threshold of qualifications as such.
- 10.26 Mr Aristotle noted that the department had moved back into the space of service provision. He asked what arrangements had been made in relation to the supervision, professional development and training of personnel, given their importance in maintaining quality. Ms Trapaga-Saul stated that the department had appointed an administrative rather than a clinical model. She pointed out that a psychologist comes in once a month as part of a professional supervision support program, but acknowledged this is probably insufficient and needs to be expanded. Mr Wann added that there is also a peer support network operating. Mr Clement noted that a "Communities at Practice" model could assist, where practitioners from a number of jurisdictions discussed practice issues across the sector.
- 10.27 Ms Edgerton distributed and discussed a number of case management case studies, which included creative strategies for managing removals, including arranging post-removal services.
- 10.28 Mr Casey updated the Council regarding case management on Christmas Island. He noted there are 13 staff currently on the island dedicated to case management, of which half have been fully trained and are experienced. Case managers were the only departmental staff who directly engaged with clients on the island. Mr Casey indicated that the preferred number of case management staff on the island for case management was 31.
- 10.29 Case managers work in two teams. The first team operates in the compounds in the IDC, and picks up on issues raised by the service provider and clients in

terms of clients not coping with the environment. The second team works more closely with the key groups on Christmas Island, including those with no primary assessment decision after 120 days, and those with negative decisions and/or other vulnerabilities.

- 10.30 Personnel sent to Christmas Island receive three days of pre-deployment training, of which half was dedicated specifically to case management. Professor Minas asked, noting that case managers tended to deal with individuals in vulnerable groups, whether there was a fear within clients whenever a case manager approached. Mr Casey indicated that clients were generally very positive towards case managers, and there seemed to be genuine engagement, where other clients would approach case managers.
- 10.31 It was noted that there was significant recruitment happening in the case management area, which should assist in supporting increases in both irregular maritime arrivals and unauthorised air arrivals.

## **11. RESEARCH AND EVALUATION**

- 11.1 Professor Minas noted that the draft minutes of the Research and Evaluation Sub-Group meeting of 8 February 2010 had been distributed to Members. The main issues covered by the Sub-Group meeting were the general approach the Sub-Group will take, the areas of research that will assist the Council advise the Minister, and the draft terms of reference for the Sub-Group.
- 11.2 The Sub-Group meeting was attended by Ms Anita Davis, Research Director from the Policy Innovation, Research and Evaluation Unit (PIREU). She provided an update on the role and activities of PIREU, and discussion followed in relation to how PIREU and the sub-group could interact to ensure that the two areas worked together to ensure that each other's work could be completed.
- 11.3 Members noted that the budget set aside by PIREU for funding research projects (\$500,000) was inadequate. Ms Larkins noted that this was the centralised research budget only, and that line areas may have further research funding available through their particular budget allocation. Ms Larkins and Ms Jacka also noted the significant budgetary constraints the department was operating under. Notwithstanding this, Members encouraged the department to continue to look for opportunities to undertake research activities as part of core business, noting the positive contribution that research can have to the delivery of more effective programs. Members also noted that research strengthens the evidence base that supports service delivery. It was queried whether the department had a comprehensive picture of its research activities at present, and that it was important to identify the line areas that were undertaking research. Ms Larkins advised that one of the roles of the PIREU is to create the consolidated picture. In addition, the limited budget should not be seen to constrain the Council in recommending to the Minister particular research priorities, particularly as there may be other avenues of funding available.

- 11.4 Members discussed the draft terms of reference for the Sub-Group. It was clarified that the Sub-Group does not conduct research in its own right, but recommends priorities for research. It was noted that it would be some time before the Council would be in a position to provide recommendations to the Minister in regard to research.
- 11.5 Professor Minas indicated that the department may be exposed if it undertook to deliver new policies without a sufficient research base. Ms Larkins indicated that for new policy proposals, there was generally an evaluation capacity built in that allowed for development and review.
- 11.6 Members suggested the following changes to the draft terms of reference:
- Point 2 be expanded to state ‘Work in close collaboration with the DIAC Research Section and the relevant areas of the department.’
  - Point 5 was not seen to be a term of reference.
  - Point 4 be reworded to state ‘Develop strategies for increasing the research funding options and capacity that is available for research projects that are relevant to the CISSR work program’.
- 11.7 Members broadly accepted the draft terms of reference, but asked Professor Minas to refine them before final acceptance.
- 11.8 Professor Minas asked if other Members wished to join the Sub-Group. Members discussed that it may be prudent for other Members to join the research Sub-Group as particular pieces of research are being considered (eg arising from the Minors Sub-Group).

<b>ACTION 11</b>	<b>Professor Minas to circulate final terms of reference for Research and Evaluation Sub-Group prior to acceptance by Council.</b>
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## **12. DISCUSSION WITH THE OMBUDSMAN’S OFFICE**

- 12.1 Mr Aristotle introduced Professor John McMillan AO, Commonwealth and Immigration Ombudsman, and thanked him for meeting with the Council. Mr Aristotle then informed Professor McMillan of the purpose of the Council, noting in particular that there was an interest in minors in detention, as well as the operation of immigration detention centres, both on Christmas Island and on the mainland. It was also noted that the brief of the Council was broader than that of the former Immigration Detention Advisory Group.
- 12.2 Professor McMillan thanked Mr Aristotle for the opportunity to speak to the Council. Professor McMillan proceeded to inform the committee of the role of the Commonwealth and Immigration Ombudsman, and those tasks specific to immigration detention matters. It was noted that the role of the Ombudsman was transformed in 2005 when he was given special oversight and statutory functions in relation to immigration detention.
- 12.3 Key activities the Ombudsman undertakes in relation to detention include reviews of the cases of people in detention for over two years, and also at six monthly intervals; monitoring of arrangements on Christmas Island; and responding to immigration complaints. Professor McMillan provided a handout

to Members highlighting key themes coming out of the Ombudsman's investigations.

- 12.4 Themes arising from the two year reviews include lack of educational and skill development opportunities, indefinite detention, inadequate preparation for life after detention, mental health issues, and the conflict between border protection and welfare obligations. These reviews are tabled in Parliament. Professor McMillan noted that there had been a significant reduction in numbers for those who were in detention for two years or more. He also remarked that these reviews provide an excellent resource to get a picture of complex cases in the detention environment.
- 12.5 In terms of the six monthly reviews, which are not tabled but provided to the department, issues arising include visa non-compliance being equated with flight risk, the use of personal information in internal assessments, and the provision of health information within the department.
- 12.6 The Ombudsman's Office also visits Christmas Island periodically – the last visit was in September 2009. Professor McMillan noted that the issues that arose early on in the process have been managed better as time has passed. Issues raised include accommodation options, care and wellbeing of vulnerable people, timeliness of decision making, access to health services, access to support and recreational facilities, effective communication with detainees, and use of and access to interpreters. In the Ombudsman's view, improvements have been made in cooperation between agencies, prioritisation of cases involving survivors of torture and trauma, unaccompanied minors and families, use of interpreters, and longer DIAC staff placements. As part of the process, the Ombudsman writes to the Secretary on a regular basis to advise him on Christmas Island issues.
- 12.7 Professor McMillan also discussed briefly the nature of complaints received in relation to detention, including lack of access to services (such as legal services, language classes, culturally appropriate food, excursions, computers, exercise/remedial equipment), bullying, assault and harassment by other detainees and by service provider staff, lost property, and delays in security and community detention assessments. The Ombudsman remarked that in relation to assaults at Villawood, he had played a role in bringing the department together with law enforcement agencies to resolve jurisdictional issues. The Ombudsman noted that there was a risk in over servicing complaints to the extent that the Ombudsman's mechanisms may not allow the internal mechanisms to operate effectively.
- 12.8 The Ombudsman acknowledged other tasks his office undertakes, including the oversight of administrative compensation reviews, and providing publications including an issues paper on mistakes and unintended consequences.
- 12.9 Ms Coleman asked what the nature of the engagement with detainees was for the purposes of the six month and two year review. Professor McMillan informed Members that there was generally a face-to-face interview with

detainees for the two year review, whilst it was more likely that a telephone conversation would take place for the six monthly review.

- 12.10 Dr Rifi, reflecting the concerns of other Members, asked what arrangements the Ombudsman had with other oversight bodies such as the Australian Human Rights Commission, in the context of the oversight bodies covering much of the same ground in terms of their reports and potentially duplicating effort.
- 12.11 Professor McMillan indicated that the Ombudsman does have some cooperative arrangements with the Australian Human Rights Commission. The focus of each organisation is different, so independent reports still need to be prepared by each organisation. The Ombudsman does go to some effort to ensure that agencies are not duplicating effort, particularly in relation to individual complaints. Ms Henry noted that a majority of recommendations tended to overlap across reports by different agencies, especially the detention of children, accommodation, torture and trauma services and access to communications.
- 12.12 Mr Aristotle suggested to the Ombudsman that there be a meeting between himself, the Ombudsman, the Human Rights Commissioner and the Red Cross, to discuss informally issues around resources and demarcation, noting there is a considerable burden to the department in managing requests for access. Professor McMillan saw merit in a meeting, and endeavoured to contact the Australian Human Rights Commissioner to arrange a meeting. Ms Henry noted that The Hon Catherine Branson QC had, at a earlier meeting of the Council, saw merit in the proposal. Professor McMillan also mentioned that the Ombudsman had memorandums of understanding with other oversight bodies, but not with the Australian Human Rights Commission.
- 12.13 Air Marshal Funnell noted that the best value in coordination between agencies would be in coordinating visits. Ms Fleming noted this would not be possible in relation to the unannounced visits program.
- 12.14 Associate Professor Minas asked Professor McMillan whether there had been any attempt to systematically look at the reports, to create an overall assessment of the environment. Professor McMillan outlined to Members that there were two research activities under way with Griffith University (dealing with people you cannot please) and Monash University in relation to closed environments.
- 12.15 Ms Larkins noted that external oversight from agencies such as the Ombudsman was fundamental to the department's advancements in recent years, and continues to be.
- 12.16 Mr Aristotle asked Professor McMillan whether he felt there was a sufficient legislative framework in place for the Ombudsman. Professor McMillan remarked that in the immigration space, most of the legislative changes had been made in 2005, particularly around access to non-government service providers. It was noted that the Ombudsman's Act was now over 30 years old and possibly required a rewrite due to its interaction with other legislation.

- 12.17 Mr Aristotle raised a concern about the monitoring of health services in immigration detention, which seemed to be a gap in oversight arrangements and was also mentioned in the Palmer report. The Ombudsman noted that due to the expertise required to investigate such matters, and the fact that the expertise did not presently lie with the Ombudsman, that particular role did not fall within the purview of the Ombudsman. The Council noted that the Detention Health Advisory Group was not responsible for that oversight role, noting this was a gap in oversight arrangements.
- 12.18 Professor Yasmeen asked the Ombudsman whether the department was responsive to the Ombudsman's recommendations. Professor McMillan indicated that the department was doing very well and was very responsive compared to other agencies.
- 12.19 Professor Yasmeen asked whether the Ombudsman may have a role in overseeing international student issues. Professor McMillan indicated that this was under active consideration.
- 12.20 Mr Aristotle queried whether there were similar oversight bodies in other jurisdictions. Professor McMillan indicated that there was, citing the United Kingdom's Independent Chief Inspector of the UK Border Agency as an example.

ACTION 12	Ombudsman's Office to arrange informal meeting with Mr Aristotle, the Ombudsman, the Australian Human Rights Commissioner and the Red Cross to discuss possibilities for integration and/or coordination of oversight activities for immigration detention.
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### 13. FEEDBACK FROM COMMUNITY CONSULTATIVE GROUPS

- 13.1 Mr Aristotle asked Members to update the Council on feedback received from Community Consultative Groups (CCGs).
- 13.2 Dr Rifi indicated that the two previously convened CCG meetings in New South Wales had been cancelled due to lack of interest from attendees. The next meeting is due to take place in the week beginning 15 February 2010. Dr Rifi did note that there seemed to be few issues arising at this time.
- 13.3 Ms Coleman informed the Council that she had chaired a CCG meeting in Melbourne on 9 February 2010 for both the immigration detention centre and the immigration transit accommodation. She expressed satisfaction at the involvement of both departmental and Serco personnel in the process, the state of the facilities and the transition process. Ms Coleman noted that two other groups had asked to be invited to the CCG, but it was not clear from the terms of reference what mix of attendees was appropriate. The agenda was also seen as being highly reporting oriented, whereas Ms Coleman thought it should be more oriented towards problem solving.



- 13.4 Mr Aristotle noted the concern around the terms of reference and asked how it could be made clearer and more consistent across regions. Ms Jacka noted that the detention services contracts make explicit reference to the meetings and undertook to provide relevant extracts of the contracts to Members. In addition, the CISSR Secretariat undertook to construct a consistent terms of reference for CCGs. Once drafted, there would be a teleconference held with Chairs of CCGs to seek their agreement to the terms of reference.
- 13.5 Ms Benson updated Members on the Queensland Community Reference Group meeting. As there is only immigration transit accommodation (ITA) in Brisbane, CCG issues were discussed by over 40 people, not all who have a direct interest in the Brisbane ITA. To address this, Ms Benson has met with the Queensland State Director, Mr Greg Kelly. Mr Kelly has undertaken to review the membership of the Group and set up a settlement planning committee. Mr Clement noted that a settlement planning committee in itself may be too narrow in scope to address the issue. There was no timeframe determined as to when the membership of the Queensland Group would be reviewed. Mr Aristotle noted that members of the Group should be written to as the Group is re-formed.
- 13.6 Members discussed further the content of terms of reference for CCGs. Concepts discussed including encouraging those attending to engage in constructive dialogue around problem solving, ensuring that members are aware of the sensitivity of information discussed. Air Marshal Funnell also suggested that Mr Aristotle consult with State Directors and Regional Managers with a view to updating members of CCGs on the department's progress regarding detention arrangements.
- 13.7 Professor Yasmeen indicated that she had not yet attended a CCG meeting in Perth, but had been invited to one. Noting that Ms Yasmeen was the Chair, the CISSR Secretariat undertook to confirm with the Regional Manager in Perth the arrangements for the next CCG meeting. Ms Yasmeen noted she had visited both the immigration detention centre and the immigration residential housing, and noted the inadequacy of the detention centre in particular. Ms Jacka indicated that the detention centre is currently on leased land close to the airport and is not likely to be a long-term solution for the department as it is likely the lease will not be extended upon expiry.
- 13.8 Mr Caldwell passed on Professor Proctor's comments in relation to South Australia. Professor Proctor has met with both the Acting Regional Manager, Ms Christina Santos, and the officer responsible in Adelaide, Mr Greg Broadbent. There is a Community Reference Group meeting scheduled for February, and Professor Proctor indicated he would like to shift the focus of the meeting towards problem solving.
- 13.9 There was some discussion about having a CCG meeting in Darwin, noting there had not been one for over 18 months and there are currently people being detained there. Due to the logistics, a view was expressed that this should be incorporated into other activities in Darwin if at all possible.

<b>ACTION 13</b>	<b>CISSR Secretariat to provide Members with extracts from the detention services contracts in relation to CCG meetings.</b>
<b>ACTION 14</b>	<b>CISSR Secretariat to formulate terms of reference for CCGs consistent for each region. A teleconference will be arranged by the Secretariat with Chairs of CCGs to agree the terms of reference.</b>
<b>ACTION 15</b>	<b>CISSR Secretariat to confirm arrangements for Western Australia CCG and inform Professor Yasmeen.</b>

#### **14. CLOSING DISCUSSION**

- 14.1 Mr Aristotle thanked the Council Members for their contribution to the meeting and to the Sub-Groups. Mr Aristotle also thanked the members of the department for their availability and support to the Council.
- 14.2 Members agreed that the next meeting of the Council would be held on 6-7 May in Brisbane. Further meetings are tentatively scheduled for 15-16 July in Perth or Darwin, and 10-11 September at a venue to be confirmed. Mr Aristotle reminded the Council Members that they needed to be mindful of the venue of meetings, as it may impact on the availability of departmental staff.
- 14.3 Ms Jacka informed Members that due to the operational dynamics on Christmas Island, the earliest an overnight visit could be accommodated was mid to late April. Several Members expressed interest in attending, depending on the final dates.

<b>ACTION 16</b>	<b>CISSR Secretariat to inform Members of dates for visit to Christmas Island.</b>
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#### **MEETING CLOSED AT 4:35PM.**

<b>Action</b>	<b>Issue</b>	<b>Responsible</b>
GM4/01	A health professional working group to be established to frame a discussion on the intersections of various health, mental health and welfare training requirements across the services and status resolution space.	Services Management Branch
GM4/02	Department to establish a plenary service provider forum.	Services Management Branch
GM4/03	Mainland Sub-Group to consider the issue of community visits programs and associated issues of privacy.	Mainland Sub-Group Convenor
GM4/04	Members to be provided with the latest statistics on Christmas Island.	CISSR Secretariat
GM4/05	Members to be provided with the numbers of primary refusals on Christmas Island.	CISSR Secretariat
GM4/06	CISSR Secretariat to note individual remarks and comments in minutes in preference to summarising discussion and leaving comments de-identified at a group level.	CISSR Secretariat
GM4/07	CISSR Secretariat to provide Members with a set of photos to serve as a 'virtual tour' of facilities.	CISSR Secretariat
GM4/08	Mr Aristotle to write to the Minister after each Council meeting to inform him of progress.	Council Chair

GM4/09	Ms Pope to provide members with a summary of her work in minors.	Citizenship, Settlement and Multicultural Affairs
GM4/10	A working group to be established to engage with all stakeholders involved in settlement issues for minors.	Minors Sub-Group Convenor
GM4/11	Professor Minas to circulate final terms of reference for Research and Evaluation Sub-Group prior to acceptance by Council.	Compliance and Case Resolution Division (lead)
GM4/12	Ombudsman's Office to arrange informal meeting with Mr Aristotle, the Ombudsman, the Australian Human Rights Commissioner and the Red Cross to discuss possibilities for integration and/or coordination of oversight activities for immigration detention.	Commonwealth Ombudsman
GM4/13	CISSR Secretariat to provide Members with extracts from the detention services contracts in relation to CCG meetings.	CISSR Secretariat
GM4/14	CISSR Secretariat to formulate terms of reference for CCGs consistent for each region. A teleconference will be arranged by the Secretariat with Chairs of CCGs to agree the terms of reference.	CISSR Secretariat
GM4/15	CISSR Secretariat to confirm arrangements for Western Australia CCG and inform Professor Yasmeen.	CISSR Secretariat
GM4/16	CISSR Secretariat to inform Members of dates for visit to Christmas Island.	CISSR Secretariat

**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION**  
**5th GENERAL MEETING MINUTES**  
**Brisbane - 6 & 7 May 2010**

**PARTICIPANTS**

**Council Members**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Ms Caz Coleman  
Mr Noel Clement  
Ms Libby Lloyd AM (7 May only)  
Dr Maryanne Loughry  
Associate Professor Harry Minas  
Dr Jamal Rifi  
Professor Samina Yasmeen  
Apologies: Professor Nicholas Procter

**Minister's Office**

Ms Allison Henry, Advisor to the Minister

**Department**

Community and Detention Services Division

Ms Jackie Wilson, First Assistant Secretary (6 May only)  
Ms Deb Jacka, Assistant Secretary Community and Detention Operations Branch  
Ms Fiona Lynch-Magor, Assistant Secretary Services Management Branch  
(7 May only)  
Ms Heather Donnellan, CISSR Secretariat

Compliance and Case Resolution Division

Mr Dermot Casey PSM, Assistant Secretary Case Management Branch  
Ms Lynne Gillam, Assistant Secretary Compliance Resolution Program Management  
Branch

Queensland State Office

Mr Greg Kelly, Global Manager Visas (Skills and Family)  
Mr Troy Sokoloff, Regional Operations Manager  
Ms Suzy Dailey, observer and note taker  
Ms Tram Le, observer and note taker

Minutes: Ms Cheryl Trussler, CISSR Secretariat  
Ms Karen Newton, CISSR Secretariat

## 1. WELCOME, CORRESPONDENCE AND ACTION ITEMS

- 1.1 Mr Aristotle welcomed Members of the Council for Immigration Services and Status Resolution (the Council) and staff from the Department to the meeting and invited opening remarks from participants.
- 1.2 Air Marshal Funnell commented that the minutes of the previous meeting were comprehensive and contained information; however, there could be a reduction in the amount of detail included. Dr Rifi suggested the inclusion of an executive summary.
- 1.3 Ms Coleman queried the date of the 7th General Meeting which is scheduled for 10 and 11 September – the Secretariat advised members that the date is Thursday and Friday, 9 and 10 September 2010.
- 1.4 Air Marshal Funnell queried 3.14 in the previous meeting minutes as to whether a ‘desktop study’ involving a small number of identified case officers and clients was undertaken as a means to establishing the practical requirements for a study.

ACTION 1	Members to be provided with an update on the pilot of the vulnerability assessment tool. Refer 4 <sup>th</sup> General Meeting Minutes paragraph 3.14
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- 1.5 Air Marshal Funnell discussed point 4.13 in the minutes of the previous meeting and whether SERCO has conducted exit interviews and focus groups for staff and clients to measure how people feel about their detention experience, including how they think complaints are dealt with and how safe they feel.
- 1.6 Ms Wilson suggested that this should be a task for the Research and Evaluation Sub-group to progress. Ms Jacka outlined that a questionnaire could be developed along similar lines to that used by SERCO in the UK (see Report on an unannounced follow-up inspection; Yarl’s Wood Immigration Removal Centre – 9-13 November 2009). Ms Jacka suggested that SERCO develop the questionnaire and approach the Research and Evaluation sub-group for guidance and input into the questionnaire’s development.
- 1.7 Associate Professor Minas commented on the increasing volume of paperwork and correspondence surrounding the CISSR Secretariat’s communication with the Council. Associate Professor Minas noted that it may be worthwhile exploring the option of a CISSR website where all papers and other correspondence could be uploaded and shared amongst members, for example the daily media clips, CISSR agendas, detention statistics and relevant research papers This would also provide a more efficient way of communicating ideas for sub group members; the website would also reduce the workload of the Secretariat. Ms Wilson affirmed that this was a very sensible idea and that the Department would follow up on this issue including communicating with the Department’s IT area to explore policies that could be put in place that would support this initiative. Members gave examples of other working groups who successfully use password protect websites to share their information.

ACTION 2	CDSD to explore the development of a CISSR website to improve means of communication with and between members.
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- 1.8 After the recent Mainland Sub-group visit to Villawood Immigration Detention Facilities Air Marshal Funnell observed that SERCO needed to improve their

activities program (4.21 in previous meeting minutes) at the Villawood Immigration Detention Facilities, both Villawood Immigration Detention Centre and Villawood Immigration Residential Housing. Air Marshal Funnell noted that the excursion program at both Villawood facilities was virtually non-existent and that this was a critical element for people in long term detention.

- 1.9 Air Marshal Funnell commented that the relationships at senior levels between Immigration Health Management Service (IHMS) and other external providers including the non-government sector should be strengthened. At the previous general meeting Mr Hassall's comments regarding strengthening relationships were specific to Christmas Island (CI). Ms Wilson commented that a new structure had recently been approved and that she and Ms Lynch-Magor frequently meet with senior people from these agencies to build robust working relationships.

ACTION (added in minute revisions)	The Department to provide an update for the 7 <sup>th</sup> CISSR General Meeting.
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- 1.10 Air Marshal Funnell questioned the progress of 6.3 from the previous meeting minutes regarding draft section 499 Ministerial Direction, *Exercise of decision to detain a minor under section 189 by officers*. Ms Henry advised members that the work is currently with the Minister's Office.

- 1.11 Mr Casey responded to questions in relation to 10.28 in the previous meeting minutes regarding the ratio of case managers to clients. Currently on Christmas Island the ratio is 120 clients to 1 case manager – some of whom do not have a Certificate IV in Government (Case Management). Mr Casey noted that all new arrivals are actively case managed. To address this, Case Management Branch are currently recruiting staff to build a pool of people to improve client to case manager ratios and to provide a higher percentage of staff trained to Certificate IV level at all locations.

- 1.12 Members requested information on the content of training for case managers and other staff in the Department; is there a register of training being provided; by whom, are they accredited trainers? Ms Wilson reported that each division is responsible for its own training and offered to provide the Council with a calendar of scheduled training for Community and Detention Services Division. Mr Aristotle asked about the level of training offered to case managers; are they specifically trained to identify torture and trauma cases and, where necessary, implement escalation procedures. Ms Gillam advised members on the Compliance and Case Resolution Branch's training with Members and the ongoing review and development of the curricula of the immigration college. Members requested additional information on the Department's training programs and how these training programs complement each other.

ACTION 3	Community and Detention Services Division to provide members with a calendar of training scheduled for the division
ACTION 4	Compliance and Case Resolution to provide Members with an overview and presentation on training at the next General Meeting.

- 1.13 Dr Loughry reported that the Minors Sub-group has been established and has met twice. Ms Pope had joined the meeting by teleconference – a report will be provided tomorrow. Members requested a copy of Ms Pope's summary of work on minors.

<b>ACTION 5</b>	<b>Provide Members with a copy of the CISSR Minor's paper prepared by Ms Pope</b>
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- 1.14 Mr Aristotle expressed concern that the Christmas Island Sub-group had, as yet, not had the opportunity to visit CI. Ms Wilson reported that CI is at capacity but a time will be found in the CI schedule for the visit. Flights, accommodation and Departmental staff to assist with making the visit meaningful are in short supply. Ms Wilson assured the Sub-group that a visit would be given priority and be organised within the next three to four weeks.

<b>ACTION 6</b>	<b>Christmas Island Sub-group to visit CI as soon as possible.</b>
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## **2. CHRISTMAS ISLAND OVERVIEW**

- 2.1 Ms Wilson provided the meeting with an overview of facilities on CI, a draft paper 'IMA – Client Management Strategy' and CI statistics as of 5 May 2010. Ms Wilson outlined some of the key points included in the paper and asked members to provide feedback to the draft 'IMA – Client Management Strategy' paper. Ms Wilson reported that capacity has increased; Aqua Compound which accommodates 400 single men within North West Point (NWP) is now ready for use. All client accommodation that was under construction on CI has now been completed. If the arrival of IMAs decreases or slows, the Department would be in a position to return spaces, currently used to accommodate clients in tents, to recreation and activity areas. Mr Aristotle suggested that there was no indication that the boats would stop, and that the operation of the CI IDC could be in a vulnerable position with the ever increasing numbers of arrivals.

<b>ACTION 7</b>	<b>CCRD and CSDS to discuss out of session and provide a revised version of the 'IMA - Client Strategy Paper' to Members</b>
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- 2.2 Ms Wilson reported that 360 single men had recently been transferred to Darwin and 122 to Villawood. If the Irregular Maritime Arrivals (IMAs) numbers continue to increase the Department would need to quickly respond and reopen the Curtin Immigration Detention Centre (Curtin), to transfer some of the suspension single male clients to the mainland. Curtin has a capacity to accommodate up to 600 clients. 58 families have also been transferred from CI to an Alternative Place of Detention (APOD) in Brisbane with more family groups arriving within the next few days. Family groups are also accommodated at the Brisbane Immigration Transit Accommodation (BITA). Ms Wilson stated a preference that family groups require placement close to cities, services and amenities and the Department is currently sourcing further properties that can be brought online quickly.
- 2.3 Members discussed the types of facilities that could be sought to accommodate large numbers of clients. The two main issues identified were appropriate accommodation for families and accommodation that is secure. Further issues discussed included the requirement for accommodation to meet current building requirements and codes, the availability of resources and services and the potential impact on the clients, especially the vulnerable groups. The meeting was advised that the Department has been searching for accommodation through select real estate agents but has not found suitable options. Those provided are too old, too small, too isolated or do not comply with current building codes.
- 2.4 Members stressed that they did not want the Department to repeat the mistakes of the past. Places such as Baxter and Curtin had 'past history'. Members sought

reassurance from the Department that the same mistakes would not be repeated and requested that IDAG reports from the Curtin be made available to Members.

<b>ACTION 8</b>	<b>Secretariat to look for copies of IDAG reports on Curtin and report to Chair.</b>
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2.5 Ms Henry advised that security clearances are increasingly problematic and that the Department needs to think laterally to find workable solutions for the IMA caseload, for example an increase in focus on Alternative Places of Detention in the Community (APOD) and Community Detention (CD). Since the announcement of the suspension, the client caseloads are quite different; the Afghan and Sri Lankan cohorts arriving since April could prove a challenge in relation to the principle of health, identity and security checks. External agencies are processing security clearances as quickly as possible, but the boats continue to arrive and as a result resources are stretched.

2.6 Ms Benson asked the Department to give consideration to a client's immigration pathway and provide adequate notice to the settlement sector of upcoming settlement requirements. Ms Benson provided the meeting with a recent example of, not an isolated incident, where notice was given on Monday to settle 50 persons on the Wednesday thus over-stretching resources within the settlement sectors. Ms Coleman told the meeting that it is quite difficult to scope the potential requirements for settlement services if the settlement sector does not have any certainty, and that the Department could potentially lose the goodwill of these agencies.

2.7 Ms Wilson advised the meeting that it is not easy for the Department to predict immigration pathways especially as country information is changing rapidly and there would appear to be more groups being refused protection visas. Ms Wilson advised that minors, families and vulnerable clients are prioritised however there is uncertainty regarding the processing of the Afghan and Sri Lankan suspension case load.

2.8 Ms Henry reported to the meeting that over 3000 additional arrivals are predicted within the next few months.

This may mean that in:

- three months the facilities will be 160 beds short for families
- six months 400 beds short for families and
- six months the Department will be 900 beds short overall.

These figures take into account the additional accommodation options which are coming online; visa grants and settlements were approximately 165 per month and returns 10-15 per month. Whichever way the figures are looked at, the Department needs to urgently find additional accommodation on the mainland for clients transferred from CI.

2.9 Members requested the Department report on how the Afghan and Sri Lankan clients are responding to the news that their protection claims/processing are being suspended. Members are very interested to learn about the health and mental health issues that arise and what support networks will be in place to support these clients. Issues such as hunger strikes and self harm were raised as areas of great concern to members. Ms Wilson referred the meeting to the 'IMA – Client Management Strategy' which is being developed and the continued efforts of the Department and staff to ensure the health and safety of all people in immigration detention.



<b>ACTION 9</b>	<b>Members requested statistics (weekly or fortnightly) on primary refusals, and DIAC to investigate.</b>
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### **3. Development of the BITA, APOD and CAS in Brisbane**

- 3.1 Mr Kelly advised that due to the current increases in transfers from CI to the mainland compliance fieldwork has decreased. For normal levels of compliance fieldwork to resume additional beds are urgently required to accommodate increased client numbers.
- 3.2 Mr Kelly reported that the Department's relationship with its service providers is very good and was working well in Queensland. They have an active Community Reference Group (CRG) which Ms Benson chairs and a detention review committee comprising of a number of departmental staff, SERCO and the BITA Manager.
- 3.3 Air Marshal Funnell questioned what was the specific charter of the detention review committee? Mr Kelly informed the meeting that the detention review committee's role is to ensure that people are placed in accordance with the Client Placement Assessment and Client Placement Reviews to ensure the delivery of services to clients such as education programs and activities. Mr Kelly noted that the Department has a good working relationship with the Queensland Education Department and they were currently in the process of establishing a communication protocol.
- 3.4 Council Members discussed settlement issues surrounding the resettlement of UAMs. Members noted that settlement of minors was much easier in South Australia and Victoria. Mr Kelly noted that initially all minors would be on a positive pathway however as the climate and country information are changing this may no longer be the case. Mr Kelly advised that the current BITA and APOD facilities in Brisbane do not support the increased numbers of suspended or refused caseloads.
- 3.5 Mr Kelly reported that the BITA will accommodate some clients who have received negative hand downs and suggested that accommodating mixed groups at the BITA could prove difficult to manage.
- 3.6 Ms Gillam, Mr Kelly and Council Members discussed the roles of case managers and case officers under the new Regional Managers Model. Associate Professor Minas suggested that the roles need to be reviewed to ensure that staff are properly trained and that there is 'no burn out'.

### **4. REVIEW**

- 4.1 Mr Aristotle expressed thanks on behalf of the Council to Mr Sokoloff and BITA staff who had assisted with the informative tour of the facility. Mr Aristotle and Council Members were impressed by the set up of the BITA however were concerned that the facility is now being used to accommodate families for longer periods.
  - 4.1.1 Associate Professor Minas suggested a way forward to the question 'what might the determinants be for predicting positive and negative outcomes for clients?' There is a large volume of literature on the subject that the Council could draw on; the Council Members could act as an expert panel to develop a program of work on this. Associate Professor Minas put forward the Delphi

model as an interactive research tool that could be used by the Council to assist in this research. The advantage of this model would be that all views that are expressed are of an equal weight. Dr Rifi suggested that Community Consultative Group (CCG) members should be included in the consultative process.

- 4.1.2 The Council expressed serious concerns about the lack of research to inform policy and strategy advice and implementation into the future. (The Council noted an action point should have been formulated here.)

## 5. MAINLAND DETENTION CENTRES

- 5.1 Air Marshal Funnell reported that all members of the Sub-group attended the meeting at the Villawood Immigration Detention Facility, which included both the VIDC and the VIRH on 8 April 2010. During the meeting the Members put forward that the Sub-group should visit each mainland detention facility each year with the exception of Villawood which they proposed to visit twice each year due to the size and complex nature of the facility.
- 5.2 Air Marshal Funnell reported that Ms Van Raak had indicated that the Regional Managers Model was working well at Villawood. After discussing aspects of the new management structure at Villawood Ms Gillam advised the meeting that case managers are not physically located within the VIDC but are located adjacent to the site.

<b>ACTION 10</b>	<b>Mainland Detention Centre Sub-group Minutes, 8 April 2010, amend page 2 'VIDC case managers are located adjacent to the site'.</b>
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- 5.3 The Sub-group highlighted the importance of excursions for people in detention, especially those in medium and long-term detention and raised concerns about the lack of excursions available for people in detention at Villawood. Ongoing issues surrounding the use of designated persons assisting with excursions were discussed.

<b>ACTION 11</b>	<b>Issues surrounding the use and roles of designated persons to be discussed further.</b>
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- 5.4 The Sub-group proposes to meet in Darwin in May to visit both the Northern Immigration Detention Centre (NIDC) and Berrimah House which are currently being used to accommodate single male IMAs and unaccompanied minors (UAMs) recently transferred from CI to the mainland.
- 5.5 Ms Henry advised Members that the Minister's Office is planning to take a group of interested stakeholders to Curtin and asked whether the Council Members would like to be involved? All Members agreed that this would give the Council an excellent opportunity to meet with other stakeholders and service providers to informally discuss 'issues' whilst visiting the facility.

## 6. SERVICE DELIVERY FRAMEWORK

- 6.1 Mr Aristotle reported on the recent Service Delivery Framework Sub-group (SDF) meeting held on 19 April 2010 and thanked Ms Boardman, Ms Rooney and Mr Wann for their considerable contributions.

- 6.2 The proposed framework for conceptualising the changes in services to clients and to assist in progressing and supporting them to status resolution was discussed by Mr Aristotle. The Sub-group is investigating ways to better package and configure the services provided by the Department and service providers. Members agreed that income support and a range of mental health services are critical aspects of providing services to asylum seekers. The range of services, which have been progressively developed over the last eighteen years, do not have enough flexibility to cater for the complex needs of many of our current clients. Members agreed that substantial redevelopment and reconfiguration of services is required before any pilot can be undertaken.
- 6.3 The SDF's draft Terms of Reference were discussed and Mr Casey highlighted that it was not appropriate to say people 'lack' capacity and suggested changing the draft to reflect 'that their capacity is impeded'. The term vulnerable was also discussed with those present suggesting that the word vulnerable in that context implied that the clients have an impaired capacity to participate; it was agreed that the use of 'vulnerable' in the Sub-group's Terms of Reference should be rewritten to better reflect the intent.

<b>ACTION 12</b>	<b>Service Delivery Framework Sub-group's Terms of Reference – reframe the language and use of 'vulnerable' and 'lack capacity'. Provide final Terms of Reference at 6<sup>th</sup> General Meeting.</b>
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- 6.4 Members discussed the Community Assistance Support (CAS) programme with Ms Gillam and Ms Lynch-Magor providing information on the legacy caseloads in the community. Ms Gillam and Ms Lynch-Magor will compile data on the CAS programme, number of referrals and status resolution for presentation at the next meeting of the SDF Sub-group.
- 6.5 Members and the Chair discussed at length their significant concerns regarding CAS, also noting concerns raised in representations to Council Members by the community sector. These concerns covered four themes :-
- the utilisation of CAS is not as high as it could or should be;
  - eligibility has been changed;
  - the change to eligibility inappropriately disadvantages the vulnerable and the capacity of service providers to respond; and
  - stakeholders have not been consulted regarding these changes.

<b>ACTION 13</b>	<b>Ms Lynch-Magor to provide a presentation at the next SDF Sub-group meeting on a selection of CAS cases, number of referrals, take-up rates and status resolution.</b>
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- 6.6 Mr Aristotle reported to the meeting that the next milestone for the SDF Sub-group was the development of a pilot and trial evaluation methodology of the Vulnerability Indicator Assessment Tool (VIAT) and a trial of an integrated service delivery model.

## **7. MINORS**

- 7.1 Ms Lloyd provided the Council with an overview of the third meeting of the Minors Sub-group which was held on 28 May 2010 at the Melbourne Immigration Transit Accommodation (MITA).
- 7.2 Ms Lloyd advised the meeting that the Sub-group had been briefed by the Department, SERCO and IHMS at the MITA, toured the facility and had the opportunity to lunch with some of the clients. Members also met the family group who is currently housed in the annex. Dr Loughry expressed concern

regarding the limited recreation opportunities and the limited personal space that is available at the MITA.

- 7.3 Dr Loughry provided the meeting with an overview of her recent visit to Port Augusta Immigration Residential Housing (PA) where 60 unaccompanied minors recently transferred from CI are currently accommodated.
- 7.4 Ms Pope joined the Sub-group meeting by teleconference and led discussions on issues surrounding the Immigration Guardianship of Children (IGOC) Act, guardianship of minors, unaccompanied minors and age determination. The Sub-group hoped to set up a partnership within the Department to work through issues including caring for minors, provision of essential services, cultural awareness and interpretation and age determination.
- 7.5 Dr Loughry and Ms Pope raised concerns during the Sub-group meeting regarding the interviewing of minors. The Chair noted the best people to interview minors and UAMs, have specialist skills and experience with minor and are they sensitive to a child's cognitive capacity and cultural background. Dr Loughry suggested that the Department investigate using a specialised group of interviewers for minors who have been specifically trained in this field. Ms Lloyd requested that the Sub-group be provided with the transcripts of a small sample of interviews with minors to enable the Sub-group to understand how an interview is conducted.

<b>ACTION 14</b>	<b>Secretariat to find out whether interviews are audio taped and if so provide transcripts of sample interviews.</b>
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- 7.6 Members discussed the perceived advantages of being processed as a minor and the challenges the Department faces in accurately determining a person's age.
- 7.7 Dr Loughry highlighted several concerns about minors she had met at PA. Dr Loughry suggested that they were a very switched on and pro-active group who knew about the advantages of living in Australia and how to bring their families to Australia. She also raised concerns including the small living spaces, limited recreation areas, and insufficient space to have all 60 minors under shelter from the sun at one time, staff to client ratio being high. Currently 37 staff to 60 minors - SERCO up to 13, Case management and Detention Operations 8, Life Without Barriers 10, interpreters and health providers 6). Similarly, space for service provision is at a premium with many meetings taking place with staff and service providers standing outside.
- 7.8 Ms Jacka responded to the issues raised by Dr Loughry outlining that the Department is currently recruiting more staff and looking for spaces offsite that can be used for service provision, for example conducting Refugee Status Assessment (RSA) interviews at an off-site location. There is also a proposal for offsite excursions and activities.
- 7.9 Ms Jacka noted that community engagement regarding activities on CI had worked well and the Department was hoping to replicate a similar model at PA. Mr Clement stated that on CI minors are much happier in CD than in Construction Camp (CC), but agreed that a lot depends on the carer. Ms Lynch-Magor emphasised that the Department was shaping services available at PA based on experiences and lessons learnt on CI.
- 7.10 Air Marshal Funnell and Members expressed concern that a facility like PA, which was originally designed and set up for up to 8 family groups with the

support of Baxter, was now being used to accommodate UAMs. Ms Lynch-Magor agreed that it would have been more appropriate to accommodate families at PA and UAMs at the BITA however in the current climate this had not been an option.

- 7.11 Members suggested that the Department investigate using and or acquiring boarding schools to accommodate UAMs being transferred to the mainland and that any facilities being considered should be able to cater for different client cohorts and their needs.
- 7.12 Ms Jacka advised that currently the Minister authorises the role of guardian to the Regional Managers at immigration detention facilities and that training for Regional Managers on their roles and responsibilities is being developed - the Minors Sub-group will be approached for guidance and feedback.
- 7.13 Ms Henry and Members noted that more policy development needs to be undertaken around the issues of guardianship, the protection of minors, age determination and longer term accommodation of minors.

## **8. TORTURE AND TRAUMA POLICY IMPLEMENTATION**

- 8.1 Ms Lynch-Magor reported on the roll out of the torture and trauma training across the network and service providers and the Australia wide critical shortage of torture and trauma counsellors.
- 8.2 The Department has delivered training to the Indian Ocean Territories Health Service (IOTHS) to assist them in delivering torture and trauma counselling services on CI. The policy was originally developed for mainland facilities and it has been difficult to implement on CI due to the unique circumstances experienced on the island and the cultural backgrounds of the clients arriving on CI. Mr Aristotle and Associate Professor Minas agreed with these comments and suggested that it is often difficult for untrained staff to correctly identify torture and trauma versus a person who is very distressed.
- 8.3 Ms Lynch-Magor advised the meeting that training was being delivered to seven different service providers and organisations; the Department, SERCO, IHMS, Australians Red Cross, Forum of Australian Survivors of Torture and Trauma (FASST) Life Without Barriers (LWB) and IOTHS. Initial training should be completed by 9 August 2010 and after completion of the initial training, ongoing training would become 'business as usual'. Dr Loughry suggested the scheduling of on-site training at newly opened facilities to ensure there are no slippages with training provision.
- 8.4 Ms Lynch-Magor provided members with a snap-shot of referrals on CI between 22 March and 4 May 2010 reporting that there were 2008 people in detention on CI of which 112 had been identified as 'torture and trauma' cases and 3 were identified as level 3. In NSW there are 77 people identified with 57 of these receiving counselling. Members questioned whether the Department or the DSP had the ability or capacity to accurately identify all cases of torture and trauma.
- 8.5 Mr Aristotle and Associate Professor Minas suggested that the screening and identification process is often problematic. The expected increase in refusal numbers within the Afghan and Sri Lankan caseloads could lead to a significant increase in referrals and identification of torture and trauma cases.

- 8.6 Ms Coleman questioned why the 112 people already identified as torture and trauma victims had not been released into the community. Mr Casey replied that it was a security issue and all such placements were assessed on a case by case basis. Mr Aristotle and Ms Henry put forward that torture and trauma and security issues are a complicated and it is often difficult to get a clear story regarding a person's mental health. Is the client depressed, distressed or suffering from torture and trauma?
- 8.7 Associate Professor Minas suggested that case studies be conducted on a selection of resolved torture and trauma cases to learn, for example, who intervened and when, service delivery types and outcomes. It was agreed that the research should be undertaken as soon as possible and Ms Benson questioned whether the Department could employ a researcher to work with the Department for three months to carry out this research. This item should have included an action item:

ACTION (added in minute revisions)	The Department to investigate employment of a researcher to study resolved Torture and Trauma cases to ascertain and document details of interventions and outcomes.
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- 8.8 Dr Rifi brought to the Councils attention that dictionaries in the required languages are often not provided in the centres and this causes additional stress for clients.
- 8.9 Dr Rifi suggested that counsellors who are fluent in the client's language and have cultural affiliations would be best suited to one-one counselling in the detention environment. To help alleviate the shortfall of counsellors, Dr Rifi proposed that counsellors fluent in the client's language could be best utilised through an internet video conference. The client may be more open to discussion of personal circumstances with the counsellor directly rather than requiring the services of an interpreter. Dr Rifi suggested the benefits of this service for the client; especially those suffering torture and trauma would be high. Associate Professor Minas agreed that this type of service was very effective in remote communities.
- 8.10 Members requested a copy of the curriculum, training materials and information on the different levels of training that is provided to the service providers and staff. Associate Professor Minas requested the Department provide the Council with an update of training in six months.

ACTION 15	Members to be sent PSP and T&T curriculum, training materials and information on the different levels of training provided to service providers.
ACTION 16	Council to be provided with an update on the impact of torture and trauma training six months post implementation.

## 9. SUSPENSION CASELOAD

- 9.1 Ms Henry led a discussion and gave an overview of the suspension caseloads within the context of the Minister's announcement on 9<sup>th</sup> April. Ms Henry reiterated that clients' initial checks of health, security and identity would be undertaken. Whether their claims would be processed during that time was under consideration. Air Marshal Funnell and other Members were of the view that a person should be able to state their claims as soon after arrival as

possible. Ms Lloyd noted that claims made soon after arrival are more likely to be factual and not embellished or enhanced.

9.2 Ms Henry advised the meeting of current and future accommodation plans for families, single males and unaccompanied minors. Ms Lynch-Magor noted that Curtin Immigration Detention Facility would be operational by mid June 2010 with a capacity of up to 600 suitable for single men. Ms Lynch-Magor confirmed that the Baxter facility would not be reopened.

9.3 Suspension Caseload Table - Ms Henry provided the meeting with the following information on the suspension caseload.

Health, identity and security checks	Refugee Status Assessment (RSA)	Independent Merits Review (IMR)	Litigation	Removal Barriers
progressing	progressing	N/A	N/A	N/A
progressing	1A met	N/A	N/A	N/A
completed	progressing	N/A	N/A	N/A
completed	negative	progressing	N/A	N/A
completed	negative	negative	awaiting HCA decision	N/A
security check halted	negative	positive	N/A	N/A
security check halted with negative RSA	negative	negative	awaiting HCA decision	litigation policy
security check halted with negative RSA	negative	negative	voluntary removal	travel documents
adverse security	negative/ 1A met	N/A	N/A	security clearance & resettlement
suspended	N/A	N/A	N/A	N/A

9.4 Associate Professor Minas and Members discussed the need for the Department to develop a framework to identify key variables that could be used in predicting reliable outcomes for clients. These variables include but are not limited to age, sex, family grouping, country of origin, and numbers of clients in immigration detention.

<b>ACTION</b> (added in minute revisions)	The Department to develop a framework to identify key variables that could be used in predicting reliable outcomes for clients.
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## 10. CASE MANAGEMENT OVERVIEW

10.1 Mr Casey reported that the Case Management Branch is in the process of consultation regarding the mandatory control framework for compliance. This will provide a risk based approach to managing compliance and status resolution. Low risk clients, for example, tourist visa over stayers and harvest

workers, will be given a 'light touch' approach with the desired outcome being a voluntary return to their country of origin.

- 10.2 Mr Casey and Ms Gillam advised that if there are elements of risk present, these are more difficult to resolve and hence clients go into the case management stream.
- 10.3 The case review system is being evaluated; the existing system has been in place since the review of the *Migration Act, 1958* more than 2 years ago.
- 3 month - senior officer review is recorded in the portal and the case manager produces a 'quick' report internally with quality assurance by their manager.
  - 6 month - report to the Ombudsman's Office (OO), including how the case is progressing against the New Directions in Detention. The OO responds to this report, and if there is some disagreement with the content of the report the Minister's Office is informed by the Department.
  - 9 month – case manager produces a report advising their manager on what progress has been made in relation to recommendations that have been identified.
  - 12 month – case manager provides a further report to OO
  - 24 month – 2 year + OO reports (de-identified) are tabled in Parliament; every Member of Parliament receives a copy of the OO and Minister's Office reviews.
- 10.4 Mr Casey reported that as of 30 April 2010, in relation to the OO six month reviews, there were 23 mainland reports and 328 CI reports outstanding and no outstanding OO two year reports.
- 10.5 Ms Gillam and Mr Casey outlined the key challenges facing case management. These included recruitment, training and deployment of case managers. Ms Gillam reported that they are currently running 'back to back' five week training courses with successful participants obtaining a Certificate IV and that 20 new case managers would be deployed within the next two weeks. There are currently 23 case managers on CI this will increase to 30, 10 case managers to Curtin, 7 to Darwin, 5 or 6 to BITA and possible increases in case managers to Port Augusta and MITA. Additional case manager training is scheduled throughout the remainder of the year.
- 10.6 Mr Casey advised that people in immigration detention on CI are not allocated a case manager until they have been in detention for more than 120 days, exceptions to this rule are clients who are vulnerable or family groups or minors.
- 10.7 The term, and role of, case manager appears to have been subsumed into roles identified as client service manager or case worker or case officer. Ms Coleman stated that it may be unclear what 'case manager' means. Mr Casey clarified that the role of the case manager includes:-
- oversight processes including gathering information to resolve status
  - work with cases that are entrenched within the community
  - assist the client to discuss options about their future including returning to their country of origin
  - focus on resolution
  - hand down the decision in relation to their claim, however the case manager does not make the decision.



- 10.6 Dr Rifi noted that the welfare of the case manager must also be considered and all staff should be encouraged to seek support and or counselling as required.
- 10.7 Dr Loughry and Members discussed the handing down of decisions (both negative and positive) - who should be responsible and what services should be available for the various client cohorts. Members agreed that individual hand downs were preferable to group hand downs. Mr Aristotle commented that the experience and expertise of the person delivering the hand down decision was a key factor in how successfully the message is delivered. Mr Casey indicated that some case managers are better at delivering decisions. Mr Aristotle referred to the quality of the relationship between the case manager and the client and acknowledged that this can make a difference to the client's reaction and response. Mr Casey agreed that clients need to be better informed and prepared about the process.
- 10.8 Associate Professor Minas stated that it is more a case about how negative hand downs are delivered. If the case manager has a role in handing down decisions (even if they did not make it) this may undermine their status resolution role as well. Associate Professor Minas also stated that in his view group hand downs are inappropriate, regardless of whether it is a negative or positive outcome.
- 10.9 Ms Gillam advised that there is an increase in the numbers of clients who are departing voluntarily and that there has been a decrease in the number of clients on bridging visas for longer than 5 years. An example of the Department's success is the outreach programs in Griffith NSW where the Department has been working with the community to assist illegal workers to case resolution, many of whom are returning voluntarily to their home country.
- 10.10 Members also discussed the process and timeliness of case resolution through Ministerial Intervention (MI). Ms Henry advised that the Minister formulates his decisions quickly but acknowledges that there can sometimes be delays in getting the submission to the Minister's Office. Ms Gillam advised that the numbers of repeat requests for MI have decreased.

<b>ACTION 17</b>	<b>Compliance and Case Resolution Division to provide information on the number and outcomes of Ministerial Interventions.</b>
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## **11. REFUGEE STATUS ASSESSMENT PROCESSES FOR IMAs**

- 11.1 On behalf of Mr Fleming, Mr Casey presented the meeting with an update on the Refugee Status Assessment (RSA) process including current figures on primary assessments, positive grants, refusal and claims that were overturned at review.
- Since October 2008 –
- 2581 IMA clients
  - 2180 IMA clients granted protection visas
  - 401 IMA clients found not to be refugees
  - 33 IMA clients sought merits review
  - 18 elected not to seek review
  - 15 clients had their review overturned and were granted visas
- 122 IMA clients are currently undergoing IMR
- 141 IMA have been refused visas but may seek IMR
- 336 IMA recent arrivals who have not commenced RSA

- 11.2 Mr Casey reported that country information is changing especially on countries such as Afghanistan and Sri Lanka and this will possibly lead to an increase in the number of refusals. Processing has not commenced for 336 recently arrived clients on CI. 268 Afghans and 4 Sri Lankans have arrived in Australia since the announcement of the suspension on 9 April 2010.
- 11.3 Mr Casey noted that if a client receives a negative decision there is a one in four chance of the negative decision being overturned if the client proceeds to review. There are currently 122 clients in the process of Independent Merits Review (IMR).
- 11.4 Dr Loughry questioned how many clients would be on a negative pathway to which Ms Henry responded that the figures indicate 20% of clients are likely to receive negative decisions, and 25% of these will be overturned at IMR.
- 11.5 Dr Loughry and Professor Yasmeen suggested that the data is not up-to-date and does not accurately reflect the situation. Ms Henry acknowledged that the situation is changing rapidly especially with the transfer of clients from CI to the mainland and up-to-date information is difficult to obtain. Ms Henry advised that the Government is in the process of employing additional Independent Merits Reviewers to enable more timely review of claims.

<b>ACTION 18</b>	<b>Research and Evaluation Sub-group to review status resolution evaluation documents.</b>
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**12. AUSTRALIAN HUMAN RIGHTS COMMISSION, COMMONWEALTH OMBUDSMAN, UNITED NATIONS HIGH COMMISSION FOR REFUGEES AND AUSTRALIAN RED CROSS**

- 12.1 Mr Aristotle reported on his recent meetings with the Australian Human Rights Commission (AHRC), the Commonwealth Ombudsman's Office (OO) and the Australian Red Cross (ARC). Mr Aristotle noted that the meetings assist in giving each organisation a better sense and understanding of each other's work and focus.
- 12.2 Mr Aristotle advised that the agencies had agreed that visits to CI should be better co-ordinated and, given the current climate, the level of scrutiny be more focused. The monitoring of health issues was highlighted as an area of concern by all agencies given the lack of expertise in the health and mental health environment.
- 12.3 Ms Henry informed the meeting that the AHRC had approached the Minister's Office with a request for funding. AHRC is currently funded under the Attorney General's Department and not the Department of Immigration and Citizenship. The Council expressed value and support in the work of the AHRC noting it is the only group in this field which publicly reports on the findings of its review work.
- 12.4 Ms Henry noted that the OO is funded through the Attorney General's Department only for its oversight role on CI. The OO visits do not focus on systemic issues.
- 12.5 Mr Clement advised that the ARC has reduced its presence on CI to eight weeks per year. ARC may need to further reduce its presence and focus on particular areas of scrutiny in order to reduce service overlaps by agencies. Ms

Benson and Associate Professor Minas suggested that agencies could share protocols and communicate their roles with the other agencies – i.e. have a shared purpose and not as much two agencies doing/overseeing the same or similar functions.

<b>ACTION 19</b>	<b>Discussion at the 6<sup>th</sup> General Meeting regarding protocols and reports from the OO and the AHRC.</b>
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### **13. CLOSING DISCUSSION**

13.1 Mr Aristotle advised that he would write to the Minister on behalf of the Council requesting that the Department allow the Afghan and Sri Lankan suspension clients to make their initial claims for protection as soon after arrival as possible.

<b>ACTION 20</b>	<b>Chair to write to the Minister on behalf of the Council requesting that the Department allow the Afghan and Sri Lankan suspension clients to make their initial claims for protection as soon after arrival as possible.</b>
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13.2 The Chair requested a record of thanks to Mr Kelly and Mr Sokoloff for their hospitality and tour of the facilities in Brisbane; Ms Benson for her presentation of the role and work of the Multicultural Development Association in Brisbane and afternoon discussions; Ms Donnellan for her work with the CISSR Secretariat over the last few years.

<b>ACTION 21</b>	<b>Letter of thanks and appreciation to Mr Kelly, Mr Sokoloff for their hospitality and tour of the Brisbane facilities.</b>
<b>ACTION 22</b>	<b>Letter of thanks to Ms Benson for the presentation of the role and work on the Multicultural Development Association.</b>

13.3 The CISSR 6<sup>th</sup> General Meeting will be held on 15 & 16 July 2010 in Canberra or Sydney – to be confirmed. Members requested a copy of the Parliamentary sitting dates to facilitate future meeting plans.

<b>ACTION 23</b>	<b>Secretariat to provide members with calendar of Parliamentary sitting weeks for 2010</b>
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**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION**  
**6<sup>TH</sup> GENERAL MEETING - MINUTES**  
**Melbourne 15-16 July 2010**

**Participants**

**CISSR Council Members**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Ms Caz Coleman  
Ms Libby Lloyd AM  
Associate Professor Harry Minas  
Dr Jamal Rifi  
Professor Samina Yasmeen  
Professor Nicholas Procter

**Apologies**

Dr Maryanne Loughry AM  
Mr Noel Clement (intermittent attendance)

**Minister's Office**

Senator Chris Evans, Minister for Immigration and Citizenship (Afternoon, Day One Only)  
Mr Isaac Trienen, Advisor to the Minister

**Department of Immigration and Citizenship (DIAC)**

Mr Bob Correll PSM, Deputy Secretary (Day One)  
Ms Alison Larkins, First Assistant Secretary, Compliance and Case Resolution  
Mr Jamie Fox, First Assistant Secretary, Citizenship, Settlement and Multicultural Affairs (part Day Two)  
Ms Deborah Jacka, Assistant Secretary, Community and Detention Operations  
Mr Robert Illingworth, Assistant Secretary, Compliance Policy Framework, Evaluation and Integrity Analysis  
Mr Charles Wann, A/g Assistant Secretary, Compliance Resolution Program Management  
Ms Katie Constantinou, Director, Principal Advisor's Unit  
Ms Malissa Dryden, A/g Assistant Secretary, Onshore Protection (part Day Two)  
Ms Annabelle O'Brien, Director, Onshore Protection Victoria (part Day Two)  
Ms Sally Boucher, CISSR Secretariat  
Mr Tony Howarth, CISSR Secretariat

**DIAC Executive Staff (Afternoon, Day One only)**

Mr Andrew Metcalfe, Secretary  
Mr Bob Correll PSM, Deputy Secretary  
Ms Felicity Hand, Deputy Secretary  
Mr Peter Vardos PSM, A/g Deputy Secretary

## 1 WELCOME, CORRESPONDENCE AND ACTION ITEMS

- 1.1 Mr Aristotle welcomed Members of the Council for Immigration Services and Status Resolution (the Council) and Departmental staff.
- 1.2 Mr Aristotle acknowledged apologies from Dr Maryanne Loughry AM. Mr Noel Clements will be intermittent in his attendance.
- 1.3 The Council approved the minutes of the 5<sup>th</sup> General Meeting with the following amendments:
- a. Under point 1.9 the Chair queried progress on the meetings between Immigration Health Management Service (IHMS) and other external providers including the non-government sector.

ACTION	ISSUE	RESPONSIBILITY
1	The Department to provide an update on progress of meetings between IHMS and other external providers for the 7 <sup>th</sup> CISSR General Meeting.	Fiona Lynch-Magor Services Management Branch

- b. Under point 1.11 the current ratio of case managers to clients on Christmas Island (CI) should read 1:120. The quoted figure of 1:33 is the desired ratio.
- c. The Minors Sub-group had been established and met twice at the time of the 5<sup>th</sup> general meeting, not “has been established and last week met at Melbourne Immigration Transit Accommodation (MITA)” as noted under point 1.13.
- d. The Chair clarified point 2.1 of the previous minutes indicating that he stated operation of the CI IDC would be in a more vulnerable position with the ever increasing numbers of arrivals and not “the people, especially those in tents could be in a vulnerable position with the ever increasing numbers of arrivals.”
- e. Ms Coleman clarified that under 2.3 in the previous minutes the reference to approaching church organisations is not correct. It was agreed to delete the last two sentences of this point.
- f. The Chair queried the meaning of “settlements” under point 2.8 of the previous minutes. Ms Larkins clarified that it means visa grants or resettlement/resolution. It was agreed to use the term “visa grant and settlements”.

- g. The Council discussed point 4.2 of the previous minutes and agreed that the passage should be amended to reflect the Council's serious concerns about the lack of research to inform policy and strategy advice and implementation into the future. Council agreed to raise the issue with the Minister later in the day and restate a strong recommendation that this be pursued. It was noted by the Council that an action item should have been included under point 8.7 in the minutes.
- h. The Chair requested that the "REVIEW OF DAY ONE" be amended to "REVIEW" as it encompasses items discussed on both days of the meeting.
- i. Ms Coleman indicated that the concerns raised on the Community Assistance Support (CAS) program summarised under point 6.5 of the minutes was more detailed and robust than reflected in the minutes. Ms Coleman stressed that the concerns noted were not just those raised by CISSR but also reflected concerns flagged in representations to CISSR by members of the community sector.
- j. Air Marshall Funnell indicated that rather than being a verbatim record he would like the minutes to capture the essence of the discussions.
- k. The Chair corrected the perception of his comments under point 7.5 clarifying he did not question the qualifications of the interviewers of minors but noted that the best interviewers are those with specialist skills and experience with minors.
- l. The Chair indicated that on point 8.6 he did not recall saying 'the clients arriving on CI have been very well informed...'. The Council agreed to delete this sentence from the record.
- m. It was noted by the Council that an action item should have been included under point 8.7:

ACTION	ISSUE	RESPONSIBILITY
2	The Department to investigate employment of a researcher to study resolved Torture and Trauma cases to ascertain and document details of interventions and outcomes.	CISSR Secretariat

- n. It was noted by the Council that an action item should have been included under point 9.4:

ACTION	ISSUE	RESPONSIBILITY
3	The Department to develop a framework to identify key variables that could be used in predicting reliable outcomes for clients.	PIREU

- o. The Council indicated that in addition to the notes under point 12.3 on the funding of AHRC, they expressed value in the work of the AHRC as it is the only group in this field which publicly reports on the findings of its review work.

## 2 UPDATE ON DEPARTMENTAL TRANSFORMATION

2.1 Mr Correll provided the meeting with an update on the progress of the departmental transformation to provide stronger migration and visa services. He outlined the three key areas under the new structure:

- Client Services
- Visa Services
- Business Services

Under Client Services the Department is re-evaluating the way it delivers services, particularly visas, leveraging off technological changes to create greater efficiencies. The key is to look at more sophisticated ways to manage risk in processing various types of visa applications and applying differential processes depending on the risk. This means low risk visa applications (the majority of applications) will have less face-to-face interactions and utilise technology. Visas in higher risk categories will need the face-to-face service centre processing, and may involve the collection of biometrics. These changes mean a rethink in terms of where services are located i.e. low risk, automated visa processing can be done on-shore but high risk processing will need off-shore presence. These changes are still in the early days of development with a detailed business case being built around the needs in services centres.

Visa Services – currently there are over 140 subclasses of visas and the Department is pursuing a major simplification and deregulation of the visa structure. The aim is to halve the number of classes by 2012-2013 and build it into 5 or 6 clusters. DIAC is working closely with the Minister and the Department of Finance and Deregulation (DoFD) on these processes.

Business Services – IT/HR/Finance/Risk are being transformed to build capability in some areas and achieve cost savings in others. There is a need to strengthen risk, fraud and integrity and the processing of more

immigration intelligence information captured by the Department and other agencies to inform decision making.

The organisation will restructure to align with these three groups. Client Services will be led by Felicity Hand, Visa Services by Peter Hughes and Business Services by Bob Correll. This work is well advanced and most internal mechanisms have been moved into one of these three streams. Community and Detention Services is currently continuing under Bob Correll, and will continue to do so until October 2010 given the current workloads. After this it will migrate into the relevant stream and this will provide more capability for end-to-end assessment of services to clients, using the case management tools. This will be especially beneficial for IMAs.

These changes are profound and will achieve greater clarity and accountability in the organisation and ensure policy and program delineations are clear. It will also enable a simplification of governance structures.

- 2.2 As CISSR is particularly focussed on policy issues it was proposed that secretariat support for the Council would be provided from the Policy and Program Management group, aligned with the new structure. The importance of continuing linkages with operational activities is acknowledged and will continue to be facilitated. The realignment will also strengthen connections between CISSR and the research area in the Department.
- 2.3 The Council affirmed its involvement with both operations and policy. However the Council noted that the move of the secretariat provides the opportunity to refocus its energies with more emphasis on substantive longer term policy issues and future directions.
- 2.4 The Council stressed the importance of research to provide the basic scaffold for policy development and setting the directions of the Department, and highlighted the need for this to be reflected in resource allocations.
- 2.5 The Chair's letter and advice of 18th May, 2010 to the Minister which raises this issue of research is scheduled for discussion in a closed session later today.



### **3 CHRISTMAS ISLAND UPDATE**

- 3.1 The Chair acknowledged the provision of the IMA Key Statistics and invited Mr Correll to provide an update on CI and for Ms Jacka to speak to the statistical reports.
- 3.2 Mr Correll noted that we currently have the highest number of IMAs in our history. He reported that the dominant issue of CI is the number of clients in situ. To cope, the Department has expanded the facilities at North West Point, adding demountables to accommodate single men and utilising Construction Camp. The goal is to reduce numbers and stop using tents but as people are transferred to the mainland new boats arrive requiring the ongoing use of tents. The Department continues to look for accommodation options on the mainland aiming to move people from CI as soon as initial checks are completed. Defence facility sites are suitable options given construction can proceed quickly and a local community is readily available. The Department is just staying ahead on accommodation with 2500 on CI and 1500 in mainland locations. The processing suspension for Sri Lankan and Afghan arrivals has added to the pressures. Mr Correll indicated that a range of accommodation options are being explored and considered but Baxter and Woomera were not on the agenda.
- 3.3 The Department has developed Leonora for family groups and increased the use of Curtin. Curtin is quite remote and has constraints, but it is very pleasing to see what has been achieved there, the links with Kimberley TAFE being a good example. The Department is working with SERCO to increase activities and links with the local community.
- 3.4 The Department is currently providing appropriate accommodation for different groups. There will be need for a significant settlement effort and an appropriate returns/removals effort. Progress is being made in that area, Peter Hughes and the Department of Foreign Affairs and Trade (DFAT) is involved, there have been significant returns to Afghanistan by other countries and dialogue at senior levels is progressing to achieve a fair and sound return process.
- 3.5 Regional processing is an emerging issue and there could be more than one centre. It will be a potentially complex, multi-lateral process to achieve agreement but there is broad support for the concept. It was noted that there are differing views as to the UNHCR's effectiveness among some of the countries in the region. Also, it was noted that other countries may want to use the regional centre/s to process their own refugees.

3.6 The Council queried progress on support for CI staff and Mr Correll reported that morale on CI is good and this reflects good management. The Executive Committee has decided to re-energise the Values and Conduct Committee in the Department to give high level focus to staff conduct and morale issues. It is planned to interview key staff to ensure resilience is maintained and values upheld in the face of current pressures. Staff going to CI or Curtin undergo a resilience test originally developed for Defence and it has proven valuable in identifying where staff may struggle in the environment. Associate Professor Minas and other Council members expressed concern that the test may have been developed with a different context or personnel capabilities in mind and had not been tested for efficacy in the immigration context. Mr Correll acknowledged the test has not been previously used in a detention environment however it does have scientific validity in the environment for which it was designed. A review of its use in this context would be worthwhile. Mr Correll offered to discuss the use of the test offline with Associate Professor Minas.

ACTION	ISSUE	RESPONSIBILITY
4	The Department to advise CISSR regarding the results of any reviews of the resilience test.	Alison Larkins, Compliance and Case Resolution Division

3.7 Logistical issues are under increasing pressure however no-one has been tested under an environment of significant removals. Resilience will be crucial given the angst is often projected on to staff.

3.8 The upcoming election and associated public speculation around policy may mean an increasing number of boats setting out as soon as possible. Also, a period of bad weather has just ended raising the likelihood of increased IMAs. Currently arrivals are around 600 per month.

3.9 Mr Correll acknowledged Zdenka Zrno's excellent work and the positive feedback being received from community members who appreciated her contributions. Improvements have also been achieved with the introduction of the case management model. Nevertheless a case of a SERCO guard having to step in when a client became aggressive in a case management conversation was reported about a month ago.

3.10 There have been informal reports to the Council that incidences of self-harm are increasing. Although the incidences had previously dropped off in the last few years and have been at a very low baseline (pro-rata they are not increasing) there is a likelihood of increases with more

negative visa outcomes. These are more likely to occur after a negative outcome from the Independent Merits Review (IMR).

- 3.11 This issue has implications for the wider detention communities as expectations are conditioned by the trends in outcomes. Important to managing this is that SERCO must be seen to be actively in control of situations and that the delivery of negative outcomes is well managed.
- 3.12 The Council expressed concern that operational events could suddenly reach a tipping point triggering significant changes in behaviour. As the approval rate decreases (it is now at 23%) there will be considerable upset.
- 3.13 Ms Jacka provided an overview on the statistical reports stating they indicated numbers on CI and on the mainland and are broken up into operational capacity (which in reality is what a location is designed to accommodate) and contingency capacity (which is what has had to be built in). Where available capacity is a negative figure it means beds have been put into places which it would be preferable not to use for that purpose.
- 3.14 The Council expressed surprise and concern at reading the statistics given the appearance of spare operational capacity when it is known that the sites are over capacity. Ms Jacka clarified the statistics, what was included and how capacity was expanded (extensions of the IDC). The Council indicated that "contingency capacity" is a misnomer, potentially contingency capacity is infinite. They indicated that the figures were not a useful representation of the current reality. Ms Jacka confirmed that in short CI was full.
- 3.15 Similarly the Council considered that the figures for the MITA were confusing. Ms Jacka outlined some initiatives at MITA to reduce pressures on accommodation and also spoke of efforts towards returning Port Augusta (PA) to a family unit rather than for young men.
- 3.16 Ms Larkins agreed that the statistical information is not entirely clear but reassured the Council that the Minister and the Department was well aware of how much pressure is on the available accommodation.
- 3.17 The Council also queried the 1007 clients in detention for more than 120 days (Agenda Item 5, page 4). Ms Jacka indicated there is a large representation of New Zealanders in the compliance group. The Council expressed a desire to understand the statistics better, noting that they need more explanatory notes and breakdown of the data to be meaningful to them. They would like a breakdown on nationalities by site and details of the numbers in detention who have received a

negative decision as well as further information on detainees over 120 days.

ACTION	ISSUE	RESPONSIBILITY
5	Information provided in the IMA key statistics meet the needs of the department however the addition of explanatory notes is necessary to ensure accurate interpretation by others (especially around capacity). Also more consistent statistical methodologies need to be reflected and more detailed statistics provided eg. of the detainees over 120 days, what is the length of time in detention and what is their country of origin.	Ms Deb Jacka, Community & Detention Operations

3.18 A discussion about these pressures and the safety of staff and clients ensued, the Council expressing strong concern that the way figures are presented and the reality are different and how that might be perceived. They noted that this reflects reactive rather than strategic policy-making.

3.19 The Council enquired and DIAC staff confirmed they do undertake some predictive analysis/formal modelling, enabling them to predict the number of clients that may be facing a negative outcome/positive outcome and anticipated length of time in detention etc. A discussion about the assumptions underlying the modelling ensued. The Department indicated they do not have a significant removal pool at the moment so it is difficult to model removals.

#### 4 CHRISTMAS ISLAND SUBGROUP

4.1 Air Marshall Funnell presented his report on the visit to CI with Dr Loughry 8-10 June 2010. He reiterated the 5 key recommendations of the report viz:

- reduce the client population to below 1000 with associated staff reductions, suggesting the formation of a task force to enable this move
- through risk analysis and risk management select clients to be moved to mainland detention after 60 days, pending outcome of security clearance
- Resolve the difference of view between DIAC and SERCO officers of Phosphate Hill as a detention centre
- Rename Construction Camp

- When a person changes their age and becomes a UAM a period of 72 hours be allowed to investigate the claim before the client is relocated

ACTION	ISSUE	RESPONSIBILITY
6	<p>The Council to write to the Minister conveying the reports and support for all the recommendations contained in Air Marshal Funnell's reports on the visit to CI 08-10 June 2010 with the following modification:</p> <p>Recommendation 1 - note that it be a departmental task force which is convened to determine a process to reduce the client population on CI <i>as a short term priority.</i></p>	Chair CISSR

- 4.2 Ms Jacka advised that there is no confusion regarding Phosphate Hill at the senior levels in DIAC and SERCO, it is an APOD. She confirmed negotiations with SERCO are ongoing. She agreed Construction Camp should be renamed. Ms Jacka noted that Ms Constantinou would be presenting on Day 2 on age determination but stressed that it is a key immigration value that no child be detained in an IDC as opposed to a detention facility and this is a key statistic reported on.
- 4.3 Ms Jacka also advised that some clients, usually families have been moved off CI without security checks being completed.

## 5 MAINLAND DETENTION CENTRE SUBGROUP

- 5.1 Air Marshall Funnell presented his report on the subgroups visit to Darwin 26-28th May, 2010.
- 5.2 Air Marshall Funnell thought that the case ratio was 13:600 at the time of the visit. Ms Larkins later clarified this ratio as 26:600.
- 5.3 A discussion ensued on the role of Life Without Barriers (LWB) who were engaged at short notice. The decision to engage them does not appear to have been reviewed since and the Department was asked whether other providers have been invited to tender for the provision of services. Some concern has been expressed on this point by other organisations. It was agreed this point should be clarified noting it will also provide LWB with clarity about its terms of engagement. Opinions on the quality of their services differed and it was suggested that LWB's performance should be reviewed. Ms Jacka confirmed SERCO is

meeting with LWB on Friday 16<sup>th</sup> July to clarify roles and engagement between the two organisations.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
7	To report on the procurement arrangements and review of services by LWB.	Fiona Lynch-Magor Services Management Branch
8	Provide minors and service delivery sub-groups with a report on the July meeting between SERCO and Life Without Barriers.	Fiona Lynch-Magor Services Management Branch

5.4 There have been changes in the SERCO team at Villawood in response to some serious concerns being raised by the Department. In response to input by the Villawood Community Consultative Group the provision of life skills activities has improved. This, it was noted, could be a good model for Darwin. It was advised a SERCO specialist from the UK is scheduled to visit and review SERCO's programs from a holistic perspective.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
9	To report on progress of the SERCO review of programs at the 7 <sup>th</sup> CISSR General Meeting.	Ms Deb Jacka Community & Detention Operations Branch

5.5 The Council commented that the Community Consultative Group meeting in Darwin was valuable however greater participation would be beneficial.

5.6 A general discussion ensued on other points raised in the Subgroup report including concern re mandatory sentencing for people-smugglers, and concern for juveniles being among the crews and awaiting processing. It was noted that the Prime Minister's view on people smugglers indicated a stronger, not softer line.

5.7 Also discussed was the costs and benefits of offshore-v-onshore processing. The methods for assessing options was discussed including a white paper/green paper route which would achieve good engagement. It was recognised this work will need to proceed in the context of a regional processing centre model.

5.8 The Council agreed to support all the recommendations in the Mainland Detention Centres subgroup report.

ACTION	ISSUE	RESPONSIBILITY
10	<p>The Chair to write to the Minister conveying the report and support of all the recommendations contained in the Mainland Detention Centres subgroup report on the visit to Darwin 26-28 May 2010 with the following modifications or clarifications:</p> <p>Recommendation 1 - that the cost/benefit analysis of off-shore processing of refugee claims now also consider the issue of any regional processing centre.</p> <p>Recommendation 5 - that there be no minimum mandatory sentence and that prescribed sentences be made lighter.</p>	Chair CISSR

5.9 Ms Jacka reported that Airport Lodge is operational. Professor Yasmeen questioned the involvement of Imams in the centres and Ms Jacka indicated that the Department is working through the multicultural issues as they become more familiar with the operational environment and needs.

ACTION	ISSUE	RESPONSIBILITY
11	The Department consult directly with the appropriate CISSR representatives on multicultural issues for Centres.	Ms Deb Jacka, Community & Detention Operations Branch with Professor Yasmeen & Dr Rifi

## 6 STAKEHOLDER ENGAGEMENT

6.1 It was noted that people are requesting contact with CISSR. In the past there was a practice of NGO's attending the meetings. It would be beneficial to re-establish this practice. In a similar vein Members noted it was difficult for people to access them in their CISSR capacity and asked that business cards be made available.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
12	A communication strategy be drafted to facilitate the flow of information and access between CISSR and Community Stakeholders. (Eg. Contact protocols, flow of papers, and participation in meetings).	CISSR Chair, Robert Illingworth, Compliance Policy Framework, Evaluation & Integrity Analysis & CISSR Secretariat
13	Provide business cards for council members.	CISSR Secretariat

6.2 Mr Correll initiated a discussion on Stakeholder engagement. He noted that in the past there were tours of CI and follow up sessions for stakeholders. This has been flagged with Ms Wilson but is recognised to be sensitive in the current climate. Tours of Curtin are not possible however briefings of stakeholder groups could occur. The Department recently took a media group to Curtin to get up-to-date footage on the Centre and this was a positive move. It is important to maintain engagement with stakeholders and the Chair's visit to CI was a good example of this engagement. The concern is if you stop being open and transparent people will stop trusting you and may challenge the system. Trust has been built in the last few years, in calm waters but maintaining it is critical, again bearing in mind the sensitivities in an election period. Nevertheless it is recognised there is more to lose by not maintaining engagement and this needs to be communicated through the Department and the states. It would be good for CISSR to participate in some forums across a few cities. The Council indicated their support noting that openness will alleviate tensions and misconceptions but not stop vigorous dialogue.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
14	At the beginning of the 7 <sup>th</sup> General Meeting there should be an opportunity for identified community stakeholders from the state in which the meeting is being held to meet with CISSR.	Chair & CISSR Secretariat

6.3 Dr Rifi suggested that given it is Ramadan next month perhaps it would be beneficial to have some Afghan community leaders visit Centres on a Friday or Saturday night to break the fast with some detainees. It would demonstrate religious and cultural awareness.

6.4 Mr Correll indicated that whatever strategies are employed it needs to be small, targeted and not attract the media.



- 6.5 Mr Correll confirmed that under the caretaker period it would be business as usual and the activities of CISSR should not be impeded, noting however that new policy and new contracts cannot proceed.

## **7 SERVICE DELIVERY SUBGROUP**

- 7.1 Mr Correll initiated a discussion on Community Assistance Support (CAS). He indicated that in intense times you can overlook the fact that it is a tool for status resolution. The second aspect of this is the need to redevelop the service delivery framework - however in the current space there is little opportunity to do that and it has been delayed. It is planned to refocus efforts on this work in the coming weeks. Mr Correll queried whether the Council was comfortable with the programs current status.
- 7.2 The Chair focussed the discussion on how the Council needs to reorientate CAS from a crisis to early intervention program with the goal of supporting status resolution. It was acknowledged that CAS contributes to status resolution in ways broader than a direct cause and effect. For example enabling a person to assimilate information about the progress of their case and make rational decisions about their future options. Case management plays an essential role. It was noted, with concern that there is an emerging tone that people under these programs should not get more assistance than needy Australians. Assistance for vulnerable people is critical to status resolution, regardless of their class of visa or vulnerability classification. At the same time it is acknowledged that program resources are limited and a clear methodology for assessing eligibility needs to be identified. However, somewhere in the program rules there seems to be a distortion of the original goal which needs redressing. It would be valuable to harness Mr Clement's and Ms Coleman's input on this and other aspects of the program.
- 7.3 A discussion emerged on how to advance CAS and re-establish its original objectives that had been developed through the community care pilot and which formed the basis for the government establishing CAS. Ms Coleman indicated there is concern at the coal face about the design and delivery of the program and stressed the need to step back and evaluate whether it is achieving its stated purpose. She stressed it had achieved some good outcomes but it needed to mature and the partnerships to the process, including with CISSR need to be re-established. The Chair suggested the Service Delivery subgroup pursue this and consider involving some members of the former Community Care Pilot Reference Group. Mr Clement indicated he would like a Red Cross representative present in his absence.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
15	Initiate a review of the policies outlining the design and delivery of the CAS program to ensure the goal of supporting status resolution is being achieved.	Service Delivery subgroup

- 7.4 The field testing of the vulnerability identification and assessment tool (VIAT) was discussed recognising it has been delayed in light of the current pressures. It could sit well alongside the CAS program. Once the tool is trialled it may tighten up on eligibility but also point to a need to strengthen resources on the basis of risk around status resolution. This could support a case for increased funding of services. Overall it could create greater efficiencies. The question of funding for the field testing was raised, Ms Larkins indicating additional funding was not necessary.
- 7.5 Ms Larkin requested Council input on the field testing and posed the following questions: Should it be done internally or externally? Does it have validity? How long does the test take to administer? How can it be incorporated into the work of case management?
- 7.6 A discussion on the testing methodology led to a suggestion by Professor Procter to rationalise the interview rating reliability testing by using a taped interview or a case study.
- 7.7 The Council encouraged the involvement of Ida Kaplan who was party to the tool's development and Professor Procter to offer a fresh perspective.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
16	Convene a Reference Group to oversee the trial of the Vulnerability Identification and Assessment Tool (VIAT) and hold an initial meeting before mid August 2010.	Alison Larkins, Compliance and Case Resolution Division  CISSR Members (to self-nominate) including Professor Procter  Ida Kaplan and Guy Coffey to be invited as co-opted members.

- 7.8 Beyond these steps will be a pilot and consideration of how to get from vulnerabilities to barriers to service needs. There will also be implications for systems development which will need to be addressed.
- 7.9 It was noted that destitution often puts clients on a trajectory towards other problems such as mental health. This observation raised discussion of issues around eligibility for support, including income support and the issue of limited resources. It was noted the VIAT is meant to give guidance around this issue. It was agreed that if timely status resolution is the goal then restrictive eligibility criteria for assistance might impede that goal.

## **8 MINORS SUBGROUP**

- 8.1 The Melbourne Immigration Transit Accommodation (MITA) developments were discussed with a number of Council members visiting just prior to a number of negative decisions being handed down. An issue of overcrowding was noted but it was acknowledged that DIAC and the Minister's office were aware of it and a decision was made not to replace clients who had moved out. A few instances of self-harm emerged subsequent to negative decisions however these were handled positively, the clients were helped to understand the IMR process and prepare their submissions with the support of their migration agents.
- 8.2 The visit illuminated the issue of age determination with it being apparent that some people claiming to be minors were in fact older. Concern was expressed around the absence of door windows and the possibility of predatory sexual behaviour happening. Also noted was an attitude of disengagement among clients, little enthusiasm to get up, low levels of communication and engagement in activities. The site also had a family in situ and this was not a good fit with the young men.
- 8.3 The Council expressed concern about the lack of activities at the MITA and queried the possible use of NGOs to bridge the gap. A number of NGOs are working on a proposal for a designated persons program to accompany young people to participate in community based activities. Ms Benson noted some unrest in Brisbane about the designated people program (addressed further under point 12.21 below).
- 8.4 Ms Jacka indicated that the valuable feedback from the MITA visit had been responded to with a new SERCO manager in place and improvements to the environment, facilities, activities and level of engagement between staff and clients achieved. Incidents of self-harm had reduced in parallel with these improvements despite the

negative decisions continuing. Overall the mood at MITA has improved significantly.

- 8.5 Ms Jacka outlined SERCO management changes and service delivery improvements at Villawood including work to engage personal services officers and implement a range of client services for detainees. The Council noted these developments with approval but expressed deep concern that so far into the detention services contract the service provider was still far from complete in its establishment of the recreational services and client activities expected under the contract. The Council acknowledged however that SERCO has been operating under the same major workload challenges which have been facing the Department given the influx of IMAs.
- 8.6 A number of young men who had declared to be minors revised their claims and a decision was reached to move them to MIDC.
- 8.7 Members discussed the issue of self harm and the Psychological Support Program (PSP) now in place which makes explicit the expectations of case managers in these instances. It was noted that Professor Procter will be training in Melbourne in the week beginning 19<sup>th</sup> July, 2010. It was noted that training is scheduled to be discussed in more detail, see details under point 13.
- 8.8 In the new framework case conferencing is identified. It is in the introductory, training stages, not yet in all locations. A discussion on the role and definition of case conferencing ensued noting it is an early intervention tool, not just a tool for responding to incidents. Associate Professor Minas queried the concept of case conferencing in this context indicating that case conferences are about an issue, individual or family, not a group. It was noted that what was being referred to as case conference was about harnessing collective input to planning and interventions for client groups (eg on cultural/age appropriate strategies).
- 8.9 The concept has been encouraged at MITA, with DIAC staff supervising/participating in the conferences however it was uncertain among the meeting whether this was happening.
- 8.10 Religious leaders have also been invited to visit subsequent to negative decisions to encourage culturally respectful behaviours.
- 8.11 It was noted that models from the youth and corrective services sectors might provide useful input while understanding that young people seeking asylum had different life experiences from those in the youth sector.

8.12 The question was also raised on how some of these issues might be addressed through professional development for case managers who have completed the Certificate IV. Ms Larkins offered to provide training documents for the Council to consider and encouraged feedback.

ACTION	ISSUE	RESPONSIBILITY
17	To provide an outline of the case manager training curriculum to Council Members for consideration and feedback.	Alison Larkins, Compliance and Case Resolution Division

8.13 The need for standards around minors for each role (case managers, providers, migration agents, independent reviews) etc. was flagged and the question raised as to whether a meeting was needed with representatives of each to unpack the issues, examine assumptions and create a standards framework. This standards framework would encompass both core (universal) elements and variable elements for different client groups and detention facilities. Ultimately these standards need to be reflected in policies, training, procurement and delivery.

8.14 It was noted that DIAC has developed a workforce model which defines the skills and requirements for each role. There is also a well developed curricula for these roles, eg Certificate IV is a requirement of case managers. Further curriculum design is currently in progress and input would be valued, however it needs to be provided quickly.

8.15 Ways to progress this were discussed with literature searches, a review of training curricula, focus groups (providers, clients etc), the SERCO/LWB report and the need to identify what is in place being noted as useful elements.

ACTION	ISSUE	RESPONSIBILITY
18	To provide a copy of the college curriculum to CISSR and convene a Working Group to research and develop a standards framework for working with minors (and possibly all client groups).	Alison Larkins, Compliance and Case Resolution Division CISSR Minors and Research and Evaluation Subgroups.

## 9 RESEARCH

- 9.1 The Council noted the productive discussions on research with Mr Correll, Mr Metcalfe and the Minister on Day 1. Mr Metcalfe expressed the view that a bid for research funding to DoFD could be successful provided it is clearly linked to subjects covered by quarantined funding eg focussing on IMAs in detention. Proposals would need to be well defined and canvas new territory.
- 9.2 Recent research by the Department was discussed, Ms Larkins outlined some current work her Division. One is to evaluate the use of funds for CAS and status resolution (have we spent the funds as intended?). The terms of reference for this work are currently being negotiated. They are also looking at some specific research which examines the determinants how regulatory systems work and how this relates to an immigration setting and how it might inform improving compliance.

ACTION	ISSUE	RESPONSIBILITY
19	Associate Professor Minas to meet with the Compliance and Case Resolution Division to outline areas of research focus for the subgroup.	Associate Professor Minas & Compliance and Case Resolution Division

- 9.3 Following on from this it was agreed that CISSR would draft a research proposal connected back to the Chair's letter and recommendations to the Minister on 18<sup>th</sup> May, 2010. It needs to be stressed that research is not an add-on but has a core role in supporting policy and programs.

ACTION	ISSUE	RESPONSIBILITY
20	The Research sub-group, with support from the Department and the Secretariat to scope a clear proposal for a research program to be pursued as fundamental to informing, improving and evaluating DIAC's response to status resolution and IMAs challenges. (Out of session)	CISSR Research subgroup/Secretariat  Alison Larkins, Compliance and Case Resolution Division  Ms Deb Jacka, Community & Detention Operations Branch (for SERCO UK specialist links)

## 10 REFUGEE STATUS ASSESSMENT

- 10.1 Ms Dryden and Ms O'Brien provided an update on the suspension arrangements. They indicated that subsequent to the lifting of the suspension on processing Sri Lankan nationals processing has begun and interviews are scheduled to begin in August, 2010. Ms Dryden indicated that the order of processing for Sri Lankan nationals will be in boat of arrival order so as not to disadvantage other clients and to take into account length of time in detention for all clients. The Department continues to prioritise vulnerable groups such as families and minors.
- 10.2 The same process will apply for the Afghan nationals when the suspension is lifted. At the time, it is anticipated that the Department would prioritise groups who have been in detention longer than they would have otherwise been if the suspension were not in place.
- 10.3 It was confirmed that clients subject to the suspension have entry screening and other checks done and receive the same detention services as other clients. They do not have access to IAAAS advice and have not been given the opportunity to prepare claims for refugee status.
- 10.4 The Chair queried the statistics on 576 claims from stateless people and Ms O'Brien indicated they were mostly Kurds from Iran. Ms Dryden clarified that this is a claim of statelessness not a designation of statelessness used by the Department.
- 10.5 The Council raised two concerns:
- the plummeting rate of approvals for Afghan nationals
  - when suspensions were announced it was indicated that country information would be put on the website.

Ms Dryden indicated the Department is currently looking into the reasons behind the change in the rate of approvals and reminded the group that each case is assessed on an individual basis against up-to-date country information. In relation to the country information Ms Dryden confirmed that Country and Policy Guidance Notes for some countries have been prepared and awaiting the Minister's approval to make available. Ms Dryden indicated that the country information used by the decision makers is a compilation of information with some analysis. She noted that some areas of Afghanistan are more stable than others and that IAAAS providers also have access to the information. Ms Dryden offered to provide the Council with a list of the types of Afghan country information documents available to decision makers through the country research service.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
21	Provide the Council with the examples of Afghan country information available to decision makers through the Department's country research service.	Malissa Dryden, A/g Assistant Secretary, Onshore Protection

- 10.6 Air Marshall Ray Funnell indicated his interest in understanding how decision making works in the Department and requested advice from a senior decision maker. Ms O'Brien, a senior manager of Departmental decision makers outlined the management of RSA caseloads and case officers and the detailed training they receive prior to deployment to CI. She also outlined procedure on CI, the size of the caseloads and processes they go through to make a determination noting that if the outcome is a negative pathway, National Office advises CI staff and if the outcome is positive the process continues to the Minister's office for lifting of the bar to allow applications for and granting of a protection visa. All the associated health, character and security assessments are processed in parallel and completed before being progressed to the Minister for consideration.
- 10.7 The Council noted the increasing pressures on decision makers given the increasing numbers of IMAs noting a lot of decision makers are new to the role and on a learning curve.
- 10.8 Ms Dryden invited the Council to consider how they might enhance the processes for training the decision-makers and ensure their processes are as robust and possible. Professor Yasmeen suggested this might link in to the Research plans noted above. It was also agreed that CISSR would be able to provide feedback on techniques for handling complex client matters. Ms Dryden agreed to provide relevant training materials for this purpose.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
22	Provide the Council with relevant decision-maker training materials for advice on techniques for handling.	Malissa Dryden, A/g Assistant Secretary, Onshore Protection

- 10.9 Professor Minas queried the weighting of country information in decisions and consistency across decision makers. Ms Dryden clarified that decisions are made case by case. Ms O'Brien outlined the processes in place to ensure consistency in decision making and emphasised their awareness of its importance indicating that high levels of control and support provided around decision making. They



stressed this is support and not an attempt to impede or influence the decision maker.

- 10.10 Ms O'Brien noted a significant shift in the information DFAT provided on Afghanistan in February 2010 and reports supporting that information through other sources. Ms O'Brien also spoke about the increasing role of biometrics and multi-country sharing of information. This is bringing up more and more matches although the numbers are still small. Identifying people more correctly and accessing their visa application histories does more often lead to a refusal.
- 10.11 Ms O'Brien outlined the figures for people on removal pathways as at 9<sup>th</sup> July 2010. The Departmental representatives indicated that 308 clients received a negative decision from RSA's but are yet to lodge an IMR case. 275 are awaiting IMR decisions. 45 are on a removal pathway 41 of which received a negative IMR decision. 4 are awaiting travel documentation, 20 have lodged application in the High Court and several are on voluntary returns. Given the status of these cases removals are not currently active.
- 10.12 Generally speaking involuntary returns to Sri Lanka have not been problematic but Afghan removals need practical expertise and agreements to be put in place. The Department is developing capacity in this area.
- 10.13 The Council expressed concern that approximately 50% of cases are overturned by the IMR process and that this might imply incorrect decision making in the Departmental process. DIAC staff indicated that this was receiving close scrutiny but clarified that between a negative decision by the Department and the IMR process, clients have assistance preparing their case. They receive clear advice on the basis for the initial decision. With that support and feedback they are able to more fully articulate their claims. Also, in that interval between the Departmental decision and the IMR process, new information and/or documentation often comes to light including changes in conditions in their country of return. Departmental staff also highlighted that in the past in protection visa processing of earlier boat arrivals some 80% of cases were overturned for a particular group at the RRT, putting the figure of 50% for current IMR set asides into context.

## **11 IMA STATUS RESOLUTION**

- 11.1 Ms Larkins indicated that clients often arrive with misconceptions and unreasonable expectations on issues such as length of detention, processing, decision-making, possible outcomes and options for returns. There is a need for a strategy to ensure consistency of

messages to clients from the outset. Getting this right can help clients to settle down or decide to return. Also there is the need to communicate clearly and consistently the expectations of clients. She sought the Council's input and support for developing the process.

- 11.2 The Council indicated the flow charts under Agenda Item 17 look good however they would like more time to consider them and respond fully.

ACTION	ISSUE	RESPONSIBILITY
23	Council to provide further, detailed feedback on the end-to-end case management of IMA process.	CISSR Members

- 11.3 Ms Larkins indicated that the goal is to be open and transparent with information and likely trajectories but giving accurate information is recognised as difficult.

- 11.4 The Council stressed that who delivers the messages is important. Equally important is the preservation of the case management process.

- 11.5 The Council expressed some concern over IAAAS providers and translators not keeping to their role and noted this is an important issue to manage.

## 12 MINORS SUB-GROUP

- 12.1 Ms Constantinou spoke to the papers under Agenda Item 18 on Age Determination. She outlined the details of, and progress on the pilot to assess disputed minor claims.

- 12.2 The pilot has centred on CI and uses focussed interviewing techniques. The pilot is to cover 68 clients and of the 31 already interviewed 30 have been judged to be over 18. They have also been referred to a health service provider for separate assessment, who have been asked to form their own views based on clinical notes and their own interviews. The Department is awaiting the results from these assessments as is keen to look at the level of alignment with their results. If there is not a high level of match they will need to decide which decision will prevail or what revisions are necessary to the model.

- 12.3 The independence and expertise of the health assessors was discussed given there are no definitive tests of age. The idea of using paediatricians was raised, but still there is some concern that physical indicators are not reliable. Cultural indicators might be more

meaningful, noting that birth dates, birth certificates and education are not meaningful in some cases.

- 12.4 It was confirmed that senior legal advice has been sought on the project and clearance given. The overriding concern raised was that the Department be open, transparent and clear about the consequences of the outcomes.
- 12.5 In the preamble to the interviews the client is informed that as they have revised their age from adult to minor the Department needs to get clarity as it will have implications for future accommodation and services. They are told the information they provide will form part of their Departmental record and made available to their IAAAS provider. In some cases their changing of their age and its impact on their credibility has been explained.
- 12.6 Interviews were not trained as part of the pilot but were drawn from a pool of experienced interviewers with overseas experience and specific experience with the ethnicity of the group. Training of interview will form part of the full program.
- 12.7 The Departmental officers conducting the interviews scrutinised entry interview data, biometric data and considered country information to identify inconsistencies in the client profiles. This information contributed to constructing the interviews.
- 12.8 The Council stressed that clients are very eager to state their claims and can feel confused or let down to know it is not a claims interview. This needs to be well managed and articulated.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
24	Confirm to the Council that information harnessed in the age determining interviews will be incorporated into departmental records and that this incorporation will be noted in interview scripts and clearly communicated to the clients.	Katie Constantinou, Director, Principal's Advisor's Unit

- 12.9 All participants will continue to be treated as minors until the determinations are finalised.
- 12.10 Ms Constantinou indicated there had been good learnings already from the pilot however it will undergo a full evaluation before proceeding to implementation.

ACTION	ISSUE	RESPONSIBILITY
25	To provide the Council with updates on the pilot as available.	Katie Constantinou, Director, Principal's Advisor's Unit

- 12.11 Ms Lloyd provided the meeting with a paper on the proposal to develop an Unaccompanied Minors Community Residence Program and briefed the group on the program's genesis and developments to date.
- 12.12 It was noted Ms Coleman had been contracted to provide assistance to the Minors subgroup.
- 12.13 Initially a number of church groups (Uniting/Anglicans/Catholics) indicated they may have suitable small group accommodation available for use for minors and that this could be linked up with intensive case management and brokerage of other services. Since the initial discussions further church based organisations and welfare providers have expressed interest in participating.
- 12.14 The proposed model includes live-in carers, freedom of movement with conditions and a skills development program to enhance settlement or return; encompassing life skills, vocational training and literacy. Rebecca Cole (present) is available for one month to assist with the development of the model and the program and the group is interfacing with the minor's section in the Department.
- 12.15 The project is moving very quickly given 344 unattached minors are currently on CI awaiting transfer to the mainland and the projected numbers are expected to be around 700 by December 2010.
- 12.16 The next step is to develop a fuller discussion paper by 30<sup>th</sup> July 2010 to take to organisations who are considering partnering in the program. Once input has been harnessed the proposal and costings will be developed and presented to the Minister.
- 12.17 In discussions with the Minister he indicated he would be interested in looking at the model being extended to include families.
- 12.18 Minor subgroup members confirmed that much of the property being considered is vacant and will not impinge on the accommodation of others.
- 12.19 The meeting expressed keen support for this initiative and its piloting. Council members would like to encourage/invite broader community sector and interfaith participation in the project and would like to see the dialogue to facilitate this wider engagement begin as soon as

possible. The Council considered it important that this project be clearly presented as a community support arrangement and that it not be seen as associated predominantly with particular religious organisations.

ACTION	ISSUE	RESPONSIBILITY
26	The Minors subgroup to liaise with Professor Yasmeen and Dr Rifi on establishing broader interfaith and community sector involvement in the Unaccompanied Minors Community Residence Program.	CISSR Minors Subgroup with Dr Rifi & Professor Yasmeen

12.20 Feedback on the initial framing of the initiative was highly complementary noting that the project outline reflected the hallmarks of sound program design and that even in the context of urgency and responding to a quickly emerging opportunity it has acknowledged the need to address the implications for resettlement or return from the outset. The meeting congratulated the subgroup on this achievement.

ACTION	ISSUE	RESPONSIBILITY
27	The Unaccompanied Minor's Community Residence Program be developed as an interfaith and broad community sector initiative.	Minors Subgroup, Professor Yasmeen & Dr Rifi

12.21 Ms Jacka raised the designated persons program for discussion. The paper (under Agenda Item 23) suggested a trial at the MITA. The questions raised include whether the community is in a good position to do this, what is an appropriate role for designated persons and what short training can be provided.

12.22 Concerns were raised about how the program is viewed and some confusion of roles; designated person/visiting/friendship/advocacy. It was stressed that designated persons is a bounded accompanying model and the training will be around the role, boundaries, self care etc.

12.23 The Council indicated there needs to be some clarification of the intentions of people coming into the program and to stress it is not about advocacy or accessing information but is focussed on the clients' welfare.

12.24 It was acknowledged that if this were to be utilised nationally we need to get the model clear.

ACTION	ISSUE	RESPONSIBILITY
28	Council and Departmental representatives to convene a meeting in Melbourne to advance the MITA "Designated Persons" program training and pilot.	Caz Coleman & Deb Jacka, Community & Detention Operations

12.25 Visits are also wanted however it was noted this is a different program and needs to be addressed separately.

### 13 TRAINING

13.1 Professor Procter reported on the progress of the DIAC Mental Health Training Course. 198 people have participated, including DIAC staff, detention staff and Immigration Health Management Service (IHMS) staff. It was noted that the mixed groups were particularly effective, a range of seniority and roles learning together. This also supported the sense of purpose that mental health is the responsibility of everyone; it is a team role.

13.2 The evaluations were very positive with 184 participants giving a rating of 4 out of 5 or better. The qualitative feedback themes noted the value of integrated groups for learning, a greater understanding of the policies was achieved and the learning approach of using case studies was illuminating and engaging. Some initially resistive participants noted being "converted". Comparisons to other training indicated it had been the best training on mental health and the catalyst for this was the close co-operation of DIAC staff, SERCO and health professionals.

13.3 Professor Procter flagged that the slides provided under Agenda 16 of the meeting pack are continually being refined. A further refinement in his view would be to make half of Day 3 of the program available to focus on operationalising the policy. He acknowledged that policy awareness is the training brief however appreciates participants want to understand how this will be managed on the ground. This needs reflecting on.

13.4 Professor Procter noted that he provided a few extra tutorials on MSE training and he was surprised the IHMS staff had not already had this training.

ACTION	ISSUE	RESPONSIBILITY
29	Follow up on health contracts and clarify	Fiona Lynch-Magor

	expectations and compliance on staff competencies and training.	Services Management Branch
30	Clinical Audits to be undertaken in the next 3 months. Examine consistency with policy pathways.	Fiona Lynch-Magor Services Management Branch

13.5 Mr Wann indicated that there is a tiered approach to training for compliance officers rather than role specific training. It was agreed that all compliance officers should do this training and be skilled in the policy.

13.6 The meeting congratulated Professor Procter on his achievements with the training program.

#### 14 DATES FOR SUBGROUP MEETINGS

14.1 The Research Subgroup will meet in Canberra on Wednesday 21<sup>st</sup> July to be joined by DIAC staff; Robert Illingsworth and Alison Larkins.

14.2 The Minors Subgroup will pursue several teleconferences. They will inform the Secretariat of dates. Ms Coleman has joined this subgroup.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
31	Minors subgroup to determine dates for teleconferences and advise Secretariat.	Minors Subgroup & Secretariat

14.3 The Mainland Detention Centres subgroup plan to visit Leonora and Curtin in the week beginning 26<sup>th</sup> July.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
32	Secretariat to liaise with Mainland Detention Centres subgroup members to make arrangements for travel to Leonora and Curtin.	Mainland Detention Centres subgroup & Secretariat

## **15 CISSR ADMINISTRATION**

- 15.1 Council Members raised the need for a more streamlined approach for handling expenses associated with their CISSR obligations. Cab charges, credit cards or other forms of secure payment. The Department undertook to explore options and provide advice.

## **16 NEXT MEETING**

- 16.1 The dates for the 7<sup>th</sup> General Meeting are Thursday 16<sup>th</sup> and Friday 17<sup>th</sup> September in Canberra.



**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION**  
**7<sup>TH</sup> GENERAL MEETING MINUTES**  
**Canberra 13-14 September 2010**

**Participants:**

**CISSR Council Members**

Mr Paris Aristotle AM (Chair)

Air Marshal Ray Funnell AC (Retd) (Deputy Chair)

Ms Kerrin Benson

Ms Caz Coleman (Day one pm only & Day 2)

Ms Libby Lloyd AM

Associate Professor Harry Minas (Day one only)

Dr Jamal Rifi

Professor Nicholas Procter (Day two only)

Dr Maryanne Loughry AM

**Apologies**

Professor Samina Yasmeen

Mr Noel Clement

**Minister's Office**

Mr Isaac Trienen - Apologies

**Department of Immigration and Citizenship (DIAC)**

Ms Jackie Wilson, First Assistant Secretary, Community and Detention Services

Ms Alison Larkins, First Assistant Secretary, Compliance and Case Resolution

Mr Garry Fleming, First Assistant Secretary, Border Security, Refugee and International Policy (Day one – part)

Ms Kate Pope, Principal Advisor, Citizenship, Settlement and Multicultural Affairs (Day two – part)

Ms Julia Niblett, Assistant Secretary, Onshore Protection (Day one – part)

Ms Fiona Lynch-Magor, Assistant Secretary, Services Management (Day two)

Mr Robert Illingworth, Assistant Secretary, Compliance and Integrity Strategy

Mr Dermot Casey, Assistant Secretary, Case Management and Review

Ms Lynne Gillam, Assistant Secretary, Compliance Status Resolution

Ms Fatime Shyqyr, A/g Assistant Secretary, Community and Detention Operations

Ms Jo Boardman, Director, Client Support and Liaison

Ms Sally Boucher, CISSR Secretariat

Mr Tony Howarth, CISSR Secretariat

Ms Nada Saade, CISSR Secretariat (Day two)

Ms Linda Stone, CISSR Secretariat (Day two)

## 1 WELCOME, CORRESPONDENCE AND ACTION ITEMS

- 1.1 The Chair welcomed Members of the Council and Departmental staff and acknowledged apologies from Professor Samina Yasmeen and Mr Noel Clement.
- 1.2 The Chair thanked Secretariat staff for organising the meeting and agenda papers at short notice.
- 1.3 The Chair noted the appointment of Mr Chris Bowen as the new Minister for Immigration and Citizenship.
- 1.4 The Council agreed to write a letter to the Minister congratulating him on his appointment, briefly outlining the key issues on CISSR's agenda and seek a meeting at his earliest convenience.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/01</b>	<b>Chair to write to the new Minister to:</b> <ul style="list-style-type: none"><li><b>offer the Council's congratulations on his appointment;</b></li><li><b>provide a brief overview of the key issues on the Council's agenda; and</b></li><li><b>seek a meeting.</b></li></ul>	<b>Chair</b>
	<b>Secretariat to provide summary of key issues to Chair</b>	<b>Secretariat</b>

- 1.5 Ms Larkins confirmed a Ministerial briefing had been prepared for the new Minister and this briefing included an outline of the purpose and work of CISSR and recommended the Council's continuance.
- 1.6 The Chair indicated that a meeting with the new Minister would be pursued as a priority, and to include on the agenda a discussion of the Council's term of appointment.
- 1.7 Air Marshal Funnell noted that the work of the Council is enhanced by a representative of the Minister's office attending the General Meetings.
- 1.8 The Council endorsed the minutes of the 6<sup>th</sup> General Meeting.
- 1.9 The Chair requested the support of the Deputy Chair to review drafts of future General Meeting minutes.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/02</b>	<b>Draft minutes of the 7<sup>th</sup> and subsequent General Meetings to be forwarded to both the Chair and Deputy Chair for review prior to finalising the record.</b>	<b>Secretariat</b>

- 1.10 In reviewing the action items the Chair acknowledged the completion of some items had been delayed by the prolonged Caretaker period.
- 1.11 Ms Larkins advised that the responsibility for reporting on caseloads (GM6/05) will transfer from Community and Detention Services (CSDS) to Compliance and Case Resolution (CCRD). Reporting on length of time in detention will be more comprehensive with a new format for reporting to be circulated for comment. The Chair stressed that the Council has concerns about how centre capacities have been presented in the reports.
- 1.12 Air Marshal Funnell restated his view that the asylum seeker population on CI and corresponding staff numbers should be reduced (GM6/06). He expressed his deep concern at the daily costs of managing Christmas Island (CI), Leonora, Curtin and Darwin. It was agreed to include the issue of client numbers on CI in the letter to the new Minister and stressed as “a matter of urgency”.
- 1.13 The Chair clarified action item GM6/07 was seeking information on the operations and work of Life Without Barriers (LWB) and the plans for ongoing provisions and procurement issues for these services in the future only, not a review of services (though it is acknowledged some Council members had expressed concerns about some aspects of LWB services).
- 1.14 SERCO has expressed interest in the UMCRP and sought to talk with members of the Minors sub-group direct. The Council expressed a need for care that the key entities (SERCO, DIAC, and CISSR) do not work at cross purposes.
- 1.15 Ms Larkins clarified some misunderstandings around the prosecution/return of boat crews. There had been no change in the policy position although the AFP had agreed to not prosecute minors and they were in the process of being returned to Indonesia. The Department was also returning a man whose wife died in childbirth.
- 1.16 Air Marshal Funnell, referring to a recent protest by crew in Darwin, expressed concern that the perceived success of the protest will encourage further protest activity. Ms Larkins acknowledged the police and the judicial system are struggling to cope with processing the boat crews.
- 1.17 Dr Rifi indicated that he had not received an invitation to break the fast with detainees at VIDC so this event did not occur (GM6/11).

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/03</b>	<b>Follow up on Action Item GM6/11. DIAC to consult directly with appropriate CISSR representatives on multicultural issues for detention centres.</b>	<b>Ms Shyqyr &amp; Ms Jacka with Dr Rifi &amp; Professor Yasmeen</b>

- 1.18 Ms Larkins advised that the business cards requested (GM6/13) are being progressed.

- 1.19 Access to country of origin information (GM6/21) was discussed under Agenda Item 5 – RSA/IMR processing and outcomes.
- 1.21 Discussions to progress the “designated persons” program in Melbourne (GM6/28) have been initiated.

**2 RESEARCH & EVALUATION SUB-GROUP**

- 2.1 Associate Professor Minas advised the Research and Evaluation sub-group met in Canberra on Wednesday 21<sup>st</sup> July to consider a research work plan for the sub-group. An options paper, included in the meeting pack, was produced canvassing options for addressing both short term research priorities and establishing a long-term strategic plan for research on migration issues. The paper recommended the Delphi model as a methodology for identifying the key research questions, and making an approach to the Australian Research Council (ARC) to explore the possibility of fostering a priority area for research on migration issues. Such a partnership would take research of migration issues into the mainstream of research and evaluation in Australia. This would bring numerous benefits to the process including rigor, funding, issue profile and capacity building.
- 2.2 The Council agreed the sub-group, CCRD and the Policy Innovation, Research and Evaluation Unit (PIREU) representatives should meet to further the development of a work plan, establish a working relationship between the sub-group and PIREU and assess the collective capacity to support a submission to the ARC. Ms Larkins indicated that Deputy Secretary Peter Hughes may wish to be involved.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/04</b>	<b>The Research &amp; Evaluation sub-group to convene with DIAC staff to progress the short term work plan, establish a working relationship with PIREU and explore a joint CISSR/DIAC approach to the ARC.</b>	<b>R&amp;E sub-group with CCRD</b>

- 2.3 The Council agreed that any proposed submission to the ARC will need Ministerial support. It would be advantageous to request for the Minister to pursue it directly with the Minister for Innovation, Industry, Science and Research.

**3 DETENTION UPDATE**

- 3.1 Ms Wilson referred to the background paper on IMA crew issues included in the meeting pack.
- 3.2 Ms Wilson outlined the pressures on accommodation on CI and the actions the Department is taking to expand capacity. She acknowledged difficulties in achieving separation for client groups was contributing to escalating incidences of self-harm and aggression.

- 3.3 Ms Wilson indicated that both the Department and service provider staff are coping well with the pressures on CI, although staff across the system are very tired and resources stretched. The department is actively recruiting, and this includes discussions with Departments which are currently downsizing. Ms Wilson acknowledged the challenge is to create a strong staffing system which provides a good balance of support, skills, knowledge and experience for work both in the field and at National office.
- 3.4 Ms Wilson reported on the incidents at Northern Immigration Detention Centre (IDC). On August 22 a fight broke out between Afghans and Indonesians around internet access. Staff have since tightened up on monitoring internet access.
- 3.5 The meeting discussed an incident involving Indonesian crew on August 29 which led to a passive roadside protest by Afghan detainees the following day. Ms Wilson clarified that it was the NT Police who decided to take action and remove them to the watch-house. She added that in her experience it is better to wait out incidents like this, time allows people to work through and resolve the issues without need for authorities to intervene.
- 3.6 Ms Wilson outlined the learnings and subsequent changes to procedures which have emerged from these events. Ms Wilson confirmed that each facility has an incident plan in place and each jurisdiction has either an exchange of letters or MOU to clarify roles and responsibilities between DIAC, AFP and local police. In the incident at Northern there was a lack of clarity about the role of Defence given the protest was held on Defence property. Ms Wilson confirmed this is currently being addressed.
- 3.7 Ms Wilson acknowledged crew numbers in detention have grown exponentially creating delays in processing charges. Subsequent to the protest clients were informed of why delays were occurring. Weekly meetings between DIAC, AFP, NT Police and the Indonesian consulate are now in place. Also, the Australian Federal Police (AFP) and Attorney-General's Department (AGD) are currently working up options for managing crews.
- 3.8 Ms Wilson confirmed there has been a mix of hand downs at Northern IDC. She confirmed that people are relocated depending on the availability of accommodation, not pathway they are on. She indicated that the scripts for communicating moves to detainees are very clear. Council members acknowledged this reality but also noted detainees will persist in believing a move is indicative of what pathway they are on.
- 3.9 Ms Wilson advised that 83 of the 89 detainees involved in the August 29 protest had been relocated to Curtin. Ten decisions which had been withheld in Darwin because of the incident were transferred across to Curtin for hand down this week. The issue of delays in communicating decisions was taken up later with Mr Fleming. A record of that discussion is under paragraph 5.12 below.

- 3.10 Members discussed around the increasing and untenable pressures on accommodation as the numbers of arrivals increase and the suspension continues to delay the processing of Afghani claims. Meeting participants voiced strong support for greater use of the option of community detention (CD). It was agreed the Unaccompanied Minors Community Residence Program (UMCRP) will be a good start in that direction, with a possible extension to families. Also, a dialogue needs to be pursued with the new Minister to gauge his position on CD. Ms Benson noted community resources are capable of responding to the needs of greater numbers of asylum seekers moving out into the community. The participants stressed the risks of continuing with the current policies and Ms Wilson confirmed that very frank feedback had been communicated to the Minister.
- 3.11 Ms Wilson noted an emerging trend towards more families among IMAs.
- 3.12 Ms Wilson indicated that health, identity and security checks must be completed before any detainee is released into the community, with security checks, which are not under the Department's control, often taking the longest.
- 3.13 It was acknowledged that successful pursuit of a case for CD required there an effective accompanying process for managing removals in that context.

#### **4 MINISTERIAL INTERVENTIONS**

- 4.1 Ms Gillam joined the meeting to provide an update on ministerial interventions (MIs) and removals. She noted that the trends in the broad caseloads (not just IMAs) were showing fewer requests and repeat requests for MIs. Some guidelines and regulatory changes have had a positive impact in this regard.
- 4.2 Both involuntary and voluntary removals have increased from 2008-09 to 2009-10 (6,800 and 8,800 respectively). Six thousand of the 2009-10 figures were compliance caseload. She also reported the following trends; there are less illegal fishers; there has been a significant increase in monitored departures and in assisted voluntary returns.
- 4.3 Ms Gillam noted that the improved response times for community status resolution services to engage with people soon after a negative outcome is handed down has improved clients' understanding of their options and is facilitating decisions to leave. People voluntarily seeking assistance to resolve their status has also increased.
- 4.4 Concern was raised by Dr Loughry that a number of cases seemed stuck at the MI level. Ms Larkins indicated she would investigate this issue.
- 4.5 Ms Gilliam advised that there have been 156 IMA removals since October 2008, 141 voluntary and 15 involuntary (all cases in the involuntary pool were Sri Lankan). The voluntary removals included Sri Lankans (70), Indonesians (62) and Iranians (5). The number currently in the pool available for removal is 93 (negative IMRs, screened out or requested removal). Within this pool 34

will be removed as soon as travel documents are available and 22 are a part of the High Court action.

- 4.6 In terms of Independent Merits Review (IMR) processing, among the pool of 926 cases, 206 have been given a negative Refugee Status Assessment (RSA) but have not yet applied for an IMR and 720 have applied and are awaiting IMR processing.
- 4.7 Ms Gilliam indicated case managers in Curtin have been encouraging clients among the suspended caseload to obtain identity information from their country of origin in order to assist with their processing when the bar is lifted. This initiative is showing a measure of success.
- 4.8 A short discussion on identification issues followed. It was noted that people choosing voluntary return were often able to source documents from home to hasten the process of return.
- 4.9 Ms Gilliam confirmed that the procedure for returns of IMAs was subject to the same processes, clearances and agreements as for other caseloads.
- 4.10 It was noted that Returns and Reintegration Section is working on agreements with other countries and that this work was progressing well, including for Afghanistan. The UK is achieving a high rate of returns to Afghanistan. There is a positive outlook for achieving agreements with Iraq however Ms Gilliam reports Iran is problematic.
- 4.11 It was further noted that IMAs need a higher level of support to ensure sustainable returns. Ms Gilliam provided participants with a copy of the framework for effecting removal of IMAs.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/05</b>	<b>The Council requested a more extensive briefing on returns and reintegration processes.</b>	<b>Ms Gilliam Compliance Status Resolution</b>
	<b>Issue to be included as an agenda item at the 8<sup>th</sup> General Meeting.</b>	<b>Secretariat</b>

## **5 RSA/IMR PROCESSING AND OUTCOMES**

- 5.1 Mr Fleming and Ms Niblett joined the meeting. Mr Fleming reported on briefing the new Minister and indicated that the key issues raised were suspensions, RSA processing and the litigation before the High Court. Mr Fleming indicated a decision from the High Court was probable before the end of the year and the result is likely to have an impact on offshore processing, depending on how they construe the Act.
- 5.2 Mr Fleming indicated that the Department plans to make available country of origin guidance notes when the Afghan suspension is lifted. Council members indicated they would like to be included in the circulation of this information. Mr Fleming agreed noting that any classified information which

forms part of the decision-making process results in a loss of transparency and could create grounds for challenge.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/06</b>	<b>CISSR Council Members to be included in the circulation of country of origin guidance notes when available (Out-of-session).</b>	<b>Ms Niblett Onshore Protection</b>

- 5.3 Mr Fleming indicated the Department continues to keep pace with the numbers for decision-making but noted that without the suspension there would be some slippage. The Department is actively recruiting to address the demands for when the suspension is lifted. Mr Fleming acknowledged that relocating detainees is making processing more difficult.
- 5.4 Mr Fleming confirmed that the Department will take the same approach to the order of processing Afghanis' claims as they did when the bar was lifted for Sri Lankans; by date of arrival wherever possible and prioritizing vulnerable cases.
- 5.5 The Council asked Mr Fleming to comment on the IMR process and high rate of turnovers. Mr Fleming spoke of the variables impacting on primary decision making and noted that the current rate of 20-40% approvals for Afghanis at the primary stage is probably too low and is likely to rise. Mr Fleming discussed the skills and experience of IMR staff, and also noted the key points of difference between the primary and IMR processes e.g. primary decision makers consider internal relocations as viable.
- 5.6 Mr Fleming acknowledged some concerns with the methodologies used by decision makers, spoke about the need to develop skills (judgement, analysis and reasoning) to make decision-making more rigorous and outlined the strategies and expertise they are tapping in to, to achieve this goal.
- 5.7 Mr Fleming also noted credibility assessment guidelines were rewritten recently to clarify what information can and cannot be relied upon. He acknowledged it is a very difficult area for people to become sensitised and proficient in, in a short space of time.
- 5.8 Ms Niblett also noted that entry interviews are not in-depth interviews and caution is needed not to question the client's credibility if new information comes to light in later interviews.
- 5.9 Meeting participants discussed the concept of who is the "applicant" in family applications and the merits, limitations and sensitivities of interviewing family members separately-v-collectively.
- 5.10 Ms Benson raised the issue of clients mining information for clues as to the probable outcome of their cases, some believing which decision maker they are assigned to is indicative of the outcome. Ms Benson also raised concerns about the system relying on skilled but inexperienced decision-makers, interpreters and IAAAS providers, citing a case where an interpreter did not correctly translate "consent" to a client.



- 5.11 Ms Niblett acknowledged that decision-makers need to be skilled and effective regardless of the pressures. She indicated that questions about the unnecessarily bureaucratised language have been raised previously and indicated they are scheduled to meet with interpreter organisations to discuss these matters.
- 5.12 Council members raised the issue of delays between decisions being finalised and handed down. Mr Fleming acknowledged that hand-downs are sometimes delayed, particularly if there is unrest or distress among the centre population. It was also noted that the security of the environment in which hand downs are delivered may need prior planning.
- 5.13 Council members expressed concern with this approach indicating that hand-downs are business as usual and indicated there should be confidence in the systems and staff to manage the hand-down process. They also strongly asserted that liberty should not be withheld any longer than necessary. The Council also foresaw consequential delays in initiating appeals and access to post detention services. The Council agreed to stress expediency in hand-downs in their advice to the Minister.
- 5.14 Council asked that they be updated on this process at the next CISSR General Meeting. It was suggested a comparison of decision to hand-down dates over time would measure any improvement (or deterioration) in this process.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/07</b>	<b>To provide Council with data on the timeframes between decisions and hand-downs.</b>	<b>Ms Niblett Onshore Protection</b>
	<b>Issue to be included as an agenda item at the 8<sup>th</sup> General Meeting.</b>	<b>Secretariat</b>

## **6 DISCUSSION WITH UNHCR**

- 6.1 Mr Richard Towle, Regional Representative for UNHCR joined the meeting to discuss detention and asylum seeker processing issues. This session was not recorded.
- 6.2 Members requested access to copies of Mr Towle's report to the Secretary on the UNHCR visit to Christmas Island in May 2010. Hardcopies of this report were circulated to members on day two of this meeting.

## **7 TORTURE AND TRAUMA POLICY IMPLEMENTATION**

- 7.1 Ms Lynch-Magor joined the meeting to provide an update on torture and trauma and mental health policies.
- 7.2 Ms Lynch-Magor outlined some of the challenges around training. This included lower than expected participation levels, people are registering for

training at levels appropriate for their role, large numbers of new staff requiring training, timing of training, and delays in roll out to Villawood. She outlined options under consideration to address these issues including examining more flexible delivery modes.

- 7.3 Ms Lynch-Magor confirmed the ongoing difficulties accessing sufficient staff with torture and trauma training and the possibility of reviewing the service model given growing demand in the current context of increasing client numbers.
- 7.4 The Chair indicated that the current service model was not developed for a detention context of the type now in place for IMAs and a different approach is needed. Dr Loughry noted the percentage of torture and trauma survivors is very high in detainee populations however, the issues are often latent in detainees whilst they are focusing on their assessment. Some of these cases are likely to be triggered by events such as the collective mood of centres and changes in environmental conditions. Screening too can precipitate some cases but it can also help anticipate them.
- 7.5 Ms Lynch-Magor agreed this underscored the need to know that the training is have an impact on the ground, that staff understand these issues can be latent and have an awareness and appreciation of what they may be witnessing. Associate Professor Minas suggested comparing the capabilities of staff that have done the training against those who have not as a way of measuring the effectiveness of the training.
- 7.6 A brief discussion followed on the increasing numbers of clients who, on resettlement, are manifesting the negative impacts of detention. Loss of capacity, particularly work readiness and greater reliance on medications were noted as some of the indicators of this deterioration in functioning.
- 7.7 It was noted that both the Department and the Research and Evaluation sub-group are keen to pursue studies of torture and trauma policies. They agreed that a co-operative arrangement would enhance these efforts.

ACTION	ISSUE	RESPONSIBILITY
GM7/08	Research and Evaluation sub-group to consult with Services Management on a co-operative approach to torture and trauma research.	Research and Evaluation Sub-group & Ms Lynch-Magor, Services Management

## 8 MAINLAND DETENTION CENTRES SUB-GROUP

- 8.1 Air Marshal Funnell referred to the two reports from visits to Leonora and Curtin and encouraged participants to read the reports before the session on the Mainland Detention Centres sub-group on Day two.
- 8.2 Air Marshall Funnell expressed deep concern at the amount of capital being invested in detention centres in remote locations. Linked to this concern is

the lack of resourcing for long term strategic thinking and planning to begin to identify where the nation would like to be in terms of detention in 2025. The Council considered assigning some time each general meeting to such a discussion. This issue was discussed in more detail on day two under paragraph 14.1.

## 9 REVIEW OF DAY ONE

- 9.1 The Council agreed to send a congratulatory letter to the new Minister and include a summary of the CISSR work agenda and issues. Also a meeting would be requested with the Minister to discuss role of the CISSR and their concerns in relation to:
- The urgent need to decrease numbers of detainees on CI;
  - Seeking support for the Unaccompanied Minors Community Residence Program (UMCR) and discuss the potential to extend the program to families;
  - Projected number of detainees;
  - Policy settings;
  - The research agenda;
  - The regional protection framework; and
  - Issues associated with the suspension of processing certain cohorts
- 9.2 Ms Benson noted that contrary to apparent public perceptions, the return rate for detainees was higher under Labor Government than the former Howard government. Ms Benson thought this misconception should be dispelled.
- 9.3 CCRD agreed to access the comparative data on return rates and report these to the Council.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/09</b>	<b>Comparative data on return rates under Howard and successive Labor governments be provided to the Council.</b>	<b>Mr Lander, Program Analysis CCRD</b>

- 9.4 It was acknowledged that returns and reintegration are an important part of policy especially given the remarks by Mr Towle.
- 9.5 Council members reiterated their concerns re delays in handing down decisions. Departmental staff clarified who were involved in deciding when to hand down decisions and when legal representatives are advised of decisions.
- 9.6 Ms Benson suggested there needs to be a formal framework for this process as there was a growing belief in the community that there was a deliberate delay in handing down decisions. Mr Casey confirmed that concerns about delays had been raised in a number of forums and indicated that action has been taken to reduce the delays.
- 9.7 Whilst acknowledging the tension between decisions around maintaining order at the centres and client's right to timely hand-downs the Council also noted there were moral and ethical issues in delaying notifications of decisions.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/10</b>	<b>The Council seeks clarification on the policy framework around timeframes and processes for decision hand-downs.</b>	<b>Ms Niblett, Onshore Protection</b>
	<b>Issue to be included as an agenda item at the 8<sup>th</sup> GM.</b>	<b>Secretariat</b>

## **10 MINORS**

- 10.1 Ms Pope provided an update of the pilot to assess disputed minors claims. The health provider Immigration Health & Medical Services (IHMS) has discontinued their involvement in the pilot given they had the veto decision on age determination. IHMS expressed concern over liability for potential errors based on their advice and possible adverse consequences to the client. The process has been altered so that the health provider no longer has a veto decision. The Department is seeking an alternative health provider to participate in the program.
- 10.2 The Department questions the reliability of the X-ray method for age determination of disputed minors although it was noted this method is used by IHMS. It was noted that there are diverse and contradictory views on the reliability of X-rays for age determination. The Department has evaluated the evidence and decided not to use this methodology.
- 10.3 The Australian Federal Police (AFP) have decided to discontinue their use of X-rays on the basis of the Department's assessment. They are also looking at using the Department's age determinations to review some clients currently on charges of people smuggling and also to review some cases of previously convicted crew. These cases will need to return to court to have the charges dropped before being returned to Indonesia. The AFP have indicated that in future they will accept the Department's determinations on age.
- 10.4 The Department is in the process of appointing an officer on Christmas Island for the role of age determination – an 'Identity and Integrity Officer' who will assess age, in conjunction with identity and other evidence. The appointee may be drawn from the officers who participated in the pilot. The Identity and Integrity Officer will assess new arrivals and flag any cases for concern with case managers and health providers.
- 10.5 There is widespread agreement, given the success of the pilot, for the age determination process to be rolled into business as usual.
- 10.6 There have been numerous clients in the 20 -30 year age group claiming to be minors. When clients change their date of birth accommodation is changed however, the recommendation by the Christmas Island sub-group to have a "waiting" period has been adopted.
- 10.7 Mr Casey highlighted that there was a significant misunderstanding by Indonesian crew regarding the severity of the penalties for people smuggling. They appeared to believe that they were in the same framework as illegal fishers who were simply returned home. However there is mandatory

sentencing for people smuggling and some efforts need to be made to ensure that the minors among the crews actively help in their cases by obtaining evidence of their age in order to expedite their processing and be returned.

- 10.8 The Chair expressed serious concern that given the feedback received and inconsistencies/difficulties in determining the age of a young person (in some cases) there may be minors being held and prosecuted as adults and the potential risk for abuse particularly if they are being held in adult prisons. He said that if this were indeed the case then it would constitute a breach of international conventions which could be perceived as an abuse of a minor by the Australian Government. He indicated that it was urgent that this issue be carefully examined and that the Council and the Department should escalate this issue within the Government.
- 10.9 The Council noted that there was an emphasis on chronological age as a determinant of vulnerability whereas maturity was another consideration. The mental health model uses capability rather than chronological age for housing and treating clients.
- 10.10 Ms Pope is writing up the outcomes of the pilot noting the policy advice to move away from age specific emphasis in the minors sphere and consider maturity. However, in the legal sphere 18 is the set legal definition of an adult. The Council suggested moving from an age specific determination framework to a different framework based on determining vulnerability.
- 10.11 It was noted by the Council that there are cultural sensitivities around age and that not all people know their age or have documentation as is required in western countries. Ms Pope advised that CI staff are well aware of this and also that people did in fact intentionally give false information regarding their age. The Department is very clear when querying their contradictions with them and there is a natural justice loop. She noted that no clients had made any objections when determinations regarding age were reported back to them.
- 10.12 The Council commended Ms Pope on the excellent work and outcomes achieved in the area of age determination.
- 10.13 Ms Pope advised that the Principal Advisor Unit is currently writing a guide to terminology and acronyms setting out the legal meaning of terms such as wards, custodians and guardians which are referred to in policy and legislation. The Department is also briefing the new Minister on the status of 400 minors.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/11</b>	<b>Provide an update on the progress of resolving charges and convictions against minors as crew.</b>	<b>Ms Pope Principal Advisor Unit</b>
	<b>Issue to be included as an agenda item at the 8<sup>th</sup> GM</b>	<b>Secretariat</b>

ACTION	ISSUE	RESPONSIBILITY
GM7/12	Council to receive a copy of the guide to the use of terminology in relation to minors when finalised.	Ms Pope Principal Advisor Unit

- 10.14 The Chair introduced a discussion on the Unaccompanied Minor Community Residence program (UMCR) noting that the UMCR paper was an outstanding piece of work.
- 10.15 Ms Lloyd advised that there had been a number of meetings to build on the proposal and that Dr Rifi had joined the group as a cross cultural expert and to expand the context to be an interfaith and broad community sector initiative.
- 10.16 The proposal outlines the availability of accommodation in the community to house minors and vulnerable clients. Key organisations offering services to the project include Hotham Mission Asylum Seeker Project, the Anglican Church and the Jesuit Refugee Services. Suitable accommodation has been identified in Victoria, Sydney and possibly Perth.
- 10.17 A discussion about the potential model of care to be offered under the pilot followed. Providers such as Berry Street have indicated interest in the project. They have expertise in working with minors and with foster care arrangements but not with asylum seekers. They have a therapeutic model available however it is intensive and costly. Life Without Barriers (LWB) has relevant expertise with asylum seekers however they do not have an existing model of care sufficient to look after minors in the community. Dr Rifi advised that the Muslim Women's Association have considerable experience in foster care of children in a community setting and are keen to participate in the project.
- 10.18 The Council agreed that there needs to be a defined model for foster care services in the community with a capacity to spread these services nationally. The pilot should also provide for transitioning people from the program and into the community or as a return if their protection claims are unsuccessful.
- 10.19 The Council indicated that the Department would also need to negotiate and manage the service elements such as access to educational, health and other services under the pilot. Consideration also needs to be given to ensuring continuity of services on resettlement.
- 10.20 Ms Benson queried the legal status of children and carers. Ms Pope advised that unaccompanied minors are wards of the state and the Minister has the delegation to approve a 'guardian'. Only employees of the State or Commonwealth can be granted 'guardian' status. Service providers can be delegated as 'custodians'. Custodians are usually appointed for the day-to-day running of administrative care arrangements such as permission for school excursions etc.

- 10.21 Dr Loughry advised that the UMCR model is ready to advance and there was some urgency given the current availability of accommodation which may be lost if there are lengthy delays. Also overcrowding in facilities and competing pressures compromised services to minors and this pilot provides an opportunity to relieve those pressures and improve integrity.
- 10.22 Ms Larkin advised the Council that in order to progress this matter they need to write to the new Minister providing background on the issue and note previous discussions with, and support from, Minister Evans. A paper to the Minister should seek his views on the proposed arrangements. It should also discuss the practicality of these arrangements for dispersed community detention. The Department still has some concerns with the proposal, but Ms Larkins indicated they will discuss these with the new Minister.
- 10.23 The Council expressed a sense of urgency for advancing the program particularly in light of a projected increase in the numbers of minors (about 700 by the end of the year). Models for community detention are already in place, and there is in-principle support from NGOs and community organisation to provide accommodation resources. Definitive decisions on critical issues such as guardianship need to be addressed by the Department as a matter of urgency to allow implementation of the UMCR pilot.
- 10.24 Mr Casey indicated the model was good and had potential to impact on a group who are vulnerable to deterioration and likely to attract political controversy. He noted that in the context of the government's direction to stop the boats, this model was still legal detention. This proposal should be presented in a sense which does not undermine border protection and returns policy. All of these points are important in his view and need to be stressed in the approach to the Minister.
- 10.25 Mr Funnell suggested starting the project on a small scale and having a framework in place for it to expand quickly and on this basis seek the Minister's approval for the UMCR program from the outset, instead of seeking approval for a pilot.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/13</b>	<b>Council to submit a proposal to the Minister for the UMCR program stressing the impetus for and benefits of the program and request his endorsement.</b>	<b>Minors sub-group in conjunction with Chair</b>
<b>GM7/14</b>	<b>The Department to provide feedback on the UMCR project proposal to the Minister and progress internal governance and implementation issues.</b>	<b>Ms Larkins, CCRD &amp; Ms Pope, Principal Advisor Unit</b>

## **11 SERVICE DELIVERY SUB-GROUP**

- 11.1 Ms Boardman gave a presentation on the Asylum Seeker Assistance Scheme (ASA) and the Immigration Advice and Application Scheme (IAAAS). The presentation outlined the range of services under each scheme, eligibility

criteria, historical, current and projected client numbers and trends for the services. A hardcopy of the presentation was provided to the Council members (not for further distribution).

- 11.2 Ms Boardman noted that the programs includes PV applicants who are students under 18 years of age and in need of support (whose assurance of support arrangement had failed) however these students are not technically minors with guardianship arrangements.
- 11.3 It is estimated that 50% of PV applicants will need support. Over time the client cohorts have changed with increasing numbers of families, pregnant women, vulnerable and torture and trauma victims. Some 88.6% of people needing support are eligible for a waiver of the 6 months waiting period for services.
- 11.4 There is an upward trend in the number of clients in the ASA scheme over the past several years. Budget allocations have increased correspondingly. Ms Boardman considered these trends would continue until an integrated model is developed.
- 11.5 Ms Boardman advised there was no financial limit per person for IAAAS and that all PV applicants in detention (not subject to suspension), and the most disadvantaged PV applicants in the community are eligible for IAAAS. The Chair noted that there is potentially an inequity in the rationale that those in the community are assumed not to require the same level of resources and assistance as people in detention.
- 11.6 Mr Illingworth clarified that this is based on the concept that applicants in detention differ from those in the community in that those in detention have tighter timeframes and do not have the liberty to acquire assistance or support.
- 11.7 Ms Boardman pointed out that IAAAS does triage cases on the basis of the strength of claims. There are a number of frivolous claims for onshore protection from people in the community and these are screened out.
- 11.8 Ms Boardman referred participants to Fact Sheet No. 63 on the Department's website which provides detailed information on the IAAAS.
- 11.9 The Chair noted that there needs to be a comparison of application outcomes between IMAs accessing IAAAS and PV applicants in the community without access.
- 11.10 Ms Fiona Lynch–Magor outlined the key details in the discussion paper on establishing a CAS Reference Group to oversee a review of the program. She sought feedback from the Council on the proposal. She noted that concerns had been raised that the CAS program has moved away from its original objectives and intent and she wanted to convene a Reference Group to review the program and get it back on track. She has proposed an aggressive timeline, the Reference Group producing a final report by mid December.



- 11.11 Ms Larkins reiterated that CAS is based on the principle of early intervention for vulnerable clients whilst pursuing status resolution and assisted case managers in brokering services to clients to support that process. She noted that advocates and case managers were frustrated with the program.
- 11.12 Ms Lynch-Magor suggested the perception of the program as a “last resort” probably arose from the limited budget. It was noted that in some instances service providers could not get their clients into the program and the budget setting for this program may need reviewing. Ms Larkins confirmed the client pool is growing dramatically and work is progressing on budget revisions.
- 11.13 The Chair suggested convening a new Reference Group was unnecessary and noted CISSR is already giving advice in this space. He also suggested that DeHAG could be consulted in this area. Other members of the Council also supported this position. After discussion it was proposed that CISSR, and more specifically the Service Delivery sub-group would serve as the Reference Group for this project with the option to bring on other representatives on an ad hoc basis.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/15</b>	<b>As proposed by the Service Delivery Framework Sub-group (SDF4/02) and endorsed by the CISSR Council, the Department is encouraged to utilise the Council’s Service Delivery Framework sub-group as a Reference Group for the ongoing monitoring of CAS and the concurrent development of a new integrated service delivery model.</b>	<b>Ms Lynch-Magor, Services Management &amp; Service Delivery Framework sub-group</b>

- 11.14 The Chair reported that Mr Casey is convening a meeting with Vulnerability Identification and Assessment Tool (VIAT) developers and Professor Procter to initiate the trial of the tool. A progress report on this work will be provided at the 8<sup>th</sup> General Meeting.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/16</b>	<b>The Council to be updated on the progress of the trialing of the VIAT.</b>	<b>Mr Casey, Case Management and Review</b>
	<b>Issue to be included as an agenda item at the 8<sup>th</sup> General Meeting.</b>	<b>Secretariat</b>

## **12 RATIONALISATION OF SUB-GROUPS**

- 12.1 The Council discussed the composition of the sub-groups noting that Professor Yasmeen and Dr Loughry were both on three sub-groups. Dr Loughry was opposed to the Minors sub-groups being incorporated with Service Delivery Framework, concerned that the specific focus for minors could be lost. Ms Lloyd noted that the Minors agenda is very broad and the issues are forward looking i.e. out of the space of “what is” whilst Service Delivery has a different focus.

- 12.2 The Chair proposed that the two groups remain separate but where possible meet on the same day to allow for any overlapping issues to be dealt with jointly. Council members supported this suggestion.
- 12.3 Air Marshal Funnell suggested consolidation of the Mainland Detention Centres and CI sub-groups. Members supported this decision but noted that the new Detention Facilities Sub-group would have eight members and this was too many people to visit a detention facility.
- 12.4 The Chair summarized the decision; that Mainland Detention and CI sub-groups amalgamate and Air Marshal Funnell be appointed as the Chair. Ms Benson indicated she will step down from this group. It was agreed that the usual practice would be for up to three sub-group members to visit a detention facility at any one time although there may be occasions where this number would be higher. Air Marshal Funnell suggested that the sub-group should visit all detention facilities at least once per annum.
- 12.5 It was agreed that Research and Evaluation sub-group will remain separate.
- 12.6 It was suggested that sub-group minutes be circulated to all CISSR members to allow for greater information sharing and to raise awareness of issues which may be relevant to another sub-group.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/17</b>	<b>All Council Members are to be included in the distribution of sub-group meeting minutes.</b>	<b>Secretariat</b>

- 12.7 The Council stressed it should keep focus on strategic issues, and to that end plans to set aside a half to full day space in the agenda for the 8<sup>th</sup> General Meeting to hold a facilitated discussion on strategic directions and develop a work plan. Following on from this first strategic planning session it is suggested that strategic planning become a fixed agenda item for subsequent General Meetings.
- 12.8 Ms Lloyd indicated she may have a contact to source a skilled and appropriate facilitator.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/18</b>	<b>The agenda for the 8<sup>th</sup> General Meeting include time for a facilitated strategic planning session. Subsequent General Meetings agendas are to have a fixed session for furthering this work.</b>	<b>Secretariat</b>

### **13 STAKEHOLDER ENGAGEMENT**

- 13.1 Council members provided updates on recently held CCG meetings.
- 13.2 Professor Procter reported that the Port Augusta meeting was highly constructive, with good representation and a rich interaction and information

exchange. The meeting triggered some action items for attendees. He advised the South Australian Police are keen to work collaboratively with the Department and are currently developing a MOU. The police have established good engagement with the detainee community.

- 13.3 Professor Procter indicated he would like to have a designated contact to manage the administration of Port Augusta meetings i.e. setting dates, agendas, logistics, drafting minutes etc. Ms Larkins indicated the Department would follow this up and advise.

ACTION	ISSUE	RESPONSIBILITY
GM7/19	<b>Identify a designated person in Port Augusta to provide a contact point and administrative support for Community Consultative Group meetings.</b>	<b>Ms Jacka Community &amp; Detention Services</b>

- 13.4 The Adelaide meeting, again chaired by Professor Procter, was also constructive. He noted that there is some overlap between the two CCG however Country Health SA and Central Health SA differ in their approach and style. Professor Procter noted the secretariat for meeting was well managed by local Departmental staff.
- 13.5 Ms Coleman noted the Melbourne CCG featured very robust exchanges. She observed that participants tended to want to focus on national issues.
- 13.6 The Council agreed that the CCGs are geared to focus on local issues and that the Terms of Reference are useful to focus the agenda, identify stakeholders and foster solution focused discussions.
- 13.7 The Chair noted that the Darwin meeting had been cancelled and needed to be reconvened as soon as possible. Ms Shyqyr confirmed that Ms Zrno is planning this meeting to be held in the next few weeks.
- 13.8 Ms Benson noted the CCG in Queensland seems to be the only forum that facilitates stakeholder engaging with the Department and as a consequence a large number of people are attending and using these forums for discussing other immigration issues. Nicholas Procter suggested that to be effective the number of participants should be limited to a maximum of approximately 12. It was agreed that limiting attendance would need to be managed carefully to avoid the perception that it is an attempt to shut down engagement.
- 13.9 The Council discussed the need for protocols around visits, recreational support and donations of equipment, books etc. Visits need to be purposeful, constructive and have agreement from the detainees and should not taint the status resolution process. People's wishes not to be visited also need to be respected. Ms Benson suggested that prospective visitors write a short proposal around what they what to do so the Department can manage the process effectively.
- 13.10 An adequate framework is required for the provision of recreation services. The framework should provide a national set of guidelines with clear parameters and guidance for administration, police checks, training and co-

ordination. The Council further noted that at Curtin there were no benchmarks for recreational and education services under the SERCO contract. The Chair noted this issue needs to be raised with Ms Jacka perhaps in the context of discussions on “designated persons”. This is an action item pending (GM6/28).

- 13.11 A discussion was held on stakeholder engagement – there was no long term strategy in place. Ms Shyqyr advised visits could be facilitated to some sites. She flagged holding a forum to talk through the development of a strategy for long term facilities.
- 13.12 The Council noted that stakeholder forums could harness perceptions on what people see is happening at present, highlight the gaps and facilitate contribution to the development of an engagement plan for the next two years. This would be useful as currently there is a void in forums for the community to express concerns, get clarity, debunk myths and foster and maintain trusting relationships with the Department. It was noted that such forums would also be a good vehicle for multi-cultural input. Dr Rifi noted the reluctance of Muslim communities to engage where there are negative status outcomes and this needs to be redressed. Ms Shyqyr indicated there had been successful community forums on CI. Action Item GM6/12, which is in progress, addresses some of these issues on stakeholder engagement.
- 13.13 The Chair flagged the email from Ms Pamela Curr and the issues it raised around CISSR being accessible. Ms Larkins queried whether people were aware of the Department’s complaints handling mechanism noting this avenue provides the community with contact point for the Department. The Council indicated it would be useful to have a link on the website to facilitate correspondence with CISSR. The Department’s website has a page on the Council and its Terms of Reference and this provides a useful guide on CISSR’s focus. An email address/link for correspondence could be added to that page. Ms Larkins advised it could be the responsibility of the Secretariat to triage the correspondence and forward it to Council members.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/20</b>	<b>Arrange for the inclusion of an email address/link on the CISSR page of the Department’s website.</b>	<b>Secretariat</b>

## **14 MAINLAND DETENTION CENTRES**

- 14.1 Air Marshal Funnell voiced his concerns about the remoteness of Leonora and Curtin, the associated logistical difficulties and the poor infrastructure. He was particularly concerned around the limited telecommunications at Leonora. Ms Shyqyr advised the CI policy on mobile phones had been extended to mainland centres as there were security concerns. She also advised there were now more mobile phones available at Leonora.

ACTION	ISSUE	RESPONSIBILITY
GM7/21	<b>Provide the Council with a copy of the policy on telephone access for detainees. Clarify if there are policy differences for IMAs and Onshore caseload clients.</b>	<b>Ms Shyqyr Detention Operations</b>

14.2 Air Marshal Funnell advised that excursions at Curtin had been stopped on request by the Minister's office while the government was in caretaker mode. SERCO have not been conducting excursions under their contractual obligations and this needs to be monitored.

14.3 Air Marshal Funnell highlighted some further key points and recommendations in the sub-group's reports:

- that Leonora and Curtin were not suitable for long term detention;
- conditions are not sustainable particularly with the onset of the warmer season;
- Departmental staff at Curtin are inexperienced and inadequately trained although they are doing a good job under difficult circumstances;
- a high turnover of staff in harsh conditions does not sustain experience in these areas;
- a good working relationship exists between Departmental and SERCO staff at Curtin;
- the dynamic approach to security at Curtin works well, possibly enabled by the homogeneous ethnicity of the detainees; and
- concerns over SERCO's performance at Leonora.

14.4 Ms Shyqyr noted that the Department was building the skill set of staff. It was noted that the Department is guided by OHS & EAP input when determining the term of duty for Departmental staff assigned to these locations. Air Marshal Funnell suggested that staff that are assessed as coping well could perhaps stay longer to provide depth of experience.

14.5 Air Marshal Funnell expressed that there is a lack of strategic planning around a cost effective and optimal detention solution. Huge amounts of tax payers money are being consumed in building works, whitegoods etc. Early strategic planning would have avoided this situation. The Chair noted there needed to be longer term thinking and it is a priority to flag this with the Minister.

14.6 Ms Larkins suggested that due to the nature of the sub-group's reports, the best and most appropriate action is to forward it to the Executive. It was noted that a formal process is needed for the sub-group's reports to be circulated to key people in the Department.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/22</b>	<b>That a formal process be established to ensure sub-group reports are distributed to the Department's Executive.</b>	<b>Mr Illingworth, Framework, Evaluation and Analysis &amp; Secretariat</b>

## **15 DISCUSSIONS WITH THE SECRETARY**

15.1 Council met with the Secretary, Mr Metcalfe and Executive staff for a closed session.

## **16 CLOSE**

16.1 Meeting was closed at 3.45

## SUMMARY OF ACTION ITEMS FOR 7<sup>th</sup> GENERAL MEETING

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
GM7/01	Chair to write to the new Minister to: <ul style="list-style-type: none"> <li>• offer the Council's congratulations on his appointment;</li> <li>• provide a brief overview of the key issues on the Council's agenda; and</li> <li>• seek a meeting.</li> </ul>	Chair
	Secretariat to provide summary of key issues to Chair	Secretariat
GM7/02	Draft minutes of the 7 <sup>th</sup> and subsequent General Meetings to be forwarded to both the Chair and Deputy Chair for review prior to finalising the record.	Secretariat
GM7/03	Follow up on Action Item GM6/11. DIAC to consult directly with appropriate CISSR representatives on multicultural issues for detention centres.	Ms Shyqyr & Ms Jacka with Dr Rifi & Professor Yasmeen
GM7/04	The Research & Evaluation sub-group to convene with DIAC staff to progress the short term work plan, establish a working relationship with PIREU and explore a joint CISSR/DIAC approach to the ARC.	R&E sub-group with CCRD
GM7/05	The Council requested a more extensive briefing on returns and reintegration processes.	Ms Gilliam Compliance Status Resolution
	Issue to be included as an agenda item at the 8 <sup>th</sup> General Meeting.	Secretariat
GM7/06	CISSR Council Members to be included in the circulation of country of origin guidance notes when available (Out-of-session).	Ms Niblett Onshore Protection
GM7/07	To provide Council with data on the timeframes between decisions and hand-downs.	Ms Niblett Onshore Protection
	Issue to be included as an agenda item at the 8 <sup>th</sup> General Meeting.	Secretariat
GM7/08	Research and Evaluation sub-group to consult with Services Management on a co-operative approach to torture and trauma research.	Research and Evaluation Sub-group & Ms Lynch-Magor, Services Management
GM7/09	Comparative data on returns under Howard and successive Labor governments to be provided to the Council.	Mr Lander Program Analysis CCRD

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
GM7/10	The Council seeks clarification on the policy framework around timeframes and processes for decision hand-downs.	Ms Niblett, Onshore Protection
	Issue to be included as an agenda item at the 8 <sup>th</sup> GM.	Secretariat
GM7/11	Provide an update on the progress of resolving charges and convictions against minors as crew.	Ms Pope Principal Advisor Unit
	Issue to be included as an agenda item at the 8 <sup>th</sup> GM	Secretariat
GM7/12	Council to receive a copy of the guide to the use of terminology in relation to minors when finalised.	Ms Pope Principal Advisor Unit
GM7/13	Council to submit a proposal to the Minister for the UMCR program stressing the impetus for and benefits of the program and request his endorsement.	Minors sub-group in conjunction with Chair
GM7/14	The Department to provide feedback on the UMCR project proposal to the Minister and progress internal governance and implementation issues.	Ms Larkins, CCRD & Ms Pope, Principal Advisor Unit
GM7/15	As proposed by the Service Delivery Framework Sub-group (SDF4/02) and endorsed by the CISSR Council, the Department is encouraged to utilise the Council's Service Delivery Framework sub-group as a Reference Group for the ongoing monitoring of CAS and the concurrent development of a new integrated service delivery model.	Ms Lynch-Magor, Services Management & Service Delivery Framework sub-group
GM7/16	The Council to be updated on the progress of the trialing of the VIAT.	Mr Casey, Case Management and Review
	Issue to be included as an agenda item at the 8 <sup>th</sup> General Meeting.	Secretariat
GM7/17	All Council Members are to be included in the distribution of sub-group meeting minutes.	Secretariat
GM7/18	The agenda for the 8 <sup>th</sup> General Meeting include time for a facilitated strategic planning session. Subsequent General Meetings agendas are to have a fixed session for furthering this work.	Secretariat
GM7/19	Identify a designated person in Port Augusta to provide a contact point and administrative support for Community Consultative Group meetings.	Ms Jacka Community & Detention Services



<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM7/20</b>	<b>Arrange for the inclusion of an email address/link on the CISSR page of the Department's website.</b>	<b>Secretariat</b>
<b>GM7/21</b>	<b>Provide the Council with a copy of the policy on telephone access for detainees. Clarify if there are policy differences for IMAs and Onshore caseload clients.</b>	<b>Ms Shyqyr Detention Operations</b>
<b>GM7/22</b>	<b>That a formal process be established to ensure sub-group reports are distributed to the Department's Executive.</b>	<b>Mr Illingworth &amp; Secretariat</b>

**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION**  
**8<sup>TH</sup> GENERAL MEETING MINUTES**  
**Canberra 17-18 February 2011**

**Participants:**

**CISSR Council Members**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Ms Caz Coleman  
Ms Libby Lloyd AM  
Associate Professor Harry Minas (Day 2)  
Dr Jamal Rifi  
Professor Nicholas Procter  
Professor Samina Yasmeen

**Apologies**

Dr Maryanne Loughry AM  
Mr Noel Clement

**Minister's Office**

Ms Ann Clark (Day 1)  
Ms Zoë Clarke (Day 2)

**Department of Immigration and Citizenship (DIAC)**

Dr Wendy Southern PSM  
Deputy Secretary, Policy Program and Management Group (Day 1)  
  
Ms Jackie Wilson  
Deputy Secretary, Immigration Detention Services Group (Day 2)  
  
Ms Alison Larkins  
First Assistant Secretary, Compliance and Case Resolution  
  
Ms Kate Pope  
Principal Advisor, Citizenship, Settlement and Multicultural Affairs (Day 2)  
  
Mr Garry Fleming  
First Assistant Secretary, Border Security, Refugee and International Policy (Day 1)

Ms Deborah Jacka  
A/g First Assistant Secretary, Community and Detention Operations

Ms Fiona Lynch-Magor  
Assistant Secretary, Services Management

Mr Dermot Casey PSM  
Assistant Secretary, Character & Case Management

Ms Kathleen Dunham  
A/g Assistant Secretary, Strategic Framework & Stakeholder Engagement

Ms Lynne Gillam  
Assistant Secretary, Compliance Status Resolution

Ms Jo Boardman  
Director, Client Support & Liaison

**Secretariat**

Ms Sally Boucher

Ms Nada Saade

Ms Kris Pennay

## 1 WELCOME, INTRODUCTIONS MINUTES AND ACTION ITEMS

- 1.1 The Chair welcomed Members of the Council, staff from the Minister's office and the Department. The Chair acknowledged apologies from Dr Maryanne Loughry and Mr Noel Clement.
- 1.2 Dr Wendy Southern, Deputy Secretary, Policy Program and Management Group was introduced to meeting participants and warmly welcomed. Dr Southern provided a précis of her previous role with the Department of Prime Minister and Cabinet and noted her pleasure at returning to the Department and reconnecting with work on several of the programs she had previously been responsible for during her time at Immigration.
- 1.3 The Chair summarised the significant work load achieved by the Council in 2010 and noted that the work agenda for 2011 would be equally if not more demanding and set in challenging circumstances. He outlined the mounting pressures on detention services and the priorities this places on the Council's work on policy advice. The Chair noted the significant progress made in case management and noted the task of service reform was still to be addressed. The Chair noted that the focus ahead includes formulating advice on unaccompanied men in detention and returns and removals as part of the broader regional framework. He observed that the latter would be a complex, multilateral area in which to formulate policy; however, he considered that there is value in the Council contributing to that work. He added that personally he sees the framework of mandatory detention as unsustainable and that the greatest challenge is to find a way to stop people boarding boats. He noted that the issue of resettlement opportunities for United Nations High Commissioner for Refugees (UNHCR) clients and the current inequities of access alongside IMAs is likely to gain momentum as a public debate. He acknowledged that more broadly the work of the Council will continue to be subject to forces in the political environment.
- 1.4 In addition to the priorities the Minister has outlined for the Council's attention, there is an ongoing role in continuing to contribute to and oversee the Residence Determination (RD) Expansion Project. The Chair formally acknowledged and thanked Ms Lloyd, Ms Coleman and Dr Loughry for developing the initial proposal and Ms Pope and her team for their impressive work over the Christmas period to initiate the program and secure strong engagement from the church and non-government sectors.
- 1.5 In light of the abovementioned work agenda the Chair raised the issue of an extension of the Council's term. Ms Larkins agreed to support an extension and undertook to pursue this with the Minister.

ACTION	ISSUE	RESPONSIBILITY
GM8/01	Write a submission to the Minister to support an extension of CISSR's term and confirm the existing Terms of Reference.	Ms Alison Larkins & CISSR Secretariat

- 1.6 The Chair and Deputy Chair formally thanked Ms Larkins, Mr Illingworth and the Secretariat for their high quality support through 2010.

- 1.7 The Council adopted, without alteration the minutes of previous meetings (7<sup>th</sup> General Meeting, Special Meeting 3-4 November 2010 and Facilitated Planning Sessions 1 & 2).
- 1.8 The Chair noted that, whilst the full Council had not forwarded formal reports to the Minister subsequent to these meetings, several informal meetings and conversations with the Minister had provided opportunities for the Chair to update him on the Council's progress. The Chair recognised the capacity and humanity the Minister has demonstrated in grasping the immediate issues of the portfolio and acknowledged the decisiveness and courage he has demonstrated so early in the role.
- 1.9 The Chair briefly reviewed the list of action items noting the mix of completed, ongoing and "in progress" items. He asked participants to hold over detailed discussion of the action items until the relevant agenda topic.

## **2 DEPARTMENT OVERVIEW OF DEVELOPMENTS**

2.1 Ms Larkins presented a historical overview of people movement globally and detention numbers in Australia, providing the context for current immigration activities. The key points of the presentation were:

- the movement of people was increasing on a global level
- there are clear trends in the net migration rates for countries and these trends reflect source countries (negative net migration rates) and receiving countries (positive net migration rates)
- at the beginning of 2011 there were 10.3 million refugees worldwide, 983,000 of whom the UNHRC has concerns for their safety
- the current surge in arrivals to Australia began in 2008 and at the end of 2010 was nearing 10,000
- the latest surge is both similar to the previous 1999-2001 surge but also different in important ways and these differences are contributing to significant and ongoing growth in the detention population
- in both instances the source countries were mainly Iraq, Afghanistan and Iran
- the average time taken for primary decisions has grown from 66 to 147 days thus the average time in detention has also increased
- in 1999-2001 the peak detention population was around 3600, it is now around 6300
- the duration of the surge now is longer
- the percentage of clients who received a positive visa outcome in 1999-2001 was 98%. Currently it is 94%. In the current surge clients are receiving more negative decisions initially and this is contributing to prolonged times in detention and growing detention populations
- monthly arrival numbers previously were more variable and some months had no arrivals. In this current surge arrivals are growing continuously without pause and with proportionally less clients exiting the RSA process
- when comparing immigration detention with correctional custody the immigration detention population currently exceeds correctional custody numbers in all jurisdiction with the exception of NSW

Focusing on the characteristics of the current IMA caseload Ms Larkins noted:

- the current detention population on Christmas Island is 2759 and on the mainland 4016. Detailed data was provided on the number of minors in the various facilities, e.g. RD and alternative places of detention (APODs)
- current length of time in detention data shows a bubble of large numbers of clients at the 6-12 month interval which will flow on to greater timeframes in the 12-18 month and higher brackets.

Ms Larkins' presentation also outlined a number of achievements and changes in the Department, including:

- the progress of the RD Expansion noting 86 clients were in community detention (CD) as at mid-February with a further 42 approved for placement and 130 clients currently in the process of being referred for CD
- the implications of the High Court Decision and details of the new streamlined process for determinations and the need to reprocess some cases
- the Afghan MOU is now in place to support returns and removals
- the establishment of a new fourth group in the Department to cover Immigration Detention Services
- the transfer of policy functions to the Compliance and Case Resolution Division and
- a number of senior staffing changes.

2.2 Participants noted that mental health interventions became difficult once a client's length of detention reached the 6-12 months bracket. Ms Larkins acknowledged that there was a bottleneck around security clearances and that this was currently the subject of a joint review between the Department and the relevant external agency. Discussion ensued on shifting from emphasis on security clearances in favour of risk assessments in order to move vulnerable clients to APODs more quickly. The Chair expressed concern that the current process will become the subject of legal challenge. Prof Procter noted that the current policies for dealing with mental health issues focus on short term detention; these will not deal effectively with the mental health issues that will emerge from prolonged detention.

2.3 Ms Larkins also noted that the judicial review process meant it takes a considerable period of time for a client to exhaust all appeal avenues thus prolonging time in detention. Discussion ensued around the damage created by lengthy detention and the difficulty of achieving returns from this environment. Council Members expressed confidence in achieving a better return rate from CD. Ms Larkins confirmed that there is an upward trend in returns from the community caseload.

2.4 The Chair queried the impact on costs and the broad expectation that all departments will achieve savings. Dr Southern indicated that the IMA quarantined funds will need offsets. Participants agreed that there is an opportunity to create cost savings in the expansion of RD.

- 2.5 Ms Larkins indicated there are about 300 clients currently available for removal.

ACTION	ISSUE	RESPONSIBILITY
GM8/02	Circulate to Members a copy of the Department's top structure chart showing the new Groups.	CISSR Secretariat

### 3 CISSR WORK PLAN

#### 3.1 *General comments*

- 3.1.1 Air Marshal Funnell commented that the work-plan provides an excellent summary of the context of the Council's work and the tasks ahead. He indicated that the timeframes in the draft are unrealistic and needed revising, the tasks need prioritising and the responsibilities assigned.
- 3.1.2 The Chair stressed the need for the work-plan to prioritise both the immediate issues and provide for sustained work on the longer-term tasks so that objectives can be achieved regardless of operational demands and uncertainties in the political environment.
- 3.1.2 Ms Larkins emphasised that in addition to pursuing the work-plan the Council will need to allow for responding to the Minister's requests for advice on emerging issues at the operational level similar to his request that CISSR oversee the RD Expansion project. The Chair acknowledged this need and noted that *ad hoc* requests and developing the broader strategy will be an interactive process.
- 3.1.3 Key milestones/deliverables need to be set out and timeframes determined and noted against each strategy.
- 3.1.4 Ms Larkins suggested the Council refine the draft work-plan and submit it to the Minister for endorsement.
- 3.1.5 Ms Larkins noted that some tasks on the plan have been initiated in the Department and it was agreed that the Council needed to build linkages with those areas to work collaboratively and to contribute to the Council's information gathering and formulation of advice. Ms Larkins outlined a number of current research projects relevant to the Council work and suggested a briefing by PIREU.
- 3.1.6 Prof Procter also flagged an upcoming conference in Adelaide on the current research in South Australia on refugee and migration matters. The Chair suggested Ms Coleman consider presenting her research on costs of alternatives to detention.

ACTION	ISSUE	RESPONSIBILITY
GM8/03	Request PIREU provide CISSR with an overview of current research on the economic contributions of humanitarian entrants and other relevant projects at the 9th GM.	PIREU & CISSR Secretariat
GM8/04	Circulate to Members a copy of the flyer for the 2011 Migration Update Conference Adelaide 23-24 June 2011	Professor Procter & CISSR Secretariat

**3.2 Strategy 1 – Redesign the end-to-end process of migration to support appropriate access to Australia for asylum seekers**

3.2.1 The Council is advocating a Regional Framework and plans to develop advice on better alignment of the policy framework with the Government's operational management of asylum seekers. The new Regional Framework needs to be correctly calibrated. Strategy 1 will be long-term work and will require additional dedicated support from a suitably skilled project officer.

3.2.2 Ms Larkins has agreed to support the engagement of a suitable project officer to advance this work once the Minister has endorsed the work-plan. The Council flagged it would like to have input in the selection of the project officer.

3.2.3 The wording of Strategy 1 needs to be reworked including changing "redesign" to "review". It was agreed the core elements of an end-to-end process will need to be clearly articulated, without being overly detailed. As a start these elements will encompass reception, care and status resolution.

3.2.4 Air Marshal Funnell has agreed to work as the conduit between CISSR and the Department to access information to advance this strategy.

3.2.5 This work will also call on broad stakeholder engagement and input, linking it with Strategy 4 in the work plan. The Chair suggested that an International Organisation for Migration (IOM) representative together with Mr Rick Towle from the United Nations High Commission for Refugees be invited to discuss this strategy at the next general meeting.

**3.3 Strategy 2 – Promote a cultural shift to establish a new community ethos about asylum seekers – the benefits and value they offer and their capacity to contribute to the Australian community and our way of life.**

3.3.1 Lead responsibility for this strategy sits with the Research & Evaluation Sub-group and it is recommended that that links be established between CISSR, PIREU and PEAR to advance this work.

3.3.2 Strategy 2 also links to Strategy 4 - to communicate this work to the community.



**3.4 Strategy 3 – Develop a reception framework for those seeking asylum in Australia**

3.4.1 This strategy fits within the Service Delivery Framework Sub-group focus. It also incorporates development of advice to the Minister on single adult men in detention and incident management.

**3.5 Strategy 4 – Work with political and community leaders, the media and academics to communicate the facts about asylum seekers to the Australian community**

3.5.1 The Chair noted that this strategy encompasses and builds on the Council's intention to establish, maintain and formalise their engagement with key stakeholders. On a larger canvas the aim is to elevate, inform and reframe the public debate and discourse on asylum seekers.

3.5.2 In developing this strategy attention also needs to be given to assessing the overlaps, gaps, alignments and opportunities for cross-fertilisation among the Department's numerous advisory bodies.

3.5.3 Ms Coleman added that the Red Cross could be managing up to 50 and 100 contracts for the RD Expansion and that this offers a good network for communicating messages. However to do this effectively it needs to be managed productively i.e. Identifying the key messages, the means/channels for communication and strategies for maintaining networks. This would constitute appropriate advice under Strategy 4; however, actual implementation of the communication strategy is beyond the scope of the CISSR work plan.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM8/05</b>	<b>A small working party of Council Members to convene for the purpose of refining and completing the work-plan for submission to the Minister for his feedback/endorsement.</b>	<b>Chair, Deputy Chair, Ms Lloyd, Ms Larkins &amp; CISSR Secretariat</b>
<b>GM8/06</b>	<b>On approval of the work-plan, appoint a project officer to support the work in developing Strategy 1.</b>	<b>Ms Larkins &amp; CISSR Members</b>
<b>GM8/07</b>	<b>Include an agenda item for the 9<sup>th</sup> and subsequent CISSR GMs for stakeholder briefings. Invite IOM and UNHCR representatives to consult on Strategy 1 of the CISSR work-plan at 9<sup>th</sup> GM.</b>	<b>CISSR Secretariat</b>

#### **4 IMMIGRATION ADVICE AND APPLICATION ASSISTANCE SCHEME (IAAAS)**

- 4.1 Ms Boardman gave a presentation on the IAAAS program; eligibility criteria, usage and trends. She advised that the new tender process for IAAAS services will commence in March 2011 with an aim for new contracts to be in place from 1 July 2011. As the higher numbers of detainees on Christmas Island (CI) are no longer reflected in the current contract terms, providers are very keen to see the new tender round initiated. Under the new contracts, services will not fundamentally change but greater flexibility will be built into capacities.
- 4.2 Whilst the intention is to incorporate the IAAAS scheme into an integrated service delivery model, the work on this model is not yet sufficiently advanced to be reflected in this current tender round.
- 4.3 Currently 24 commercial, legal aid and not-for-profit agencies are contracted to provide services. There is evidence of increasing interest from private providers to tender for service provision.
- 4.4 The main caseload using IAAAS services are the irregular maritime arrivals (IMAs). Services are also provided to onshore protection visa (PV) applicants in detention and to disadvantaged and vulnerable people living in the community who have cases of merit and a reasonable prospect of success. The latter are referred through the Community Assistance Support program (CAS).
- 4.5 The demand on services is increasing. The forecast is for 10,000+ mainstream (non-IMA) services in the 2010/2011 year and 9,000+ IMA services for the same period (multiple services are often provided to each client). The need for IAAAS agents continues to grow and will spike as at 1 March 2011. This spike reflects the need for second reviews on cases (as a result of the High Court decision) and the flow-on from the suspensions being lifted. To address the backlog the Department has readied 160 staff for deployment to work with the IMA caseload however this will need 160 agents to match up and there are significant logistical issues attached to such a large deployment. The new processing arrangements being implemented in response to the High Court decision may ultimately result in a reduction in the forecast demand for services.
- 4.6 Ms Boardman outlined the new integrated decision-making model arrangements and its impacts on the services. She outlined the pressures on agents when preparing statements of claims. Ms Boardman indicated that analysis has been done between initial statements of claims and review submissions to assess differences in information and where possible inform processing improvements and efficiencies. However, Ms Boardman stressed that reviews will always contain more detailed information because feedback on the grounds for a negative decision informs the review process. She indicated that there is still work to be done to identify an ideal model which optimises the processes and outcomes.

- 4.7 The Chair flagged that with a torture and trauma client's permission his organisation sometimes viewed their statement of claims (to expedite their clinical assessment). He noted that some lacked significant and important details and that this must impact the quality and timeliness of processing their cases. Ms Boardman agreed there is some concern about quality in the context of volume pressures.
- 4.8 Ms Boardman noted that under the new contracts there will be clearer mechanisms for assessing quality of services and responding to performance issues.
- 4.9 The Chair shared that the *ad hoc* feedback on IAAAS services suggests an improvement in service quality over time. Ms Boardman agreed and acknowledged the responsiveness of providers under what are difficult circumstances.
- 4.10 It was noted that responsibility for service delivery reform will transfer to Compliance and Case Resolution Division on 28 March 2011; however, management of IAAAS services will remain with the Community and Detention Services Division.

## **5 SERVICE DELIVERY REFORM**

- 5.1 Mr Dermot Casey and Ms Fiona Lynch-Magor presented on Service Delivery reform. Mr Casey provided a summary on the development of the Vulnerability Indicator Assessment Tool (VIAT). In early February 2011 a tender process was initiated to select a provider to field test the tool and develop training materials to support its implementation. It is anticipated that the successful tenderer will be selected and contracts signed in March 2011 with a mid-year completion date. A steering committee will be established to guide the work. Mr Casey stressed that the VIAT has been developed for use in the community environment and is not geared for use with a detention population.
- 5.2 Mr Casey acknowledged that implementation of the tool had taken longer than anticipated given the necessary focus on detention clients; however, it is good to now refocus on community status resolution where good outcomes are achieved.
- 5.3 Ms Larkins advised that there are currently less than 150 compliance clients; however, the Department is now moving through this caseload in a shorter timeframe. There has been an increase in the number of IMA clients refusing to leave voluntarily but who switch from an involuntary to voluntary return whilst in detention when they become aware of the incentives. Departures, status resolution and voluntary presentations to the Department all are trending upwards. Some cases create difficulties in terms of return destinations (e.g. statelessness) but a lot depends on individual circumstances (e.g. some may be returned on the basis of family location).
- 5.4 The Chair highlighted that this information should be broadcast widely through National Communications. The public should be aware that the

Department secures more returns out of the community than in detention. Ms Larkins stressed that it is a complex issue which is not well understood and broadcasting information about case-load outcomes often leads to confusion and more questions.

- 5.5 The Chair flagged the CAS program as a good model for integrated service delivery but noted some difficulties associated with the program had been raised at the previous day's Onshore Protection Consultative Group meeting. Ms Coleman noted the issue of some eligible CAS clients not being given access to services and also that certain changes to the CAS program had been introduced without prior consultation with the sector. Ms Lynch-Magor noted that none of the cases which were raised as "of concern" in that forum had been flagged to National Office and she indicated that she will be investigating the lack of escalation.
- 5.6 The Chair again emphasized that CAS provides the framework to incorporate other programs as it is designed to be tailored to the individual needs of each client. He maintains that the funding of programs can be pooled into CAS and the VIAT used as the gateway. He noted it has a high threshold for access to services. An increase in funding is also needed. It was acknowledged by Mr Casey and Ms Larkins that a single program is possible but the Department would have to ensure it satisfies political and international obligations.
- 5.7 A discussion ensued on the provision of services to different caseloads, on the equity of services, needs of clients, eligibility and the objectives of service provision. Mr Casey highlighted that although people in the community and those going in to CD may have similar needs for support, the duty of care obligations differ on the basis of their legal status. The Chair maintained that how clients come into the space is not relevant if the goal is status resolution. Ms Larkins indicated that the method of entry reflects different cohorts which do need to be responded to differently. Mr Casey also stressed that how cohorts respond to the Department reflects their differing motivations. Ms Larkins highlighted that the best chance of getting clients to return voluntarily is if their sense of self-agency is maintained. It was agreed that the purpose of CAS is to sustain them and maintain their sense of agency. In contrast prolonged detention erodes people's agency, they can become damaged and shamed and the only choice they believe left to them is to "dig in". Assisted voluntary returns (AVR) provide them with something to take back with them. It was also pointed out that skilling people similarly gives them something of value to take back. Mr Casey highlighted that case reviews now included questions to clients which help them to think about AVRs in this way.
- 5.8 The Chair suggested that it would be appropriate to convene a meeting between the Service Delivery Sub-group and the new Branch Manager for Detention & Services Policy to advance the services reform work.

ACTION	ISSUE	RESPONSIBILITY
GM8/08	The Service Delivery Framework Sub-group to convene and meet with the new Branch Manager for Detention & Services Policy.	CISSR Chair & CISSR Secretariat

## 6 IMA POLICY UPDATE

- 6.1 Mr Fleming recapped the High Court decision which found that the Department's processing of IMAs was judicially reviewable. Basically the Court found that the assessment process is sound but prone to legal error. This decision taints every non-statutory decision. It was deemed an error in natural justice by not making available the country of origin information to clients or provide them with an opportunity to respond to any negative information that may be used in their assessment.
- 6.2 In response the Department has developed a streamlined merits assessment process known as a Protection Obligations Determination (POD), which replaces the previous refugee status determination process. In addition, Professor John McMillan has been appointed to consider possible options for enhancing the efficiency of the judicial review process. Furthermore two additional Federal Court Magistrates will be appointed to cope with the increases to the judicial review load.
- 6.3 The merits assessment process, prior to the High Court decision, was a three step process:
- (1) primary decision,
  - (2) window wherein the client decides to and applies for a review, and
  - (3) review process.
- 6.4 The new (POD) process effectively collapses the three-step process into two integrated steps thus:
- (1) A Protection Obligations Evaluation allows for a Departmental officer to make an initial assessment of claims. Improved quality of primary decision making will be supported by greater scope for several meetings between clients and their migration agent to allow more time to prepare a substantial statement of claims. The Department will also now provide agents with more background information on clients and the country of origin information early in the process. The goal of these enhancements is ensure the initial statement of claims is more comprehensive and supports the Department's primary decision maker to reach a decision, and
  - (2) Where a positive primary decision cannot be reached, the case will be referred directly for review (the client no longer has to apply for a review). The client and their agent will be advised of the decision. This step, known as the Independent Protection Assessment, will be conducted by the Independent Merits Review. The reviewer will have the option of looking at the original statement of claims and make a decision on the basis of that information or opt to seek further information and/or interviews.
- 6.4 This new process commences on 1 March 2011 for new arrivals and those IMAs yet to commence their Refugee Status Assessment process. It only applies to offshore entry persons who arrive at an excised offshore location.

- 6.5 Mr Fleming expressed confidence in the new process but acknowledged it will have to be retested in the courts. He stressed that IMAs cannot access Ministerial Interventions.
- 6.6 Mr Fleming indicated that the new process will reduce time in detention and the associated costs of detention.
- 6.7 Mr Fleming outlined the range of quality assurance measures in place to monitor the primary decision-making process.
- 6.8 Mr Fleming updated the meeting on the Regional Protection Framework noting the upcoming Bali Process on 30 March 2011 at which it is hoped to have regional leaders sign up to a series of principles. Following that a number of bi-lateral and multi-lateral agreements will be struck. He indicated that counterparts in the region are so far not opposed to the concept of a regional framework and are very optimistic for developments in this area. The UNHCR is recognised as a positive voice and is revising its position to acknowledge that third-country processing is acceptable. Mr Fleming noted that engagement will be influenced by the countries' individual interests. He added that Australia may have to consider high numbers for resettlement.
- 6.9 In responding to questions on potential barriers to the process, Mr Fleming acknowledged that the region looked to Australia to bear much of the cost of the framework. Efforts toward cooperation and capacity-building are already being pursued and these have shown that there is a differential focus on aspects of people movement e.g. people smuggling, trafficking etc.
- 6.10 If a framework is initiated in Bali there may be prospects for progress within a year however if a centre were to be established in East Timor that will take longer. Mr Fleming noted that AusAID is working closely with the Department on this project.
- 6.11 Mr Fleming spoke of the dialogue being pursued with key organisations such as the International Organisation for Migrants (IOM) and with UNHCR. He also noted that his area is looking at how to inform and engage other bodies in the process, including CISSR. The Council expressed an interest in receiving regular updates on the framework's progress.

ACTION	ISSUE	RESPONSIBILITY
GM8/09	To include updates on the Regional Protection Framework as a regular agenda item at CISSR general meetings.	BSRIP & CISSR Secretariat

## **7 REVIEW OF DAY ONE**

- 7.1 The Chair welcomed Ms Zoë Clarke and Ms Zdenka Zrno to Day 2 of the meeting.
- 7.2 Mr Aristotle gave an precis of the previous day's discussions which focused on possibilities for reshaping immigration and detention policies. Ms Larkin's presentation on trends and challenges was useful and informed these discussions.
- 7.3 Air Marshal Funnell stressed that the work-plan strategy needs to be progressed and presented to the Minister.
- 7.4 Mr Aristotle appreciated Mr Fleming's update on the High Court decision and the Regional Protection Framework. He noted that CISSR had asked to be kept informed on developments around the framework.
- 7.5 Mr Aristotle thanked staff for their presentations on IMA services which informed the subsequent discussions on service delivery reform. He reiterated discussions on the integrated service delivery framework and the importance of developing standards within that framework. The aim is to achieve an efficient calibration and structuring of existing resources to maximise their effectiveness in the overall goal of supporting status resolution.

## **8 DETENTION**

- 8.1 Ms Jacka gave an overview on Detention matters indicating that there are currently 6234 people in immigration detention including 2620 on Christmas Island (CI). Less than expected boat arrivals have been experienced recently, most likely due to bad weather conditions.
- 8.2 Detainees continue to be relocated from CI to the mainland particularly to Inverbrackie. The selection of IMA clients for Inverbrackie is determined by a client's length of time in detention and the suitability of their existing accommodation, for example moving families out of the ASTI. People have also been moved from Leonora, the Virginia Palms, the BITA and Port Augusta.
- 8.3 House sharing has been employed to maximise available capacity at Inverbrackie. This has required careful consideration of groupings taking into account family compositions and gender appropriateness.
- 8.4 Some families are being temporarily located at Port Augusta where it gives them the experience of a more open environment thus preparing them for Inverbrackie. The Department continues to focus on moving minors and families into Community Detention (CD).
- 8.5 The Council highlighted that the use of the term 'single men' in relation to detainees in facilities for unaccompanied adult men is misleading. The majority of these clients are actually married and have children but have arrived alone leaving their families and hoping to be reunited at a later date.

It was agreed that a more accurate term would be “unaccompanied adult men”.

- 8.6 Ms Wilson advised that the Department is focusing on the shortage of accommodation for unaccompanied adult men in detention. Another facility with a maximum capacity for 1500 clients is needed in addition to that planned at Northam. The recommendations contained in Air Marshal Funnell's report to the Minister on Scherger have informed the Department's expansion strategy. The Department is also negotiating with the Department of Defence to get an extension on the use of the Scherger facility. Currently there is insufficient staff accommodation to realistically consider an expansion of this facility.
- 8.7 Ms Benson and Ms Lloyd expressed concern that a facility capacity of 1500 for unaccompanied adult men is alarmingly large. Large scale detention is mentally damaging and alternative options should be considered. Ms Lloyd suggested trialling the placement of vulnerable unaccompanied adult men in CD for example those who have suffered torture and trauma.
- 8.8 Ms Wilson indicated that the CD initiative would need to be developed further before the Department could consider placing unaccompanied men in the community, given the associated risks and security factors. The current parameters for the Residence Determination (RD) program do not allow for the placement of unaccompanied adult men into the community. Unaccompanied male minors are however identified as part of the vulnerable group for CD.
- 8.9 Mr Aristotle noted that although a politically sensitive issue the placement of unaccompanied adult males in the community is not potentially a pull factor. There needs to be an analysis of this cohort's mental health as a result of their detention at varying intervals throughout the RSA process. There may be a trend showing a decline in psychological well being over the RSA end-to-end process. Comparisons may be made using the historical data on the well being of unaccompanied adult males in detention during 2001 and 2002.
- 8.10 Associate Professor Minas queried the process relating to security risk advice for releasing people from detention and how this assessment method is scrutinised. Ms Wilson advised that the Department has an obligation to conduct, identity, health and security checks for all IMAs. The Department cooperates with the relevant External Agency (EA) for an interim security check for clients identified for release into CD. Government has not agreed to the use of CD for single adult men.
- 8.11 Ms Clarke added that these interim clearance measures consume EA resources which would otherwise be dedicated for providing a full security checks as are required for issuing a protection visa (PV).



- 8.12 Associate Professor Minas expressed concern regarding the security process employed by the EA. Ms Wilson confirmed that the Departmental Secretary, Mr Andrew Metcalfe is currently working closely with the Head of the relevant EA to develop risk profiling methodologies which would speed up the security checking process.
- 8.13 Mr Aristotle highlighted that Government usually assumes a risk based approach but the security risk default threshold applied for unaccompanied men leans more towards an assumption of extreme risk. This potentially hinders the accessibility of vulnerable clients to CD particularly those suffering torture and trauma. Also terms such as security assessments, checks and clearances are often used interchangeably and cause confusion. There needs to be clarification on these terms.
- 8.14 Ms Clarke emphasised that there is no political comfort in relaxing security checks or seeking a different mode of assessment at this stage. However, vulnerable men who are victims of torture and trauma could be considered for the CD program. Torture and trauma referrals for unaccompanied men are currently being delayed due to security checks. This is an area where the Department could focus its energies to expedite checks.
- 8.15 Mr Aristotle stated that this now implies a new policy position of interim security checking for this particular cohort in order to meet the intent of the CD program.
- 8.16 Ms Clarke emphasised that the intention of the CD program is to accommodate all vulnerable clients including adult unaccompanied men who have suffered torture and trauma. The government has to be firm about security requirements whilst at the same time find a way to better accommodate this cohort. Furthermore, the expansion of CD potentially frees up other more suitable accommodation such as in low security facilities thus providing alternative accommodation options for better meeting the needs of this cohort.
- 8.17 Professor Procter highlighted that current policy places an over-emphasis on risk and its various nuances and not enough on risk management.
- 8.18 Dr Rifi suggested convening a separate CISSR sub-group to focus on the various issues and factors associated with unaccompanied adult men in detention. This sub-group could examine possible options for addressing the issues and needs of this cohort and advise the Minister accordingly. The Council members strongly agreed with this recommendation.
- 8.19 Dr Rifi and Mr Aristotle indicated that rising tensions in remotely located facilities housing many unaccompanied men will result in frustration and violent incidents among detainees.
- 8.20 Ms Clarke indicated that the Minister would be open to innovative ideas and methods if they outweigh or overcome the risk factors.
- 8.21 Air Marshall Funnell reiterated that accommodating up to 1500 men in a single facility particularly in a remote location is not a sustainable

arrangement. He stressed that a maximum capacity of 600 detainees in a single facility should be the limit.

- 8.22 Ms Wilson highlighted that current fiscal budgetary pressures limit the department's ability to install numerous small facilities. She indicated that a facility may perhaps be broken up into multiple smaller compounds within the same complex as an alternative approach.
- 8.23 Mr Aristotle indicated that the Council had previously compiled a paper for the former Minister, Chris Evans, on the subject of facilities and site planning. The paper considers costs associated with rectifying damage caused to facilities by protesting detainees. It highlights the concept of savings from preventative measures outweighing overall longer term costs. He indicated that this paper may shed new light on current thinking.

Action	Issue	Responsibility
GM08/10	Provide the Minister's Office with the paper compiled for the former Minister by the Council on the subject of facilities planning	CISSR Secretariat

- 8.24 Ms Clarke reiterated the limitations of the fiscal budget and highlighted that perhaps more focus can be instead directed towards developing strategies for better management of larger scale facilities.
- 8.25 Associate Professor Minas requested Departmental information on costing models in order to assist CISSR in developing strategic advice in this area. This includes long term monetary costing of current arrangements and any models capturing longer term social and economic costs. Ms Coleman indicated that a colleague Mr Tony Ward is also interested in supporting CISSR to work on costing models for detention arrangements and the how this data informs a whole range of issues and decisions.
- 8.26 Ms Wilson indicated that there is no formal long-term costing analysis specific to health, security and legal costs of disturbances/incidents at facilities. There is however some studies and modelling conducted by Booz on the overall costs associated with detention facilities and CD.
- 8.27 Mr Aristotle and Ms Coleman highlighted that the costs of incidents, incident prevention, health costs and economic losses as a result of detention should be factored into any costing model to give a more accurate depiction.
- 8.28 Ms Jacka gave an overview on her paper '*subversive geraniums*' which explores the concept of good order in immigration detention facilities and reflects the Department's viewpoint for maximising welfare of detainees and building self agency.
- 8.29 Associate Professor Minas stressed that self-agency is not built by the system but IMAs arrive with self-agency and it is important not to destroy this but to maintain and nurture it.
- 8.30 Ms Jacka mentioned the Ministerial Submission relating to pilot programs for building the skills of detainees and the respective trials being conducted at

Curtin and Leonora facilities. These skills will potentially assist detainees to integrate when released into the community or to reintegrate if they are returned. The Minister is also amenable to the idea of detainees volunteering for the rebuilding Queensland effort and is optimistic about the positive community connection this affords detainees. The case management framework includes collecting information on clients' skills and interests at an early stage in the RSA process. These are examples of some of the initiatives in place or being considered for assisting unaccompanied adult men and also the Department's philosophical base.

- 8.31 Ms Jacka gave an overview on incident management. The Department employs a tripartite management approach with SERCO and Immigration Health Management Services (IHMS). SERCO is at the front of managing every incident. The Department will not engage until a protest comes to an end. Ms Jacka also stressed that the first principle in incident management is the safety of staff and clients.
- 8.32 Mr Aristotle commented that such an approach may not be effective for something like a hunger strike which lasts over an extended time. He stressed that flexibility needs to be a feature of any incident management plan.
- 8.33 Ms Wilson clarified that decisions relating to interventions are made at National Office. This is in order to achieve consistency with Departmental protocols and operating guidelines for incident management. There is scope within these principles to tailor appropriate responses. These decisions are reached collaboratively with the relevant key parties such as SERCO and IHMS. The underlying principle is about the Department's ability to control a situation. A command centre approach is used for the management and implementation of incident response measures.
- 8.34 Ms Benson queried the definition of an incident and the nature of the reporting parameters in this area.
- 8.35 Ms Wilson and Ms Jacka highlighted that the guidelines provide a clear definition of what is an incident; guidance on the various categories of incidents; and the appropriate response approaches. Ms Jacka referred to statistical information and graphs on reported incidents and discussed trends. Dr Rifi indicated that influential community members such as Imams should be a part of the incident response process. Ms Wilson confirmed that the involvement of such community leaders is part of the incident response strategy.
- 8.36 Ms Jacka indicated that on 28 February a meeting was planned between the Department, IHMS and SERCO and welcomed participation by a CISSR representative.
- 8.37 Ms Wilson advised that the surviving victims of the CI boat tragedy would soon be moved into CD. First they were returned to Christmas Island following the funerals to say goodbye to friends and to achieve some closure.
- 8.38 Mr Aristotle summarised that the issues surrounding IMA security checks and unaccompanied men in detention required CISSR focus and would be

addressed through further consultations. Ms Coleman advised that it would be useful to also examine CD when addressing the latter issue.

Action	Issue	Responsibility
GM08/11	CISSR members to consult with Ms Larkins and the Assistant Secretary, Detention Services on the issue of security checks.	CISSR Secretariat
GM08/12	CISSR to convene a sub-group to focus on the issues and needs of unaccompanied adult men in detention. Alison Larkins nominated as the Departmental representative.	CISSR Secretariat

## 9 SELF HARM INCIDENT REPORTING

- 9.1 Mr Aristotle advised that he was receiving feedback of increasing incidents of self harm and queried the availability of informative statistics which show details, frequencies and trends.
- 9.2 Ms Zrno advised that Detention Health and IHMS are monitoring self harm incidents. She indicated that the rate of self harm is commensurate with the increased rate of IMAs.
- 9.3 Ms Benson noted that the data indicates an overall 500 percent increase in self harm which outweighs the growth in the IMA population.
- 9.4 Ms Jacka advised that the data draws on incidents recorded by SERCO. The criteria they applied for recording an incident is not clear and any potential anomalies in their method may impact on the data.
- 9.5 Professor Procter highlighted that it is important to know what is being counted and to clearly define input parameters to achieve a consistent reporting method across the Department, SERCO, IHMS and all other parties. This needs to happen first in order to achieve any meaningful reporting. Self harm with the intent to die or to relieve stress should also be differentiated. Discussion ensued among CISSR members on potential self harm incidents which should also be reflected in any reporting.
- 9.6 Associate Professor Minas stressed that regardless of the current reporting approach the data provided still indicates an overall increase in the rate of self harm which is the critical issue.
- 9.7 Strong criticisms and reservations were made by Council members of the data. Ms Jacka advised that quality assurance of the reported data is needed and that she wishes to withdraw the current paper and provide more accurate data on this issue out-of-session.
- 9.8 Ms Larkins indicated that a Departmental project is needed. Agreement on reporting standards and parameters in order to achieve effective reporting methods and responses is necessary particularly given the number players and definitions of self-harm in use.
- 9.9 Mr Aristotle indicated that CISSR would like a representative on this project.

Action	Issue	Responsibility
GM08/13	Professor Procter to represent CISSR in consultations with Ms Jacka on developing a reporting methodology for self harm incidents.	Professor Procter and Community & Detention Services

## **10 DETENTION FACILITIES**

- 10.1 Air Marshal Funnell, Chair of the Detention Facilities Sub-group gave feedback on his recent visit to the Scherger facility. The Scherger facility comprises a population of 300 ethnic Hazaras. He advised that significant issues have been highlighted in the sub-group report on the visit and this report has been forwarded to the Minister.
- 10.2 Air Marshal Funnell noted that Scherger is well managed and its use as a detention facility should be extended. This recommendation was made in the report to the Minister and an announcement on this is imminent.
- 10.3 He indicated that greater emphasis should be placed on consulting with the local community where a detention facility is to be established. In Weipa this did not happen at the outset and resulted in initial resistance.
- 10.4 Ms Benson indicated that the cultural competence of staff could be further developed in relation to dealing with Hazaras. The opportunity to support staff to remain on longer deployments at remote facilities should also be considered as part of an innovative Human Resource strategy.
- 10.5 Ms Benson advised that a decision relating to the extension of the use of Scherger and any ensuing announcements should be managed carefully and communicated to the Community Consultative Group and the local community in advance of a broader public announcement.

## **11 RESIDENCE DETERMINATION PROJECT**

- 11.1 Ms Pope provided an update on the progress of the Residence Determination project. A significant milestone has been achieved with 120 clients in CD. More than half of these are minors. The orphans and survivors of the CI tragedy are soon to be released into CD. Life Without Barriers (LWB) is working to accommodate these clients appropriately and is providing them with trauma and grief counselling. The EA has also completed the relevant security checks for this group.
- 11.2 Mr Aristotle suggested that LWB and possibly other service providers dealing with these clients should consult with Dr Rifi to draw on culturally appropriate community links.
- 11.3 Dr Rifi queried why a decision to release the survivors of the tragedy into CD was not taken much earlier.
- 11.4 Mr Aristotle advised that in light of the CI tragedy the Department should examine how it could better manage such situations and the associated complexities in the future. Appropriate advice should have been sought in responding to the CI tragedy. The sector, although not aware of all the complexities associated with this issue, is unhappy with the way this issue has been handled. He expressed serious concerns and felt more accurate and detailed information should be made available.

- 11.5 Ms Larkins indicated that the Department seeks professional advice in these circumstances and acts accordingly. She suggested that with hindsight there could have been more openness regarding such incidents and the decision taken.
- 11.6 Mr Aristotle highlighted that the way this situation was handled overshadowed the importance of allowing survivors to bury loved ones and have closure. Early consultation with CISSR and other stakeholders should have taken place and thus may have avoided such negative fallout.
- 11.7 Associate Professor Minas queried whether there has been an incident review of this situation and an examination of the decision-making process.
- 11.8 Ms Jacka highlighted that a whole-of-government approach was employed in response to the tragedy as the Department did not have sole ownership of the incident. The Australian Federal Police (AFP) had initial authority over the situation and at that point the survivors were not yet clients of the Department. The AFP made the funeral arrangements and had not given the Department sufficient notice of this to enable CD arrangements to be finalised before the funeral. There were also issues of guardianship to be considered.
- 11.9 Mr Aristotle advised that, despite all these elements, placing the clients in CD should not have been outside the Department's control. This indicates deficiencies in the stakeholder engagement process surrounding this tragic incident. Collateral damage may be an aspect for dealing with the consequences.
- 11.10 Ms Jacka indicated that in hindsight the Department may have benefited from better interagency co-ordination considering AFP had responsibility for care of the bodies.
- 11.11 Ms Kerrin Benson commented that the overall process took too long with the bodies being held for up to nine weeks before burial. She suggested the Department should focus on strategies for working more closely with coronial officers in response to such incidents. Dr Rifi also noted that the public was not prepared for the announcement that the funerals would be held in Sydney.
- 11.12 Ms Lynch-Magor advised that the coronial process was outside the Department's control and the identification of the bodies was a very protracted process. Involvement by the AFP and the coronial process in this event have however provided the Department with some lessons learnt and will inform a future strategy for handling situations involving multiple agencies.
- 11.13 Mr Aristotle queried the nature and source of the professional advice sought by the Department to inform the decisions taken. Mr Aristotle further queried whether stakeholder advice was also used to inform the Department's decision-making process.

- 11.14 Ms Jacka advised that the Department's approach was informed by recommendations in medical reports from IHMS and that of a child psychiatrist. She stressed that she did not want to attempt to summarise the report and suggested this matter would be best addressed during a separate session with Ms Wilson.
- 11.15 Ms Lynch-Magor gave an update on the progress of the MOU negotiations with States and Territories for services to support CD. Overall the Department is seeking a model which covers all services required in an overarching MOU with each state and territory.
- 11.16 The MOU with South Australia is near finalisation and covers services for education, health, hospital, ambulance, fire and other emergency services. This MOU is a good template for other jurisdictions and encompasses the provision of services to clients at all detention sites including Inverbrackie. The formula used for funding education is transferable to a larger cohort such as Woodside. The model is designed so that education services provided to CD clients do not impose a burden or disadvantage education services for Australian students.
- 11.17 There are currently interim arrangements for education at Leonora based on a model of funding per child. The Department is working with the Western Australia Premier and State Department of Education to extend this arrangement to CD. Securing a permanent agreement with Western Australia is more complex due to the issue of liability. However, the interim arrangements are working well.
- 11.18 The MOU with the Northern Territory for education services has been in place since last year and is being extended to cover secondary education of the 16-17 years-of-age cohort. The Northern Territory has been particularly positive and interested in providing education to the Department's clients.
- 11.19 Ms Lynch-Magor outlined efforts towards an MOU with Victoria for interim education service arrangement covering client cohorts in alternative places of detention and in CD. The relationship with the State Department of Education is very positive and there are signs the MOU will progress quickly.
- 11.20 An MOU has been in place with New South Wales for some time and the Department is working towards extending arrangements to cover client cohorts in CD.
- 11.21 There are no MOU arrangements in place for the Australian Capital Territory (ACT) or Tasmania. A CD program is planned for the ACT but it is envisaged that securing arrangements will be less complex than for other States.
- 11.22 Negotiation of an MOU with Queensland cannot be pursued at the moment given the State is struggling to recover from recent floods.
- 11.23 Mr Aristotle queried whether there is a notional timeframe for completion of the MOUs. Ms Lynch-Magor advised that there are certain complexities to be addressed for each state. As part of whole-of-government discussion, the Department wants to have not only a consistent approach for all states but also the flexibility to address any local complexities.



11.24 Mr Aristotle requested updates on progress. Ms Lynch-Magor also offered to provide data on the number of clients serviced under the current arrangements and the corresponding level of education provided. She stressed this information is not publicly available so as to protect the privacy of clients and the institutions.

Action	Issue	Responsibility
GM08/14	To update the Council on progress of State and Territory MOUs and provide other relevant information via the CISSR secretariat	Ms Fiona Lynch-Magor/ CISSR Secretariat

11.25 Ms Pope advised that the RD Expansion Project evaluation process has used a select tendering process accessed through an existing panel of providers. There were three responses to the request for tender which closed on 31 January 2011. PIREU is currently working through the negotiation and contract processes.

11.26 Ms Larkins sought clarification regarding which CISSR member should sit on the Steering Committee for the RD Expansion Project evaluation process. Professor Yasmeen, a member of the Research and Evaluation Sub-group, was nominated and agreed to represent CISSR.

11.27 Ms Pope outlined the complexities associated with the RD process whereby an accommodation address needs to be specified on the approval signed off by the Minister. The team are looking for legislative and policy changes to overcome this issue.

11.28 Housing from the private market and the churches sector is being sourced for CD accommodation. Defence Housing Australia has agreed to provide surplus properties. The Managing Director of Defence Housing has signed an MOU. It was noted that this is a contentious issue given the sensitivity surrounding homelessness and housing affordability.

11.29 Ms Pope highlighted the challenges experienced so far in configuring shared group accommodation for unaccompanied minors. There are many elements to be considered such as familial relationships, maturity, personality, social and mental health needs.

11.30 The next tranche of CD placements comprises families totalling 200 people. Critical cases are validated and prioritised for CD placement as they are assessed. The Department is working towards a target of 400 placements in CD by March 2011.

11.31 Mr Aristotle commended the progress and achievements to date in delivering the RD expansion project.

## 12 COMPLIANCE WITH MIGRATION LAW

- 12.1 Ms Larkins introduced Ms Val Braithwaite from the Australian National University who produced a paper for the Department on *'Compliance with Migration Law'*. It assists in gaining a better understanding of compliance and status resolution through theoretical reasoning. Ms Braithwaite presented an overview of key elements and arguments from her paper and explained the concept of the regulatory pyramids.
- 12.2 Ms Larkins noted that Ms Braithwaite's research into regulatory pyramids highlighted how current immigration regulations and compliance arrangements can reduce confidence in and compliance with immigration processes. Ms Braithwaite indicated that social research found that immigration overstayers felt that there was very little deterrence or low-level sanctions in the form of prevention and warnings for non-compliance with immigration restrictions. However, the sanctions for overstaying were very heavy. This abrupt escalation reduces organisational and agency credibility and the effectiveness of the regulations. She emphasised that it is better to have more steps or layers in a regulatory pyramid, escalating the consequences of non-compliance slowly.
- 12.3 Mr Aristotle queried how to extrapolate this concept into the detention environment. Ms Braithwaite advised that this concept does have relevance but would need to be worked through with stakeholders to develop a regulatory pyramid that works; however, the underlying core principles would be consistent.
- 12.4 Ms Larkins indicated that for the IMA cohort, placement in a detention facility is the highest escalation response. This undermined the applicable strategies for eliciting compliance in a mandatory detention environment particularly in relation to returns.
- 12.5 Dr Rifi highlighted that, within the detention facility environment, destructive behaviour is punished but good behaviour is not rewarded. At the Villawood CCG, it was recommended to use excursions as a way of rewarding good behaviour.
- 12.6 Ms Benson noted that mental health deterioration is rewarded through CD or a visa indicating an inverse pyramid.
- 12.7 Ms Larkins advised that Ms Braithwaite's work is helping the Department to develop the right incentive structure within our policy setting for effectively eliciting compliance.

Action	Issue	Responsibility
GM08/15	Reschedule GM08 agenda item 14 regarding IMA removals and returns to the first session of the next General Meeting (GM09).	CISSR Secretariat

## 12 CLOSED SESSION

## 13 MEETING CLOSED AT 4.10pm

## SUMMARY OF ACTION ITEMS

ACTION	ISSUE	RESPONSIBILITY
GM8/01	Write a submission to the Minister to support an extension of CISSR's term and confirm the existing Terms of Reference.	Ms Alison Larkins & CISSR Secretariat
GM8/02	Circulate to Members a copy of the Department's top structure chart showing the new Groups.	CISSR Secretariat
GM8/03	Request PIREU provide CISSR with an overview of current research on the economic contributions of humanitarian entrants and other relevant projects at the 9th GM.	PIREU & CISSR Secretariat
GM8/04	Circulate to Members a copy of the flyer for the 2011 Migration Update Conference Adelaide 23-24 June 2011	Professor Procter & CISSR Secretariat
GM8/05	A small working party of Council Members to convene to refine and ready the work-plan for submission to the Minister for his feedback/endorsement.	Chair, Deputy Chair, Ms Lloyd, Ms Larkins and CISSR Secretariat
GM8/06	On approval of the work-plan, appoint a project officer to support the work in developing Strategy 1.	Ms Larkins & CISSR Members
GM8/07	Include an agenda item for 9th and subsequent CISSR GMs for stakeholder briefings. Invite IOM and UNHCR representatives to consult on Strategy 1 of the CISSR work-plan at 9th GM.	CISSR Secretariat
GM8/08	The Service Delivery Framework Sub-group to convene and meet with the new Branch Manager for Detention & Services Policy.	CISSR Chair & CISSR Secretariat
GM8/09	To include updates on the Regional Protection Framework as a regular agenda item at CISSR general meetings.	BSRIP & CISSR Secretariat
GM08/10	Provide the Minister's Office with the paper compiled for the former Minister by the Council on the subject of facilities planning	CISSR Secretariat
GM08/11	CISSR members to consult with Ms Larkins and the Assistant Secretary, Detention Services on the issue of security checks.	CISSR Secretariat
GM08/12	CISSR to convene a sub-group to focus on the issues and needs of unaccompanied adult men in detention. Alison Larkins nominated as the Departmental representative.	CISSR Secretariat
GM08/13	Professor Procter to represent CISSR in consultations with Ms Jacka on developing a reporting methodology for self-harm	Professor Procter and Community & Detention

	<b>incidents.</b>	<b>Services</b>
<b>GM08/14</b>	<b>To update the Council on progress of State and Territory MOUs and provide other relevant information via the CISSR secretariat</b>	<b>Ms Fiona Lynch-Magor/ CISSR Secretariat</b>
<b>GM08/15</b>	<b>Reschedule GM08 agenda item 14 regarding IMA removals and returns to the first session of the next General Meeting (GM09).</b>	<b>CISSR Secretariat</b>

**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION  
9<sup>TH</sup> GENERAL MEETING MINUTES  
Canberra 4-5 April 2011**

**Participants:**

**CISSR Council Members**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Ms Caz Coleman  
Ms Libby Lloyd AM  
Mr Noel Clement  
Dr Maryanne Loughry AM  
Associate Professor Harry Minas  
Professor Nicholas Procter  
Professor Samina Yasmeen

**Apologies**

Dr Jamal Rifi

**Minister's Office**

Ms Zoë Clarke (Day 2)

**External Stakeholders**

Mr Chris Manning, Mr Tony Hassall and Ms Beverley Thompson, Serco (Day 1)  
Mr Allen Asher, Commonwealth Ombudsman (Day 2)

**Department of Immigration and Citizenship (DIAC)**

Dr Wendy Southern PSM  
Deputy Secretary, Policy Program and Management Group  
  
Ms Jackie Wilson  
Deputy Secretary, Immigration Detention Services Group (Day 1)  
  
Mr Robert Illingworth  
A/g First Assistant Secretary, Compliance and Case Resolution  
  
Ms Kate Pope  
Principal Advisor, Citizenship, Settlement and Multicultural Affairs (Day 2)

Mr Garry Fleming  
First Assistant Secretary, Border Security, Refugee and International Policy (Day 2)

Ms Fiona Lynch-Magor  
A/g First Assistant Secretary, Community and Detention Operations

Ms Jo Boardman  
A/g Assistant Secretary, Services Management

Mr Dermot Casey PSM (Day 2)  
Assistant Secretary, Character & Case Management

Ms Lynne Gillam (Day 2)  
Assistant Secretary, Compliance Status Resolution

Mr Charles Wann  
Assistant Secretary, Independent Review into CI Protests

Mr Cameron Lander  
A/g Assistant Secretary, Detention & Service Policy

Ms Anita Davis (Day 1)  
Executive Director, Policy Innovation & Research and Evaluation

Ms Karen Visser  
A/g Assistant Secretary, Strategic Framework and Stakeholder Engagement

**Secretariat**

Ms Sally Boucher

Ms Meagan Kopatz

Ms Kris Pennay

## **1 WELCOME AND INTRODUCTIONS**

- 1.1 The Chair welcomed Members of the Council and DIAC staff. He acknowledged apologies from Dr Jamal Rifi.
- 1.2 The Chair highlighted a number of critical issues across the detention network and judged the network to be at crisis point. He suggested setting aside the agenda to discuss practical solutions and advice to assist the Minister to move forward in the current difficult climate.
- 1.3 The Chair provided the meeting with an overview of the recent Council visit to CI. Feedback from clients showed visa processing was a major issue, with some clients reporting they had waited 10-12 months without an RSA decision and others reporting 6-7 month waits without IMR hearings.
- 1.4 The Chair named increased rates of self-harm as indicative of the crisis within the detention system and a general deterioration of mental health. He viewed the remote and overcrowded conditions as having added to the situation, along with a lack of staff continuity as the system tried to cope with the rise in detention numbers. These factors have created a challenge in finding suitably trained staff to commit to long-term work in remote locations, at short notice.
- 1.5 The Chair observed that the risk in this mix is for further suicides and protests which are likely to spiral into more violent actions. These warnings have been previously given by CISSR, the Commonwealth Ombudsman and other key stakeholders. The Chair suggested these warnings need to be again flagged to the Minister and advice given on the appropriate level of response. The system, as he perceives it, is not sustainable and the consequences of continuing with the status quo will be negative for clients, staff, local communities surrounding centres and ultimately the Minister.
- 1.6 The Chair suggested setting aside the planned agenda to enable an open discussion and he welcomed contributions from departmental senior management. The Council unanimously agreed and offered Community Detention (CD) as key to the discussion and solutions, as its scaling up has proven to be, in hindsight, a sustainable alternative which should continue to be given a high priority.

## **2 DETENTION**

- 2.1 Associate Professor Minas asked for the Department's view on the situation. Ms Jackie Wilson supported the general view of the Chair and reported observing a sense of pessimism setting in among clients who have been waiting a significant time for visa decisions. Ms Wilson added third-country settlement issues and security assessments as challenges contributing to the current climate.
- 2.2 Ms Wilson noted that high-level meetings with ASIO and the Department had taken place, leading to agreement that all 1A met clients will be triaged. She noted that 1028 clients are 1A met (as at 15 March) and that 79% of these

have been cleared through the triage. Where there were no security triggers, it was agreed no further assessment was warranted. These clients currently form part of submissions going to the Minister for consideration of lifting the bar to facilitate moving into the community.

- 2.3 Air Marshal Funnell noted that these turnaround figures were recently provided to clients on CI but were not believed given the longer turnaround times they had witnessed.
- 2.4 Ms Wilson said the aim was for visa grants to occur 7 to 10 days after security checks were finalised. She expressed concern about the movements for Sri Lankans this month, noting they are well-behaved and patient yet the most reviewed and caught up in security assessments. She indicated the need for more progression of assessments across the board.
- 2.5 Professor Procter cautioned against viewing Tamils and Sri Lankans as “well-behaved” because they don’t act out. He noted this group has a higher tendency to internalise trauma and are no less of an issue just because they aren’t protesting.
- 2.6 The Chair agreed, pointing to a client who saw medical staff 72 times and was consequently labelled a trouble-maker by staff. They cautioned that behavioural labels of “good” and “bad” should not be used in the context of traumatised people. For many trauma survivors, their behaviour is “normal” given they are trying to cope with an abnormal situation.
- 2.7 In relation to recent riots on CI, the Chair noted the Australian Federal Police (AFP) were doing their best in chaotic circumstances and trying to identify and transfer the ringleaders. Yet it was clear to CISSR members on CI that the intelligence used for these decisions was not well supported.
- 2.8 Ms Lloyd agreed from her experiences in Curtin, where the ringleaders were not the ones at the frontline but were orchestrating protests and disaffection from the rear.
- 2.9 Ms Coleman suggested that the Council needs to look at strategies and structures for emergency responses given the present volatile environment.
- 2.10 The Chair agreed, noting that a principle starting point was defining who was a protester given that two-thirds of protesters moved in and out of the CI protest on the day and were not part of the core agitator group.
- 2.11 Dr Loughry suggested CISSR focus on the strategic picture given that an inquiry was already underway into the CI protests.
- 2.12 Mr Clement observed there were two issues at hand; how to respond to events and what can be done structurally to address pressure points underlying those issues. The Chair agreed with Dr Loughry’s and Mr Clement’s suggestions.
- 2.13 Associate Professor Minas agreed with a structural focus, noting it is futile to maintain old approaches and expect different outcomes in the future. He saw



the triage approach to security assessments and shifting the onus of proof off the individuals as an appropriate and positive move. That said, he perceived changes around mental health were lagging and there were a number of initiatives that could be implemented immediately within the current legislative policy and operational framework. He maintained it is time to look at the issue differently because the politics will inevitably lead down a path where no stakeholders will “win”.

- 2.14 Ms Wilson provided an overview of what she has been given approval to enact to hasten processing. The external security agency has been identified as a major contribution to the bottleneck in the detention system. Clients know once they are 1A met only the security assessment is outstanding. The Department is moving constructively on cases previously snarled in processing issues within the department.
- 2.15 Associate Professor Minas noted this was a serious issue requiring further investigation, as clients should only be held in detention for legitimate reasons and not simply because of delays in departmental processing or delays in completing Independent Merit Reviews (IMRs).
- 2.16 Air Marshal Funnell queried whether timelines could be enforced against IMR case officers. Ms Wilson acknowledged clients have been caught up in the system and a “please explain” has been instigated on cases where too much time has passed. This is a priority issue for the Department.
- 2.17 Air Marshal Funnell pointed out a discrepancy between a clear briefing on moving protesters off CI and the reality of Serco pointing out clients and moving them without the client’s consent.
- 2.18 Ms Wilson said she was aware that clients who did not want to be moved should not be forced. She also noted that the relocations created a lag in processing given some 632 files and paperwork needs to be moved from CI to the mainland.
- 2.19 Ms Wilson gave an overview of the state of the CI facilities, which have now been handed back to Serco, with AFP remaining in an observer role. The Department has sent more experienced case managers to CI, those who are comfortable stepping into compounds where protests occurred. Ms Wilson voiced concern that clients were told services would return to normal after things calmed down yet this is still to occur due to ongoing security concerns for staff.
- 2.20 The Chair said there were ongoing issues around White Compound and that, two weeks after the protests, clients were still in isolation. Moreover, there remain 103 “persons of interest” in isolation without notification of what charges, if any will be laid and what processes are taking place. Mr Aristotle underlined communication was crucial to preventing rising anxiety and risk of further self-harming or suicide attempts. He maintained that a lack of information only exacerbates situations.
- 2.21 The Chair raised concerns that the Department was resisting external assistance and expertise in responding to this crisis. He questioned whether

this was a corporate culture issue. He highlighted that solutions could not be found in isolation but rather in cooperation with experts.

- 2.22 Ms Wilson questioned whether the Chair was referring to the incident at Curtin, noting that Centre management was not trying to withhold information from Ms Lloyd during her visit. Rather, the situation was progressing rapidly making communication of up-to-the-minute information difficult. She maintained there was no cultural closing off in this case or more generally.
- 2.23 Ms Lloyd added that, along with experts, community leaders should be utilised in crisis situations given their significant and valuable influence among clients.
- 2.24 Ms Wilson agreed on the potential to tap into cultural leadership and that this should be done on a proactive basis rather than in reaction to incidents. She noted the Department is also working on linkages with other key outreach groups, such as the Suicide Advisory Council group and the Ombudsman. Ms Benson noted this point should be a priority and the Council agreed.
- 2.25 The Chair saw involvement of the Suicide Advisory Group as positive but noted they are most likely to repeat what CISSR has already advised. There are mental health experts among CISSR members who have already assessed the detention environment as not conducive to good mental health. If the Department waits to hear that advice again before acting, then another number of suicides could occur.
- 2.26 Ms Wilson replied that the Department won't wait for advice and is moving rapidly to get families and vulnerable people into Community Detention (CD).
- 2.27 Mr Clement stated the main focus should be getting clients out of the detention process altogether. Detention and CD both have drawbacks and the latter shouldn't be seen as a reason to slow down processing or giving clients lower priority.
- 2.28 The Chair noted removal after status resolution has proven to have a higher rate of acceptance from CD clients than those in detention centres.
- 2.29 Air Marshal Funnell noted previous minutes, advice and reports from CISSR provided warnings on the way issues would track if left unchanged. This was not heeded and this has contributed to the present situation.
- 2.30 Ms Wilson disputed this assertion and assured the Council that the Minister was broadly advised on key decisions and a number of options were provided for his consideration. The Government she added makes those choices when it is ready. Ms Wilson reminded the Council that the Department is on the same page regarding CD and there is a groundswell of internal support.
- 2.31 Dr Loughry suggested a task force be set up around transitional housing to develop advice for the Minister.

- 2.32 The Chair expressed concern that such advice or strategic engagement of community leaders will be ineffective unless cultural shifts occur and there is a move away from holding clients for such long periods of time. The Chair offered the Council's advice and thoughts around helping the Department deal with tough issues such as suicide.
- 2.33 Mr Clement noted it was important to engage the Minister, as he has the power to shift the focus of activities, less so the Department.
- 2.34 The Chair agreed but noted the Council needs to be aware of what advice the Department is giving the Minister on the same issues so as to have policy context. He stressed the need to have the right people advising the Minister and providing tangible advice, not just a discussion.

### **3 DISCUSSIONS WITH SERCO**

- 3.1 The Chair welcomed Mr Manning, Mr Hassall and Ms Thompson, inviting them to engage in an open discussion of risks, opportunities and challenges they face in managing the detention network and ideas on how to address them.
- 3.2 Mr Hassall provided a briefing to the Council, noting the increase in client population, difficulties in forward planning given the unknown numbers of arrivals and the challenge of staffing remote new sites. Mr Hassall said Serco is working closely with the Department on client number projections, length of stay, client needs and developing meaningful activities. He saw a challenge between the large number of quite inexperienced new staff working with clients who have complex needs.
- 3.3 Mr Hassall spoke on the development of a daily intelligence assessment to identify at-risk clients based on length of stay, levels of engagement, stresses, general well-being etc. A tool to map this data is being developed and will soon be presented to the Department.
- 3.4 Mr Hassall said this information is collated daily at the centres and he used the example of Curtin to illustrate how this information is used, i.e. extra staff deployed to mitigate risks through more visibility and engagement with clients.
- 3.5 The Chair noted that the tool is only as good as the people on the ground using it. He referred to CI where the high rotation of staff meant intelligence gathering and application was fraught and difficult.
- 3.6 Mr Hassall outlined a shift in Serco recruitment from fly-in/fly-out staffing to more aggressively marketing to local labour markets and encouraging longer stays. The aim is to reach a ratio of around 50% long term deployments to short term fly in/fly out staffing.
- 3.7 Associate Professor Minas expressed concern that greater local community engagement could create downstream tensions when centres eventually closed.

- 3.8 Mr Hassall countered that Serco trains local people in skills that make them more attractive in the general labour market. He noted in Scherger 15-20 indigenous locals were being trained at the local TAFE and were excited that they had the opportunity to travel to work in other regional centres in the detention network.
- 3.9 Ms Wilson also pointed out there is a commitment to local communities to consult closely on any decisions to scale down operations and it was the Department's intention to reduce any services gradually.
- 3.10 Ms Thompson spoke on the development of meaningful activities and fostering engagement at both the individual and client community level. The focus is on shift from dependency and hopelessness to self-sufficiency and meaningful skills that will be useful regardless of visa outcome.
- 3.11 Mr Hassall noted that research suggests women in detention settings cope better in smaller groups and men are better in larger groups. From his perspective, the optimal number for centres is around 400.
- 3.12 The Chair noted many pressures outside the control of Serco, such as numbers and staffing issues, and asked whether there is a breaking point where services can no longer be delivered in line with Serco's client service standards.
- 3.13 Mr Manning noted that Serco is looking to address pressures by getting a local recruitment agency on board and leveraging management capabilities from the UK. He is confident that capacity has not yet been reached but cautioned Serco would be in a difficult space if crises became systemic across the network.
- 3.14 Air Marshal Funnell expressed confidence in Serco but said he was concerned about the up-scaling capabilities of other service providers, such as MSS.
- 3.15 The Chair noted that the focus on moving protesters from CI implied the problem was with the clients rather than the system. He doesn't see relief in the system without greater access to CD.
- 3.16 Associate Professor Minas asserted remote locations, overcrowding and difficulties finding staff positioned Serco at inherent odds with its own values.
- 3.17 Mr Manning acknowledged the challenges and, while Serco views itself as a can-do organisation, it is attuned to risk. The challenge between the operating environment and Serco's service charter has been raised with the Department, at times leading to Serco declining requests. That said, Serco stands alongside the Department in facing the rise in client self-harm and suicide. The organisation maintained it delivers on its commitments.
- 3.18 Ms Lloyd suggested democracy has been overlooked in centres and should be reinstated given that many clients will be released into a democratic community.

- 3.19 Mr Manning acknowledged the need for freedom but said it was difficult to balance this against the need for structure and discipline for well-being, particularly given current overcrowding.
- 3.20 The Council discussed logistical aspects of the CI protests. Ms Wilson noted a formal debriefing was yet to occur and these were preliminary views. The Chair suggested the Council members who were present on CI could provide input.

ACTION	ISSUE	RESPONSIBILITY
GM9/01	Findings from the formal inquiry into the CI protests are to be distributed to Council members upon completion. Mr Aristotle, Professor Procter and Air Marshal Funnell will contribute to the inquiry.	Ms Jackie Wilson

#### 4 DETENTION

- 4.1 Ms Lynch-Magor began by underscoring the Department's agreement with the Council over the seriousness of self-harm and suicide within the detention system. The Department acknowledged the need for a strong and positive response focused on prevention, developed in conjunction with external strategic advice. Ms Lynch-Magor cited Curtin, noting the challenge of identifying client needs given the internalising aspects of self-harm and suicide.
- 4.2 Dr Loughry referred to hand-downs given on a traditional Hazara feast day as indicative of a lack of cultural sensitivity around significant news and timing. Dr Loughry asserted this exacerbates the negative reaction of clients and suggested a working party be formed to look into cultural competency issues.
- 4.3 Professor Procter noted that there should be an emphasis on engagement and greater sense of trust and purpose between clients and case managers. He asserted there also needs to be an automatic re-screening of clients when visa status changes occur.
- 4.4 Dr Loughry noted that collective depression can occur in a communal setting and, as such, active engagement in meaningful activities is paramount. She said religion also needs to be part of the narrative used with clients. It was suggested religious leaders be used to address groups collectively and frame the visa process and decisions in a religious context to enable clients to better understand their situation. Dr Loughry also raised concern at the use of Australian research to inform perspectives on issues like suicide, as this may miss the cultural significances when determining how to address this issue.
- 4.5 The Chair agreed with Dr Loughry on the importance of understanding and acting within a cultural and religious framework. The answers are not in religion but religion can be the gateway to acceptance and understanding of a situation. He also agreed that the response to self-harm and suicide needs to be system-wide and culturally sensitive. The message needs to be given

that, when vulnerable cases are identified and escalated, those clients need to be removed quickly from detention.

- 4.6 Professor Yasmeen noted that, religiously speaking, suicide is a confronting and sensitive topic. It cannot be spoken about with believers in a clinical way. She confirmed it needs to be framed within their religion and cultural outlook.
- 4.7 Ms Lynch-Magor sought advice from CISSR on how to practically implement cultural considerations. Dr Loughry responded that religion and mental health should be placed in the same servicing sphere. Religious liaison officers and mental health providers needed to collectively workshop strategies.
- 4.8 Associate Professor Minas was alarmed by the low level of cultural understanding demonstrated by managers in the Department and noted that, in this context, the kind of communication, heavy scripting and cultural unawareness witnessed on the ground was unsurprising.
- 4.9 Dr Loughry agreed, noting that scripting doesn't guarantee the most appropriate hand downs and cited Hazara feast day example again.
- 4.10 Ms Lynch-Magor appreciated the Council's concerns around scripting but saw it as necessary to conveying consistent messaging and understanding for clients of their situation.
- 4.11 Dr Loughry suggested using interpreters to gauge centre mood.
- 4.12 The Chair perceived self-harm and suicide was viewed from a clinical psychology perspective without consideration of underlying systemic issues, like high turnover of case managers, infrequency of engagement with lawyers, and the need for systemic line-up between lawyers, IMR reviewers and RSA to create a better overview for clients of the process. He asserted there needs to be more strategic use of lawyers to ensure all required information for IMRs is obtained and clients understand the legal risks that protesting may have for their character assessments. There needs to be greater interlinking so information is better relayed and levels of client uncertainty reduced.
- 4.13 Air Marshal Funnell asked whether lessons were learnt from recent incidents and queried whether the Minister, his office, senior DIAC staff, Serco, onsite staff etc. would know procedurally what to do if a suicide occurred today.
- 4.14 Ms Lynch-Magor confirmed that in DIAC National Office there was a legal understanding of how to deal with a suicide and good clarity of roles. She acknowledged a need to better share information with the local police and coroner. The Department is aware of the cultural need to bury bodies promptly but it acknowledged that needs to reach out and inform the Coroner about these considerations and the need to move quickly.
- 4.15 Ms Benson raised her visit to Scherger, where she didn't perceive a clear sense that local staff understood what to do or how to respond in a religiously appropriate way. She was left with the impression of chaos and

lack of leadership at the centre. The reality was in fact the opposite to what Ms Lynch-Magor described.

- 4.16 The Chair agreed that, in this instance, there was a lack of coordinated response despite Ministerial and senior management involvement. This reflects a broader tendency towards highly reactive responses with no clear strategy. Council members maintain that lessons should be more actively harnessed from these incidents and carried forward into enhanced policies and procedures.
- 4.17 Dr Loughry agreed, noting that cultural support and contact with family in the country of origin needs to happen in a more timely way. Ms Lynch-Magor countered that the Curtin case was complex since the man had an unclear relationship with his uncle. The Department was trying to contact family through consular channels. Dr Loughry pointed out the community leaders were able to contact the man's uncle within a day and this example reinforces the need to involve community groups.
- 4.18 Associate Professor Minas raised his concern that the Council had moved into planning better cultural responses to future suicides rather than focusing on prevention. He did not find the discussion acceptable and called for CISSR to look at systemic and preventative change rather than focusing on developing a response.
- 4.19 The Chair agreed but noted focus of the meeting thus far had been on systemic change and there was a need to also look into changing responses by the system. He expected a Royal Commission will be instigated if suicides continue and the Department cannot prevent suicide in the current context. These facts needed to be accepted in order to tackle the issues effectively.
- 4.20 Mr Clement agreed, noting the discussion should be around fixing the system rather than trying to make the current system work.
- 4.21 The Chair moved to close the agenda, summarising for Ms Lynch-Magor the need for a shift in policy outlook within the Department. He also noted there is a serious need to look at how lawyers and interpreters are engaged in a reaction to incidents and how this can form part of the preventative strategy. Moreover, the quality of migration advice and legal representation really needs to be reviewed within the context of this issue.
- 4.22 Professor Yasmeen added cultural sensitivity and awareness are equally important and offered to work with Ms Lynch-Magor on this point.
- 4.23 Air Marshal Funnell noted that AFP had informed him they would have difficulty responding if protests occur in Centres with more than 800 clients.
- 4.24 Ms Benson asked whether Ms Lynch-Magor could answer her queries sent via email on 31 March 2011 relating to suicide prevention and post-suicide procedures and practices. Ms Lynch-Magor apologised that she did not have the email on hand and would undertake to respond to Ms Benson's questions out-of-session.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/02</b>	<b>Fiona Lynch-Magor to map processes for responding to deaths in detention, i.e. support, cultural sensitivities, protocols across government, informing family etc. This mapping is to be distributed to CISSR for comment and then later implemented across the network.</b>	<b>Ms Fiona Lynch-Magor</b>
<b>GM9/03</b>	<b>Fiona Lynch-Magor to respond to Kerrin Benson's email dated 31 March 2011 relating to suicide prevention and post-suicide procedures and practices.</b>	<b>Ms Fiona Lynch-Magor</b>

## **5 POLICY, INNOVATION, RESEARCH AND EVALUATION UNIT (PIREU)**

- 5.1 Ms Davis gave an overview of a report produced last year on the ways the Department interacts with all minors, not just those in detention, in order to identify the risks and vulnerabilities. Ms Davis sought advice from CISSR on the development of policy around Department's work with children. PIREU is seeking to develop a policy base and one-point source for information to guide interactions with children both in CD and as non-humanitarian clients. The policy also seeks to link into the broader Commonwealth Framework for Working with Children.
- 5.2 Mr Clement suggested the term be Children and Youth, as this would encompass unaccompanied minors. He noted this terminology is widely used.
- 5.3 Ms Coleman asked why there is no reference in the report to accompanied community-based children who are part of families with no access to income support. Ms Coleman offered to provide a paper on this group. Mr Clement noted the states and territories may have a responsibility to protect these children even if their parents are non-citizens.
- 5.4 Ms Davis noted that research on enforced removals was being finalised. This work is looking at the experience from the clients' perspectives and that of case managers and third-parties. There is an accompanying benchmarking study and literature review to see how Australia's performance measures up internationally. Ms Davis offered to share this research with CISSR of a final draft on completion. She also noted it would be made available on the DIAC website.
- 5.5 Ms Davis also noted that PIREU had scoped a similar study of detainees with the aim of determining an optimal system of support for clients. This qualitative study will also assist the Government to achieve its status outcomes, whether settlement or removal. The Department will go to select tender on this study in the next few weeks and Ms Davis welcomed any suggestions on who to include on the tender list.



- 5.6 Mr Clement cautioned that any qualitative study needs to be mindful that clients may give positive responses rather than share their true perceptions if they think it might favour their visa outcome.
- 5.7 The Chair and Associate Professor Minas asked how much funding was allocated to detention research. Ms Davis responded \$400,000, including for CD. The Council questioned why, in an \$8 billion detention strategy, so little funding was afforded to research and analysis. Associate Professor Minas asserted there is a general unwillingness to enquire into detention within the immigration sphere. He maintained it would be unthinkable to have so little research for an analogous program size in other portfolios. He suggested the Department would need to spend 0.5% of its total budget on research to demonstrate sound commitment to seeking out evidence-based solutions.
- 5.8 The Chair agreed there should be greater capacity to draw on properly funded research. He noted his last meeting with Mr Metcalfe, where research and evaluation were noted as vital if the Department is going to deal seriously and appropriately with detention. If people are genuinely concerned about client well-being, then those who argue about fiscal restraint should be considering fiscal responsibility and looking at the financial impact of not acting. A more substantial research program is vital for detention and a point of responsibility for policy makers.
- 5.9 Professor Procter agreed, noting it is not only a responsibility to act out of informed research, it is negligent not to do so. He added it would be negligent of the Council to not point this out, as it is an issue of duty of care.
- 5.10 Ms Davis noted longitudinal humanitarian program research is scheduled for next year, which is critical given existing data sets are around 10 years old. This variable should be reflected in the research given that the average length of detention is now around 16 months and could impact on settlement outcomes once released.
- 5.11 Air Marshal Funnell further suggested a research focus on the rise and fall of inflows of IMAs into Australia. An objective look at why these movements occur is needed to inform public debate.
- 5.12 Dr Loughry questioned whether qualitative data existed on whether mixing client communities in detention was having a negative or positive impact. She also asked whether mental health is tracked over time in detention. Ms Davis responded that these were program-orientated issues and the responsibility of the program owners in the Department. She qualified her comment by noting that, if CISSR identifies issues that should be on the departmental work agenda, PIREU is willing to consider including them.
- 5.13 Dr Loughry raised concern that CISSR can offer its opinions and advice but again there is a risk of this also being negligent given the lack of evidence-based research to draw on.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/04</b>	<b>Council members to advise PIREU of any recommendations for providers to include in the select tender for the qualitative study on detainees' experiences.</b>	<b>CISSR Council Members</b>
<b>GM9/05</b>	<b>PIREU to circulate copy of Enforced Removals Report before public release for feedback and additional analysis before the end of May.</b>	<b>Ms Anita Davis &amp; CISSR Secretariat</b>
<b>GM9/06</b>	<b>Ms Coleman to provide a paper on community-based children who are part of families with no access to income support.</b>	<b>Ms Coleman &amp; CISSR Secretariat</b>

## **6 PREPARATIONS FOR MEETING WITH THE MINISTER**

- 6.1 The Chair summarised the agreed points of the morning's session, namely that the Council believes self-harm and suicide will continue if intervention at the policy level does not occur. He saw the issue as a question of how existing policy and legislation can be utilised to create flexibility for the department and relieve pressure on the system.
- 6.2 The Council discussed the dinner meeting with the Minister and the key messages to be conveyed. There was agreement that the Council must find ways to support the Minister and create space for him to move within the political climate and existing system. The points agreed for discussion were: cultural competence; linked up, wrap-around services; the need for further research funding; upstream intervention in Indonesia; and space in the existing legal framework and policies to take pressure off the system.
- 6.3 The Chair also noted the need to emphasise that the detention system is in crisis but there are ways to improve this without legislative or policy change. Existing architecture could be used to address groups, including 1A met, UNCHR mandated refugees, stateless, youth (under 25) and other vulnerable groups. Mr Clement agreed, noting the group "unaccompanied males" is too big and there is a need to focus on smaller subgroups. He asserted the Council needs to look at how to support the Minister to think about detention differently and generate ideas with rigour and backing, such as using nursing homes and hostels, to reduce the population from 7000 to 2000. The CD Pilot has shown the shift is possible.
- 6.4 The Chair asserted the need to place people in the community while being processed rather than in remote locations. Ms Coleman countered that there are constraints on further expanding CD, particularly when it starts to compete with the needs of other vulnerable groups in the community like the homeless. New infrastructure is needed.
- 6.5 Dr Loughry noted that CD also improves the likelihood of removing failed asylum seekers and lessens the likelihood of suicide. Professor Yasmeen noted voluntary and involuntary returns are needed to send a deterrent message to those considering irregular journey to Australia.

- 6.6 The Chair warned that the political debate will reach a critical point and a Royal Commission sparked if suicides continue to occur, similar to that for Indigenous deaths in custody. Dr Loughry added that protests and riots posed a similar threat, particularly given that local police in these remote areas are not adequately equipped to respond.
- 6.7 The Chair noted that change can only occur with departmental engagement. He raised concern over his perception of a very deep culture of disengagement within areas of the Department. The Council agreed, with some members voicing frustration over the same issues still being on the table as were five years ago. Little movement and a tendency of areas of the Department towards operating from crisis-mode rather than forward planning has been observed.
- 6.8 The Chair summed up the discussion by pointing out that, ultimately, it is for the Department to take the lead in the workspace opened up through CISSR's discussions with the Minister. For this to occur, a substantial shift in the organisation's attitude to detention is needed.

## **7 REVIEW OF DINNER WITH THE MINISTER**

- 7.1 The Chair provided an overview of the previous night's dinner discussions, noting the Minister's strong views on meaningful activities for detention clients and a request for CISSR to work on this task. The Chair noted this work should be pursued in conjunction with Serco, as they are responsible for activities.
- 7.2 The Chair noted that CISSR conveyed the risk to life is extremely high in the current system and active risk-mitigation measures are needed. These measures don't necessarily mean legislative change or shutting down detention centres. Rather, it was conveyed to the Minister that the existing legislative and policy architecture provides options for use with a wider set of client cohorts.
- 7.3 The Chair noted CISSR had advised the Minister at dinner that it made more sense to design a structured step-down process into CD. CISSR outlined the vulnerable groups which could be included in a step-down model, namely UNHCR mandated refugees, 1A met, stateless, youth (under 25) and torture and trauma survivors. While the Minister did not agree with all the groups identified and restated his immediate focus on children, he was open to further advice in this regard.
- 7.4 The Council acknowledged the political considerations the Minister faces but expressed concern that the current escalations in detention centres will eventually overrun these considerations. The Minister was advised by CISSR that more focus is needed on pursuing returns and removals from the CD context given this is likely to be more successful than from detention. The Minister was receptive and again invited some written advice.

- 7.5 The Council agreed a step-down process into CD would take pressure off the detention centre network although it should still be considered a processing pathway. CD should not be seen as somewhere to “park” people.
- 7.6 Dr Loughry indicated that she had spoken to the Minister about working with non-government organisations (NGOs) in Indonesia to reduce the flow of at-risk people to people smugglers. The Minister was receptive and requested a paper about building civil society initiatives in Indonesia for NGOs working with asylum seekers. Aid coordination issues (eg with DFAT and AusAID) would also be relevant.
- 7.7 The Chair noted that the Minister was also very interested in their suggestions on building capacity among community leaders to more actively engage with detention populations, in line with the model used by Ms Lloyd in her visit to Curtin. The Minister indicated these ties should be established as part of business as usual and not just called upon in times of crisis.
- 7.8 The Chair noted there could be difficulties in identifying community leaders and determining a model of accompaniment to ensure that CISSR and community leaders work together towards agreed objectives. The concept requires immediate consideration by CISSR as part of a strategy to maintain, manage and support clients transitioning through a step-down process.
- 7.9 The Chair noted that CISSR raised with the Minister the need to undertake research and evaluation as part of modeling any future centres. While the Minister was appreciative of the sentiment, he was mindful of the fast-moving operating environment. The Minister requested CISSR input into centre design and data gathering in parallel with future developments.
- 7.10 The Chair noted that CISSR raised with the Minister the need for research, evaluation, monitoring and quality assurance to justify the level of expenditure on detention. The Minister said he will undertake to talk to the Secretary about the level of funding for such activities.
- 7.11 Professor Yasmeen gave an overview of her discussion with the Minister about cultural sensitivity and building cultural capacity. She undertook to prepare a brief paper outlining her ideas.
- 7.12 The Chair noted CISSR raised its limited capacity to work on all these points without additional departmental resourcing to assist in coordinating and moving projects along. The Minister was supportive of meeting this need.
- 7.13 Air Marshal Funnell stressed that immediate feedback needs to be given to detention clients about what progress has been made on the issues which triggered off the CI protest. He stressed this is not an action item, it needs to happen now and cannot wait. The Chair agreed, noting that confidence in the Department is diminishing among clients. Ms Southern indicated this would be taken on at a departmental level.
- 7.14 The Chair summed up the dinner as productive and felt that the current situation had been conveyed clearly to the Minister. They had stressed that

detention system cannot get to a point where suicides or self-harm are an in-built assumption.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
GM9/07	Step down model – CISSR to develop a paper exploring options for using CD for client cohorts including stateless, torture & trauma survivors, youths (under 25), 1A met and UNHCR mandated refugees.	CISSR, with Karen Visser & CISSR Secretariat
GM9/08	Develop a paper to explore options for aiding Indonesian NGOs working with asylum seekers to build civil society initiatives.	Dr Loughry & CISSR Secretariat
GM9/09	Develop and document a model for strengthened and sustained engagement with, and utilisation of culturally appropriate community leaders to support communications with detainees.	Ms Benson, Ms Lloyd, Dr Rifi & CISSR Secretariat
GM9/10	Develop a paper outlining strategies for stronger cultural competence across the detention network (DIAC staff, Serco, other service providers, NGOs etc.)	Prof. Yasmeen & CISSR Secretariat
GM9/11	Develop and document a methodology to integrate community development principles in the new centre model for Pontville. Identify in-built data collection and evaluation components to be instituted at a new centre.	Ms Coleman, Air Marshal Funnell, Ms Lloyd & CISSR Secretariat
GM9/12	Prepare advice on providing detention clients with meaningful activities that build skills and provide engagement whilst in detention.	Air Marshal Funnell, Ms Benson, Ms Lloyd & CISSR Secretariat
GM9/13	The Department to secure resources to assist CISSR in meeting its commitments to Minister	Robert Illingworth

## **8 IMA POLICY**

- 8.1 Mr Fleming gave an overview of the Regional Cooperation Framework (RCF) and noted that sign up to RCF by other countries was a significant development out of the Bali Process. Mr Fleming noted that, while the RCF is a non-binding statement of principle, it does give countries cover to improve humanitarian assistance and develop bilateral measures.
- 8.2 In response to a question from Associate Professor Minas, Mr Fleming acknowledged the Department needs to engage with AusAID on how general aid programs can be used to work on humanitarian issues in the region. Mr Clement said AusAID involvement was key since local NGOs in Indonesia have an emphasis on assisting the local poor rather than foreign nationals.

- 8.3 Mr Fleming said the Co-Chair's Statement from the Bali Process envisages a regional centre/s and transfer agreements as the most effective pathways for managing asylum seekers. The idea is to manage the pull-factors to wrest control back from the people smugglers.
- 8.4 Mr Fleming also noted a perceived trend towards countries wanting to be seen as complying or being consistent with the Refugees Convention even if not signatories.
- 8.5 Mr Fleming saw a re-admission and transfer arrangements as the biggest influence on the flow to Australia but noted that this needs to be tempered by a build-up of refugee status determination capabilities within the region.
- 8.6 Dr Loughry observed it was culturally inappropriate for NGOs to go into countries and criticise policy without engaging to work together on solutions. Associate Professor Minas and Professor Yasmeen both suggested utilising academic connections, particularly within Indonesian universities, to assist in developing a regional solution.
- 8.7 Mr Allen noted there were 860 Refugee Status Assessments (RSA) finalisations and 29 Protection Obligations Determination (POD) finalisations at the primary stage last month. Mr Fleming said the overturn rate, which used to be close to 100%, is anticipated to decrease now that the primary recognition rate is rising. At the moment there is 40% primary recognition rate. He added that, while there are disparate reviewers, a senior reviewer undertakes quality control. Mr Fleming undertook to provide CISSR members with a copy of the revised Afghan guidance note when available.
- 8.8 Air Marshal Funnell raised feedback from clients on CI about their belief that outcome depends on the assessor at the primary stage. He observed such a baseless contention circulates easily in detention centres. Mr Fleming responded that the Department is committed to quality control.

## **9 RETURNS**

- 9.1 Ms Gillam gave an overview of removals, with the Department to date having concluding around 24 voluntary removals. She noted there is an increase in Iranians looking to go home, particularly on CI after the protests. This group is motivated mainly by circumstances at home but also because many didn't anticipate spending so long in detention.
- 9.2 Ms Benson raised the option of offering return for those at risk of self-harm and suicide.
- 9.3 Ms Gillam noted 43 clients currently in the involuntary caseload. These clients have completed their Independent Merits Review (IMR) and the Department is currently looking to clarify if any other potential protection obligations apply whilst at the same time arranging travel documents.
- 9.4 Mr Fleming advised the Afghan Memorandum of Understanding (MOU) is signed and awaiting domestic ratification. He noted Australia is working

closely and carefully in conjunction with the Department of Foreign Affairs (DFAT) to facilitate some involuntary removals. The focus is on building capacity to achieve involuntary removals. They are also working to encourage clients to understand that voluntary removal is a better option given they receive reintegration packages. Involuntary removals receive much less support.

- 9.5 Dr Loughry raised a petition by the Edmund Rice Centre, which has so far been signed by 69 agencies affiliated with asylum seekers. She asserted it is difficult to work with civil society without context about how the MOU works and suggested an information road show for NGOs working with refugees. It may be appropriate for CISSR members to participate. The focus should be on providing alternative information rather than arguing directly against points put forward by advocates.
- 9.6 Ms Benson agreed and suggested having an informed discussion with Hazara organisations, The Australian Refugee Council and the Edmund Rice Centre. She saw this engagement as important given these will be key stakeholders in CD. Ms Benson added that the Department should consider appointing a relationships officer for community messaging around controversial projects.
- 9.7 Mr Illingworth noted the Department is looking to complete the CAS and ASAS tender processes by end of year. He added the Department is looking to create a unified framework of services. He perceived a commonality of services for those in a detention environment and those in the community. He added that demand for these services will increase if the Council's vision of greater use of CD comes to fruition. Mr Illingworth pointed to political sensitivities around service provision. While those not yet accepted as refugees, particularly those in CD and those in the settlement sphere, have similar needs, they remain separate cohorts.
- 9.8 Ms Benson countered there are risks in CD not mirroring settlement standards, particularly around housing and responsibilities. The Chair agreed, noting that CD has knock-on benefits if clients transition into settlement. Mr Illingworth noted the Department needed to view settlement services in a holistic fashion.
- 9.9 The Chair called for further discussion at a later date on better coordinating services and expanding the CAS and ASAS services. He observed Red Cross provides many things in their ASAS program that are not included in the contract. These things shouldn't be lost in the integration of services. Mr Clement added that, from an operational viewpoint, there are many similarities between ASAS and CAS so services could be streamlined for the client without merging the policy that sits behind it.
- 9.10 Mr Clements voiced concern about the drop in referrals in the CAS program and also he perceived a tightening up around ASAS, especially around using visa status as a means to exclude someone from ASAS. In March 2011, refusal rates went up to 64%, which has created pressure on other agencies that have picked up people who normally would have gone through ASAS. This may be a transition point but he is unsure. Mr Wann said the Department will examine this trend and report back to the Council.

- 9.11 Mr Clements also suggested consistency be created in post-decision review support access and suggested name changes for the services that reference the concept of “resolution”.
- 9.12 Mr Fleming noted IAAAS contracts expire 30 June 2011 and the Department is trying to make new contracts highly flexible since midstream changes cannot occur. Ms Boardman added that new contracts will have more scope for performance management around the quality of claims prepared. There will also be greater consultation between the providers and the Department to share/exchange information on the process.
- 9.13 The Chair raised concern over the quality of interpreting, with hearsay indicating some interpreters do not have skills in some dialects or languages but they are not admitting it. Associate Professor Minas added it is also an issue with health professionals needing training on how to work effectively with interpreters.
- 9.14 Ms Boardman agreed their stakeholders, including interpreters, need to come together to clarify expectations and explore cultural awareness/competency. Ms Coleman said this would have relevance and should also be applied to CD.
- 9.15 The Chair observed client access to legal advice and agents on CI has been complicated by the protests. He suggested key points be identified at which agents should be communicating with clients to advise and reassure them. He also noted during the protest clients were denied access to their agents and legal advisers, which he thought to be illegal. Agents, he maintained could have been effectively utilised to keep communication open so clients were informed and their anxiety minimised.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/14</b>	<b>Develop an integrated model of service delivery with status resolution as its goal.</b>	<b>CISSR &amp; Robert Illingworth, Cameron Lander &amp; CISSR Secretariat</b>
<b>GM9/15</b>	<b>DIAC to circulate updated Afghan Guidance Note to the Council.</b>	<b>Garry Fleming/ Cameron Lander &amp; CISSR Secretariat</b>
<b>GM9/16</b>	<b>Trends analysis of participation rates in CAS and ASAS rates be undertaken and shared with CISSR.</b>	<b>Charles Wann (DIAC) &amp; CISSR Secretariat</b>
<b>GM9/17</b>	<b>The Council requested information on the Department’s efforts to improve interpreter numbers, quality and the range of languages and dialects available and asked that it be an agenda item for the next meeting.</b>	<b>Translating and Interpreting Service (TIS) National</b>



## **10 RESIDENCE DETERMINATION**

- 10.1 Ms Pope gave an overview of progress, noting the Minister has approved 549 moves into CD including 282 children and 75 unaccompanied minors (UAMs). As of 5 April, 360 clients were in CD including 167 children. There have been 35 visa grants since the project began.
- 10.2 Ms Pope stated the project goal is at least 50% of children (600) and 200 UAMs in CD as of 30 June 2011. She believes this target is achievable by the end of May. Ms Pope said the Department is also looking into home-stay options, including engaging Afghan families in the community. These families will be trained and briefed as home-stay parents. Two pilots will be undertaken in Western Sydney and Dandenong.
- 10.3 Ms Clarke noted the difficulty in managing client expectations and the need to work with case managers to stress family and friendship ties will be considered in locating CD placements but personal preferences are not a priority.
- 10.4 Dr Loughry observed that minors are struggling with the compliance issues in CD since the lifestyle differs to that in detention. These issues relate to life skills like self catering, curfews and attending school.
- 10.5 Ms Pope gave an overview of communal properties coming on line and noted issues with setting up in West Australia given the state government won't currently allow school enrolments, only a few houses have been identified and there is a preference for a MOU to be signed first.
- 10.6 The Council congratulated Ms Pope on progress so far, noting the Minister's own personal commitment to the pilot. There was suggestion of engaging a filmmaker to document the transition of children in CD in order to engage public sentiment on the issue. Ms Pope appreciated the idea but perceived it was too early to be looking at promotional work. Ms Pope agreed that keeping a record of interesting CD cases might be good preparation for when publicity is appropriate.
- 10.7 Dr Loughry suggested keeping a list of properties deemed unsuitable for current clients, as these may be useful for future broadening of CD to other client cohorts.
- 10.8 There was general discussion on numbers of children in one accommodation, with Mr Clement cautioning anything above 12 people is thought to engage statutory authorities and be potentially more risky. Dr Loughry noted the knowledge of live-in carers engaged through Uniting Care and Life Without Borders could be useful to draw on in developing CD for youth cohorts. Ms Clarke advised that the next cohort to focus on would be torture and trauma survivors rather than youth.
- 10.9 Ms Pope gave an overview of the treatment of minor crew. The Department has met with the AFP who have asked if DIAC could interview the 60 minors held on behalf of AFP pending prosecution to supplement wrist x-rays. This cohort has different outcomes to the asylum caseload and ways of processing

are needed for those not charged. Ms Pope added there may need to be reviews of convictions for disputed age cases, with the Australian Human Rights Commission closely engaged.

- 10.10 Ms Pope advised that the Minister has agreed to a departmental submission on appointing a designated independent guardian to manage guardianship of children. This will reduce risk to Minister and allow delegations to states to be withdrawn. The Department is consulting with NSW Children’s Commissioner to design the role.
- 10.11 Ms Clarke added the next move is to clarify the roles of custodian and guardian with very clear instructions that enable the guardian to guide the role of the custodian.
- 10.12 Ms Boardman shared with CISSR the Minister’s announcement about a new detention centre in Tasmania. The Chair stated CISSR is to prepare advice to the Minister on how to improve the detention model, include more community engagement principles in the set up of new centres and build in evaluation and development processes from inception. CISSR has committed to support the Minister on this, with the Deputy Chair volunteering to Chair the Community Consultative Group at Pontville.

ACTION	ISSUE	RESPONSIBILITY
GM9/18	CISSR Research sub-group to provide input to Kate Pope on modeling and evaluation of CD for different cohorts.	Kate Pope (DIAC) & CISSR Research sub-group

## 11 COMMONWEALTH OMBUDSMAN

- 11.1 Mr Asher, Commonwealth Ombudsman identified immigration as a key priority for the Ombudsman’s Office given it is a growing and reactive area of government. The Office is assessing the causes of processing delays, including security assessments. It’s also focused on identifying ways to give people a more normal lifestyle. Mr Asher maintains this is particularly critical for UAMs, people with mental illness and those deemed at risk of mental health deterioration.
- 11.2 Mr Asher noted the Office regularly visits and observes activities in detention centres, also speaking with clients and representative groups at the centres. He viewed the Office’s role as drawing the Department’s attention to where policy implementation doesn’t track with overarching Government commitments.
- 11.3 Mr Asher noted the Office is finalising terms of reference for its own investigation into the CI protests. These investigations will be separate to the independent review instigated by the Department and, in contrast, will have broader jurisdiction to obtain documents from all involved parties. The Ombudsman’s investigation is ‘own-motion’ and will focus on investigating the gaps rather than duplicating the work of the independent review.

- 11.4 Mr Asher argued the need for evolution of a longer-term and sustainable detention policy in line with the projected growth in IMA numbers to 10,000 by the end of the year.
- 11.5 Mr Asher noted the Department has responded to all six recommendations of one of the Ombudsman's reports on CI detention operations and the focus now is on ensuring implementation of those responses occurs. The main work the Ombudsman's Office does is in consultation with departmental officials and Ministerial staff to try to get the systems modified to work more effectively.
- 11.6 There was general discussion on how the centralisation of the Commonwealth Ombudsman to Canberra has impacted on interaction with state-level players. Mr Asher noted this, as well as the wind-back of visits to CI, was tied to funding issues. The Chair raised concern that neither the Office nor the Australian Human Rights Commission has funding to investigate mental health issues.
- 11.7 Professor Procter asked how the Ombudsman's Office triages requests. Mr Asher advised their focus is on quality control and directing agencies on how to fix these problems that are brought to their attention i.e. access to mental health services and interpretation. Individual complaints are used to identify systemic issues and highlight areas for further investigation.
- 11.8 Mr Asher noted they do not have a specific mandate for children's issues but the Office does look at issues unique to children, such as schooling, and compliance with departmental service standards. Their approach to CD will be much the same, ensuring the policy, arrangements and facilities line up with the requisite standards. The Office remains concerned about the potential ramifications if people are kept from leading normal lives.
- 11.9 The Chair asked whether, in light of increasing self-harm and suicide, the Ombudsman Office is looking to revisit whether there should be a Health Commissioner. He referred to the Comrie Report, which recommended this but DeHAG was suggested at the time as an alternative. The Chair asserted health and mental health were areas that come quickly under pressure but are least scrutinised in terms of policy application. Mr Asher confirmed the Office is revisiting the available options on this point and added the rapid growth in arrivals was a precursor to comprising service outcomes.
- 11.10 Ms Clarke saw the need to plan with projected numbers to counter this effect. She also noted the need to begin responding to inaccurate media reports, which de-motivate staff working directly with clients.
- 11.11 Professor Procter suggested an Ombudsman's representative sit on the Inverbrackie Community Consultative Group. Mr Asher agreed this was worth exploring. It was agreed to invite Mr Asher back to a CISSR meeting in six months time, with the invitation also extended to the Australian Human Rights Commissioner.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/19</b>	<b>CISSR to extend an invitation to the Commonwealth Ombudsman and the Australian Human Rights Commissioner for the September or December 2011 CISSR General Meeting.</b>	<b>CISSR Secretariat</b>

## **12 REVIEW INTO DETENTION HEALTH**

- 12.1 Mr Casey distributed the Terms of Reference for the departmental review into detention health. It is a review of the detention health framework, which sets the blueprint for healthcare service delivery across the detention network. The framework set out to achieve specific goals over a three-year period from 2007 and it is now due for review. Mr Casey noted the review is timely given the current working environment and increase in client numbers. He sought input from CISSR.
- 12.2 Dr Loughry asked whether the review will include CD, which Mr Casey affirmed. She noted that detailed data is collected on clients in detention but this collation doesn't seem to continue into CD, which is a missed opportunity in terms of tracking people's well-being in transition to settlement and providing aggregated demographics. Mr Casey responded that the Department is looking into defining a minimum data set for reporting.
- 12.3 Mr Casey agreed there is room for further investigation into how and when health re-screening is triggered during the detention and settlement process. This could potentially feed into guidelines for CD.
- 12.4 Mr Clement agreed this should be the focus given that clients entering CD have been assessed as among the most vulnerable and typically come with a host of health service provision needs. The health care needs are much more intensive than for the average Australian.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/20</b>	<b>Dermot Casey to email Council members to formally request feedback on Terms of Reference and review of the detention health framework.</b>	<b>Dermot Casey (DIAC) &amp; CISSR</b>

## **13 ACTION ITEMS AND MINUTES**

- 13.1 The Council discussed priorities and assigned action items to individual members or small working parties. Priorities include the action items agreed with the Minister and formalising a proactive program to encourage community representation and access of cultural groups to centres. A need was also identified for the Council to provide urgent input into the new centre design for Pontville, especially around service provision and embracing community development principles into the centre model. The Council was also keen to move on building the cultural competency of case managers, service providers and Serco.

- 13.2 It was agreed by the Council that priority should be given to the Minister's action items and that the usual work of the sub-groups should be suspended unless work is already underway and was a short-term priority.
- 13.3 The Council adopted the minutes of the 8th General Meeting (17-18 February 2011) with some minor amendments.
- 13.4 Specifically, the Council wanted point 9.7 to reflect their strong criticisms of data presented by the Department on self-harm incidents and to note that Ms Jacka undertook to do more work on the data.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/21</b>	<b>The Council is to be provided with more accurate data and regular updates on self harm incidents.</b>	<b>Deb Jacka (DIAC)</b>

- 13.5 The Chair asked the previous minutes note after point 11.14 (on decisions around the CI tragedy survivors) that he expressed serious concerns about lack of transparency and clarity about how the decisions were reached and felt more accurate and detailed information should be made available.
- 13.6 Ms Coleman asked for a quote attributed to her to read that the Red Cross "has capacity to manage up to 50 to 100 contracts", not "is managing between 50 and 100 contracts".
- 13.7 The Council agreed the next meeting will be held on 5 May 2011 in Sydney. The focus of this meeting would be to finalise the aforesaid advice requested by the Minister.
- 13.8 The 10th General Meeting is scheduled for 9-10 June 2011.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM9/22</b>	<b>Secretariat to distribute a revised short term work plan summarising the agreed new Ministerial priorities, members assigned to each priority and the timeframes.</b>	<b>CISSR Secretariat</b>

- 13.7 The 9th General Meeting was closed at 4.00pm.

## SUMMARY OF ACTION ITEMS

ACTION	ISSUE	RESPONSIBILITY
GM9/01	Findings from the formal inquiry into the CI protests are to be distributed to Council members upon completion. Mr Aristotle, Professor Procter and Air Marshal Funnell will contribute to the inquiry.	Ms Jackie Wilson
GM9/02	Fiona Lynch-Magor to map processes for responding to deaths in detention, i.e. support, cultural sensitivities, protocols across government, informing family etc. This mapping is to be distributed to CISSR for comment and then later implemented across the network.	Ms Fiona Lynch-Magor
GM9/03	Fiona Lynch-Magor to respond to Kerrin Benson's email dated 31 March 2011 relating to suicide prevention and post-suicide procedures and practices.	Ms Fiona Lynch-Magor
GM9/04	Council members to advise PIREU of any recommendations for providers to include in the select tender for the qualitative study on detainees' experiences.	CISSR Council Members
GM9/05	PIREU to circulate copy of Enforced Removals Report before public release for feedback and additional analysis before the end of May.	Ms Anita Davis & CISSR Secretariat
GM9/06	Ms Coleman to provide a paper on community-based children who are part of families with no access to income support.	Ms Coleman & CISSR Secretariat
GM9/07	Step down model – CISSR to develop a paper exploring options for using CD for client cohorts including stateless, torture & trauma survivors, youths (under 25), 1A met and UNHCR mandated refugees.	CISSR, with Karen Visser & CISSR Secretariat
GM9/08	Develop a paper to explore options for aiding Indonesian NGOs working with asylum seekers to build civil society initiatives.	Dr Loughry & CISSR Secretariat
GM9/09	Develop and document a model for strengthened and sustained engagement with, and utilisation of culturally appropriate community leaders to support communications with detainees.	Ms Benson, Ms Lloyd, Dr Rifi & CISSR Secretariat
GM9/10	Develop a paper outlining strategies for stronger cultural competence across the detention network (DIAC staff, Serco, other service providers, NGOs etc.)	Prof. Yasmeen & CISSR Secretariat
GM9/11	Develop and document a methodology to integrate community development principles in the new centre model for Pontville. Identify in-built data collection and	Ms Coleman, Air Marshal Funnell, Ms Lloyd & CISSR

	evaluation components to be instituted at a new centre.	Secretariat
GM9/12	Prepare advice on providing detention clients with meaningful activities that build skills and provide engagement whilst in detention.	Air Marshal Funnell, Ms Benson, Ms Lloyd & CISSR Secretariat
GM9/13	The Department to secure resources to assist CISSR in meeting its commitments to Minister	Robert Illingworth
GM9/14	Develop an integrated model of service delivery with status resolution as its goal.	CISSR & Robert Illingworth, Cameron Lander & CISSR Secretariat
GM9/15	DIAC to circulate updated Afghan Guidance Note to the Council.	Garry Fleming/ Cameron Lander & CISSR Secretariat
GM9/16	Trends analysis of participation rates in CAS and ASAS rates be undertaken and shared with CISSR.	Charles Wann (DIAC) & CISSR Secretariat
GM9/17	The Council requested information on the Department's efforts to improve interpreter numbers, quality and the range of languages and dialects available and asked that it be an agenda item for the next meeting.	Translating and Interpreting Service (TIS) National
GM9/18	CISSR Research sub-group to provide input to Kate Pope on modeling and evaluation of CD for different cohorts.	Kate Pope (DIAC) & CISSR Research sub-group
GM9/19	CISSR to extend an invitation to the Commonwealth Ombudsman and the Australian Human Rights Commissioner for the September or December 2011 CISSR General Meeting.	CISSR Secretariat
GM9/20	Dermot Casey to email Council members to formally request feedback on Terms of Reference and review of the detention health framework.	Dermot Casey (DIAC) & CISSR
GM9/21	The Council is to be provided with more accurate data and regular updates on self harm incidents.	Deb Jacka (DIAC)
GM9/22	Secretariat to distribute a revised short term work plan summarising the agreed new Ministerial priorities, members assigned to each priority and the timeframes.	CISSR Secretariat

**COUNCIL FOR IMMIGRATION SERVICES AND STATUS RESOLUTION**  
**10<sup>TH</sup> GENERAL MEETING MINUTES**  
**Adelaide 27-28 June 2011**

**Participants:**

**CISSR Council Members**

Mr Paris Aristotle AM (Chair)  
Air Marshal Ray Funnell AC (Retd) (Deputy Chair)  
Ms Kerrin Benson  
Ms Caz Coleman  
Ms Libby Lloyd AM  
Mr Noel Clement (Day two only)  
Dr Maryanne Loughry AM  
Professor Nicholas Procter  
Dr Jamal Rifi

**Apologies**

Associate Professor Harry Minas  
Professor Samina Yasmeen

**Minister's Office**

Ms Zoë Clarke  
Ms Ann Clark

**External Stakeholders**

Ms Beverley Thompson and Ms Melanie Fotiades, Serco (Day 2)

**Department of Immigration and Citizenship (DIAC)**

Mr John Moorhouse  
Deputy Secretary, Immigration Detention Services Group  
  
Dr Wendy Southern PSM  
Deputy Secretary, Policy and Program Management Group



Mr John Lynch  
Chief Executive Officer, Independent Merits Review

Mr Dermot Casey PSM (Day 1)  
Assistant Secretary, Character & Case Management

Ms Lynne Gillam  
Assistant Secretary, Compliance Status Resolution

Mr Robert Illingworth  
A/g First Assistant Secretary, Compliance and Case Resolution

Mr Cameron Lander (Day 2)  
A/g Assistant Secretary, Detention & Service Policy

Ms Julia Niblett  
Assistant Secretary, Onshore Protection Branch

Ms Kate Pope  
First Assistant Secretary, Community Programs & Children (by telephone, Day 2)

Ms Karen Visser  
A/g Assistant Secretary, Strategic Framework and Stakeholder Engagement

**Secretariat**

Ms Sally Boucher

Mr Tony Howarth

Ms Meagan Kopatz

# 1 VISIT TO INVERBRACKIE

## 1.1 Overview

On arrival at Inverbrackie Ms Justine Pederson, A/g Regional Manager, together with key centre staff briefed the visitors on the centre's infrastructure and current operations.

Ms Pederson advised that the centre currently houses 242 clients, approximately 120 of whom are Iranian, 57 stateless and the remaining a mix of Sri Lankan and Afghan clients. The centre had experienced high turnover in the past week with 27 clients moving to Community Detention (CD) and 37 Sri Lankan clients arriving from Virginia Palms. The typical pathway for clients through Inverbrackie is: Christmas Island (CI) → Virginia Palms/ Darwin Airport Lodge/Leonora → Inverbrackie → CD or settlement. The centre has experienced a 50% turnover since it opened on 18 December 2010, the clients securing visas or moving into CD in New South Wales and Victoria. Sixty percent of the current clients have been at the centre less than two months. Forty percent of the current clients have been in detention for 6 months or less with the longest time in detention dating from March 2010. Fourteen clients have been at Inverbrackie since the centre opened.

## 1.2 Living Arrangements

Ms Pederson advised the centre comprises 80 houses, mostly with 3 bedrooms. There is some sharing of houses, and Ms Pederson outlined the issues taken into consideration when configuring shared houses.

Clients are encouraged and supported to live independently in terms of household duties, catering and self management in terms of booking appointments and managing time. It was acknowledged that whilst clients are resourceful they often arrive at Inverbrackie having lived in environments which have reduced their capacity for independent living. Serco and DIAC officers work with the clients to help them adapt to their new, more independent environment at Inverbrackie and familiarize them with Australian dietary and hygiene standards.

Many goods and services are procured from local suppliers – supermarket, pharmacy etc. Clients advise their purchasing needs on a weekly basis. The Centre is currently in the process of developing a store where clients can come and collect groceries. There is a household allowance scheme in place, providing \$70.00/adult/week, \$50.00/child/week and a sliding scale for teenagers. Clients are also given 25 points per week for incidentals and treats, with the capacity to earn a further 25 points through participation in activities.

Clients are respectful of the limits of their liberty; there have been no escapes from Inverbrackie. Whilst there had been a media report of a young client kicking a Serco officer, Ms Pederson reported this incident was overstated and noted that overall clients, service providers and DIAC staff feel Inverbrackie is a safe environment.

Ms Pederson shared that the Afghan clients recently organised a thank you lunch for DIAC and Serco staff.

### **1.3 Client Services**

Health services include a full time on-site General Practitioner, Health Nurse and Psychologist. Mental health assessments are conducted on all clients on arrival. Dental and optical care are the main health issues presenting on arrival.

Serco has established a personal officer scheme whereby each officer develops a supportive relationship with the occupants of a cluster of about 5 houses.

Nine Case Managers work on site, all from the Adelaide office. This is a stable team and the clients have good continuity however if they move to CD even in the Adelaide area they may have to change case managers. There is a handover process which is followed with each location change and this is managed by telephone for distant relocations.

There is an established Client Consultative Group (CCG) but the high turnover of clients affects the stability of this group. Clients do have other avenues available to raise issues – client complaint and client request forms.

Mr Lynch noted there were few Independent Merits Review (IMR) clients at Inverbrackie but queried if there were any concerns or feedback from these clients. Ms Pederson reported that issues were raised around waiting times for both security clearances and for IMR interviews but noted these were not frequent given the high turnover of clients at Inverbrackie.

### **1.4 Education & Activities**

Sixty children attend local schools. Ms Pederson reports a good working relationship with the Department of Education which is maintained through weekly meetings. Overall the integration of the children into the schools is going well with only a few behavioural issues arising (these children have often displayed the same disruptive behaviour at the centre).

Serco has a dedicated officer on site to co-ordinate excursions and activities which includes accessing local attractions and programs. Currently 20-30 people access activities each day, which averages 1 activity/person/fortnight. Beginner, intermediate and advanced English classes are held for 1.5 hours each week day

and clients are strongly encouraged to attend. As noted as an incentive clients can earn up to an additional 25 points per week for participating in activities.

Clients have access to 12 computers at the internet café, access being managed through a booking system. The centre staff are also in the process of setting up a men's shed. This may provide a vehicle for clients to teach and learn as well as apply existing skills.

Ms Pederson confirmed that clients are welcome to suggest/nominate activities of interest to them. She also flagged that they are working on concept papers with local universities and colleges to broaden education options.

Anglicare is currently working through a proposal with centre staff to run an Afghan Youth Project.

## **1.5 Local Community**

It was noted that the relationship with the local community had improved significantly since the centre opened, with some good initiatives and outcomes emerging. Interaction with local residents is pursued through the Good Neighbourhood Council (initiated February 2011 and having a formal constitution). This group co-ordinates volunteering and donations from the local community. This includes volunteers to run homework clubs and the group is in the process of setting up an activity around furniture restoration. Volunteers and their families also visit the centre to participate in social sporting matches.

The DIAC staff reflected that, in their experience across a number of detention centres, Inverbrackie demonstrates the highest level of community support.

## **1.6 Alternative Uses for Inverbrackie**

Mr Moorhouse confirmed the Minister will continue to focus on using Inverbrackie for families until the Darwin Airport Lodge and ASTI are no longer in use. He is open to using Inverbrackie for other client cohorts but these would likely be clients on positive pathways, possibly awaiting security clearance. It would not be a suitable site for removal-pending clients. He noted Inverbrackie fits well with the suite of centres in South Australia having Port Augusta for unaccompanied male minors and the Adelaide Immigration Transit Accommodation for compliance and removals clients.

Mr Moorhouse acknowledged that capacity pressures mean clients were experiencing several moves during their time in detention but he anticipated more strategic placements as the pressures on the system abate. The current demand is to get people out of existing temporary accommodation arrangements.

## **2 WELCOME, DEBRIEF ON INVERBRACKIE AND INTRODUCTORY COMMENTS**

- 2.1 The Chair welcomed the Council, Ministerial and DIAC staff and acknowledged apologies from Associate Professor Harry Minas and Dr Samina Yasmeen.
- 2.2 Ms Ann Clark initiated the debrief on Inverbrackie by asking whether information sessions should be held on visa processes in order to better manage client expectations. Members agreed, suggesting it could also be a film or diagram. Ms Niblett advised the Department is developing a flowchart on visa processing.
- 2.3 The Chair pointed to the difficulty of conveying a message clients don't wish to hear and doing so in very different detention environments. He also noted his increasing concern at distorted client expectations of what case management can do. He asked why case management can't tell clients they have been triaged in their security clearances.
- 2.4 Mr Moorhouse noted scripts are being developed to tell clients indirectly what the situation is but most clients already know what is causing the delays.
- 2.5 The Chair suggested using the Inverbrackie site for other vulnerable client groups once enough places are freed up by Community Detention (CD). Ms Zoë Clarke cautioned on the sensitivities involved given the Minister's previous comments and promises to the local community on which client cohorts would be housed at Inverbrackie. The Chair agreed but noted the shift in public sentiment as a possible lever for change.
- 2.6 Ms Lloyd questioned whether DIAC correspondence should be translated into community languages. Air Marshal Funnell said this was a previous CISSR recommendation because client feedback has indicated interpreters are not good at translating documents.
- 2.7 Ms Niblett noted the Department expects migration agents to discuss correspondence through an interpreter. Mr Moorhouse noted that, given interpreter shortages, using them to translate decision letters will only add to the overall processing time. Ms Lloyd countered it doesn't need to be the whole document, just the cover letter advising decisions.
- 2.8 The Chair asked the Council to pass the minutes from the previous meeting. Minutes passed, with Ms Benson requesting changes to 9.8.
- 2.9 The Chair raised previous meeting action items, noting the Minister read the CISSR paper on capacity building in Indonesia and is keen to look into resourcing a model and possibly a further one for Malaysia. Further discussions are planned to carry this work forward.

- 2.10 The Chair also noted the paper on building a panel of community leaders and indicated two successful community leader visits had already taken place. DIAC Officer Ms Mirta Gonzalez is formalising this project from legal and insurance perspectives.
- 2.11 Air Marshal Funnell questioned whether Pontville was needed anymore as he saw it as coming on line six months too late. Ms Zoë Clarke said she would rather have excess accommodation than risk overcrowding. Additionally, the site is small enough to test out best practice development.
- 2.12 Air Marshal Funnell questioned the cost given the plan to have Pontville open for just six months. Mr Moorhouse advised \$14.8 million. Air Marshal Funnell voiced his concerns, to which Mr Moorhouse countered that much of the site will be reusable or able to be resold to minimise the overall costs.

### **3 POLICY AND PROGRAM MANAGEMENT GROUP**

- 3.1 Dr Southern updated the Council on Departmental staff changes, noting the retirement of Mr Bob Correll and promotions of Mr Peter Vardos and Mr John Moorhouse.
- 3.2 Dr Southern also noted the establishment of the Community Programs and Children's Division under Ms Kate Pope. A key focus for this Division is on guardianship and trying to resolve the perceived conflict of interest between the Minister's dual responsibilities as Minister and guardian.
- 3.3 Dr Southern also outlined the refugee support program pilot under the stewardship of Senator Lundy, which will be incorporated into a tender process later this year. She also raised discussions with Dr Diana Birch from the U.K., an expert who has developed an age determination technique and may be interested in a knowledge exchange.
- 3.4 Dr Southern said a range of parliamentary enquiries and reviews are planned, including a Joint Select Committee to be led by Mr Daryl Williams AM QC and setup by early October 2011. The Committee's terms of reference will focus broadly on detention.
- 3.5 Dr Southern noted the reports from the Hawke and Williams Review of the Christmas Island/Villawood Protests and Ombudsman's Review are due soon.
- 3.6 The Chair gave the Council an overview of talks between the Minister and key sector figures, including Paul Power, Caz Coleman and representatives of the

- Edmund Rice Centre. He said discussions were fruitful and stakeholder involvement was crucial prior to finalising any Malaysia agreement.
- 3.7 The Chair raised concern that there is a void in public debate caused by a lack of government and sector dialogue. He saw this void being filled with misinformation. He perceived a role for the CISSR to get the right people around the table for constructive discussions about what can be done.
  - 3.8 Dr Loughry raised the capacity building in Indonesia proposal, suggesting a scoping trip to see what local groups are able to do. She referred to a commitment to the Minister to come up with NGO/civil society partners in Malaysia with the capacity to provide asylum seeker services which are not currently available in the sector.
  - 3.9 Dr Loughry noted that, while Jesuit Refugee Services is part of Jesuit Services Asia Pacific and work in the region, involvement of LaTrobe University and oversight by the CISSR was needed. The Chair agreed this was a critical point but was unsure of the funding scope.
  - 3.10 Dr Rifi raised the idea of tapping into the DFAT Malaysia Unit for contacts.
  - 3.11 Dr Loughry noted there is an organic growth in community support for asylum seekers in Malaysia. She added that these groups often had religious or ethnic affiliations with the Burmese, the largest asylum seeker group in Malaysia.
  - 3.12 The Chair suggested a group be formed to progress this work. Dr Southern noted one pressing issue is how the proposal fits in with what the Department is already doing in the region. The Department is ready and willing to start working straight away with a CISSR sub-group on this, with an initial six-week timeframe. Dr Southern put a caveat on this offer, noting the potential to commit longer term was not guaranteed.
  - 3.13 Ms Ann Clark noted previous emphasis on capacity building in local communities, particularly Australians working in those communities to help set up NGOs.
  - 3.14 The Chair said arrangements for interim reception in Malaysia are required until the longer term capacity building takes effect. He added initial reception arrangements should be clearly written into the operational agreement supporting the agreement with Malaysia.
  - 3.15 Ms Coleman advised the meeting that there was a proposal for an amnesty for illegal workers and, if that provided work rights, it may counter some concerns from advocates in Australia. An amnesty may also influence which local groups will be able to assist.

- 3.16 Ms Lloyd said opportunities are needed to talk up the advantages of the Malaysia agreement to counter distortions in public debate. Dr Loughry added that more structured dialogue and greater engagement with the sector is needed, especially with refugee lawyers who can help think through regional cooperation.
- 3.17 Ms Zoë Clarke said a perception shift among the asylum seeker sector is needed because at present only the Government is selling the Malaysia proposal to the public. Moreover, discussion needs to be couched in the terms that if nothing is done, the issue will only get worse. Ms Ann Clark added the Malaysia agreement is part of a whole strategy and a starting point for working across the region. The agreement is not all or nothing.
- 3.18 The Chair understood frustrations over public debate but noted it is difficult to counter and is actually encouraged by the lack of detail released. He warned that when the Government stops trusting people with information, the people stop trusting the Government. He added concerted effort is needed to turn around debate and that, while Council members could help by being conduits for information, ultimately what counts is information in advance and buy-in to that process by the Minister as decision-maker.

ACTION	ISSUE	RESPONSIBILITY
GM10/01	Establishment of a sub-group to explore capacity building options in Indonesia and Malaysia and develop a revised proposal for the Minister.	Dr Wendy Southern and Dr Maryanne Loughry

#### 4 DETENTION HEALTH

- 4.1 Mr Casey outlined the Detention Health Review, noting a final draft report has been given to Secretary Metcalfe and members of the Detention Health Advisory Group (DeHAG). The Department is responding to DeHAG concerns and engaged dialogue is underway. Mr Casey added the review is part of a commitment to ensure the Detention Health Framework is robust enough to cope with detention population changes.
- 4.2 Mr Casey said the client placement model will be implemented for torture and trauma and PSP clients, identifying those with serious mental or physical issues and placing them outside detention centres.
- 4.3 Mr Casey said more professionals are needed to input on how to best identify this client cohort and additionally more beds are needed in CD. The Council disagreed with this assessment saying beds are not the issue. Mr Casey agreed it was more complex, with resource issues leading to situations where clients on



Christmas Island transfer to the mainland with little or no case management records.

- 4.4 Mr Casey also noted the Detention Review Committee meets monthly in each centre and every three months DIAC National Office reviews cases. The Ombudsman also conducts reviews every six months but this is about to be extended to twelve months due to the workload. Mr Casey said the system is complex and slow, meaning it is difficult to inform clients on what can be delivered and associated timelines.
- 4.5 Mr Casey outlined plans to engage case management through local dialogue rather than through hierarchy back to DIAC National Office. He said case managers are trained to deliver messages and more trust should be placed in them deciding the timing and in being the means for delivering key messages.
- 4.6 Mr Casey gave an overview of CD placements, which he noted will become the administrative responsibility of Kate Pope's area as of June 2011. He noted that the torture and trauma cohort has been identified as the next priority but they will not be moved as fast as children given the need for security clearances. Moreover, more security and behavioural issues will need to be worked through.
- 4.7 Dr Loughry voiced concern about it taking longer to process vulnerable clients into CD. Mr Moorhouse responded, noting an expanded CD team will be assigned to get clients out quicker and a process map will be developed to identify blockages.
- 4.8 The Chair warned that the current detention system is facing a perfect storm, with lengthy detention, psychological deterioration, self-harm rates ten times higher than last year and staff unable to cope. He perceives quick CD placement as the way to avert a crisis.
- 4.9 The Chair also raised concern about there being no torture and trauma contract in place in Weipa, which leaves the situation vulnerable as the provider cannot reliably build a workforce to meet demand.
- 4.10 Mr Casey acknowledged issues in that space but noted he sees a willingness and commitment from both Serco and IHMS to proactively generate solutions. Ideas are in train and they are not simply waiting for the Department to give direction.
- 4.11 The Chair raised the issue of self-harm rates again, highlighting that the length of time in detention is the leading cause. Dr Loughry countered that, whilst length of detention is problematic, length of time for decision making and the associated uncertainty, she maintains are the primary driving factors.

- 4.12 The Chair said statistics on self-harm are indicative of a crisis. Professor Proctor agreed there is a crisis given that 10-15 incidents were recently reported at North West Point on one night, which is outside the norm for a cohort of 1000 clients.
- 4.13 Ms Zoë Clarke noted that self-harm rates on Christmas Island have risen since the March protest, indicating that feelings are being internalised. She did not believe overpopulation is impacting on self-harm rates, pointing to Scherger. Mr Moorhouse disagreed, noting that Scherger houses Tamils and Rohingyans who as groups are less inclined to self-harm.
- 4.14 The Chair asked if the Serco report was available on the death at Scherger. Mr Casey said the Department is looking at post-incident analysis and perhaps having a team to formulate a case management response for distressed people. Like “near miss” committees.
- 4.15 The Chair referred to the draft on incident management and raised his concerns, particularly around incident reporting and the classification of clinical depression as a minor incident. Also asked why it takes three guards to escort a pregnant woman to hospital and whether more parameters will be put in place around notification timeframes.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM10/02</b>	<b>The CISSR to be provided with a final draft of the detention health review.</b>	<b>Mr Dermot Casey</b>

## **5 REVIEW PROCESSES**

- 5.1 Mr Lynch gave a presentation on review issues, noting the Government’s move to hasten review processes and scale up to cope with client numbers. After the November 2011 High Court decision, a recruitment drive was undertaken to make seventy extra appointments of senior people on review tribunals. Mr Lynch added more reviewers are needed noting it takes time to scale-up and the training investment is significant.
- 5.2 Mr Lynch stated that there are probity issues connected to using Refugee Status Assessment (RSA) Case Officers in the review sphere, as this may call into question the independence of their decisions.
- 5.3 The Chair asserted there are multiple factors impacting on the accuracy of decisions, such as inexperienced decision-makers and quality of interpreting. He raised the concept of identifying “borderline” negative decisions for re-examination whilst awaiting IMR as a way of taking the stress off the system.

- 5.4 Mr Lynch countered that the potential for damage to the IMR system is high and such a strategy is effectively asking colleagues to review the work of colleagues and say it is wrong. He added that in order to reach lawful, quality decisions a reviewer can only work through a maximum of two cases per day.
- 5.5 The Chair asked whether there is a mechanism available for internal re-examination of negative RSA cases before getting to review. Mr Illingworth said such a system has precedence in other areas. Mr Lynch cautioned this should not be a third layer of review, as it would slow down the Minister's fast-tracking process. Dr Southern said it would be a quality review step in the Department that does not take away from the IMR process.
- 5.6 Mr Lynch agreed that such parameters mean it is possible for the Department to re-examine rejections without compromising the independence of reviewers.
- 5.7 Ms Niblett said the Department is working on quality assurance at the decision making stage, looking in particular at the overturn rates and examining why. Analysis suggests it is not a result of error in primary decisions but rather time lag, credibility issues, more supporting information available on evidence of fear of persecution (i.e. psychologist reports), application of different convention grounds for decisions and use of different thresholds which lead to different outcomes at review.
- 5.8 Ms Niblett added she is keen to keep an eye on this and extract lessons learnt for the primary decision making stage. She noted, however, that evidence indicates it is not an error or inappropriate application of the law but rather the human factor in decision-making.
- 5.9 Mr Lynch referred to country of origin information, noting it is open to differing points of interpretation and views as seen in the UNHCR Notes, US State Department Reports, academic reports etc. All of these sources of information are available to RSA decision makers.
- 5.10 Ms Niblett pointed to example of Faili Kurds, where there are different findings on whether or not they are persecuted and on which convention grounds. Many cases fall down to the credibility of applicant and this is where human perception can influence the decision. As such, Ms Niblett said mentoring, supervision and quality control are built into support for new decision makers.
- 5.11 Air Marshal Funnell said there should be emphasis on achieving sound determinations on the credibility of claims. Ms Niblett agreed, noting a lot of work has gone into guidelines to reach a balanced view of credibility.

- 5.12 Mr Moorhouse added that the purpose of the interview is to resolve any credibility doubts the decision maker may have and thereby allow for natural justice. Mr Moorhouse added that an ambition of reducing average review waiting times from 21 months to 11 months is not enough in the current crisis.
- 5.13 Mr Moorhouse suggested having a senior DIAC officer to look at a case to determine whether it should flow through to review or be changed from a negative to positive before getting to review. He put a caveat on this suggestion by noting that a review would still be lodged but, on the way to review, the Department would have another look at the case. This would ensure the reviewers are not encroached upon or alienated.
- 5.14 The Chair raised the issue of more recent arrivals getting quicker review than those who arrived under the old system. The new processing is moving faster and overtaking the time lag for the old processing, leading to clients seeing other clients up for review who arrived after them. The Chair viewed this as indefensible, noting moral and ethical issues around order of processing – particularly given the mental deterioration linked to lengthy detention. The Chair added that clients have been misled about order of processing.
- 5.15 Mr Lynch explained what happened when the Courts found errors of law, with reconsideration of decisions required in over 130 cases. This is causing delays to reviewing new cases.
- 5.16 The Chair noted Independent Merits Review (IMR) have done a great deal in improving processes and timeframes but that morally it is not possible to wait until the system works. There is burn-out in the network and action is needed. Self-harm is increasing and emotional distress is being caused by length of wait.
- 5.17 Ms Zoë Clarke advised sending a formal letter to the Minister to express concerns and offer solutions. The Chair agreed, noting the urgency.
- 5.18 Mr Moorhouse confirmed the proposal would be an interim evaluation on existing paperwork, not a third, additional step. As such, it would not devalue the review process but rather be like what the Department does when determining whether to pursue a court case or withdraw.
- 5.19 Ms Visser suggested selecting 100 cases as a pilot. Mr Moorhouse agreed, noting some experienced decision makers in Sydney could undertake the pilot.

ACTION	ISSUE	RESPONSIBILITY
GM10/03	The CISSR to draft a letter to the Minister regarding an option for re evaluation of negative RSA cases whilst awaiting review.	Chair and Ms Karen Visser

## 6 RETURNS AND REMOVALS

- 6.1 Dr Southern gave an overview of the growing number of removal cohorts that will be more difficult to manage including those who are rejected, those that can't be returned due to no returns agreement, those who are stateless and those 1A Met but subject to adverse security assessments.
- 6.2 Dr Southern added that voluntary return will continue to be encouraged for those who have exhausted review options. Realistic options, such as temporary visas and CD, also need to be discussed with the Minister for those who can't be removed for whatever reason. A suite of options needs to be developed to enable the most appropriate pathway to be identified for each client scenario. Ms Lloyd and Ms Coleman offered to work with DIAC in developing these options.
- 6.3 The Chair voiced concern whether CD is the right option given its expense in comparison to a bridging visa. The Deputy Chair raised the option of Removal Pending Bridging Visas (RPBVs), which give work rights and access to welfare benefits. The Chair countered that those clients with adverse security outcomes would still be a challenge.
- 6.4 Dr Southern noted the Department is in discussion with the security agency on having degrees of adverse security outcomes rather than a yes/no assessment. Scaling risk would assist in assessing the level of risk in granting a visa or determining a suitable detention placement.
- 6.5 The Chair raised the idea of using the National Security Monitor to undertake risk analysis of negative security assessments. He saw as appropriate the use of an independent person to look at the application of security assessment of people in detention and the risk they pose.
- 6.6 Dr Southern noted the National Security Monitor is a relatively new role set up under legislation to deal primarily with counter-terrorism issues. It was not intended to be used in the way suggested by the Council and she would prefer to speak with Duncan Lewis at Prime Minister and Cabinet (PM&C) about pursuing this avenue before preparing a proposal for the Minister.

- 6.7 Dr Loughry raised the idea of using the APODs to house clients with negative security assessments. Dr Southern cautioned that such low-security arrangements for this group could be politically sensitive.
- 6.8 The Chair raised the example of a client group on Christmas Island (CI) who had adverse security assessments. The group told him they couldn't return given they had effectively been labelled terrorists. The Chair noted that, even though many were assessed as refugees, this group had been in detention for around three years and were dejected given their prospects.
- 6.9 The Council agreed to write a letter to the Minister, highlighting the issues facing clients with negative security assessments and potential options to move them on from detention. Ms Benson added the letter should include a point about the need for natural justice in response to adverse security assessments, as clients can be locked up for lengthy periods without appeal avenues and are often eventually released on mental health grounds.
- 6.10 Dr Southern noted the Department is preparing a brief to the Minister on options for this group of clients. She perceived it would be more fruitful to suggest use of the Monitor to examine risk rather than formal review.
- 6.11 The Chair countered the letter should include the option of a formal review of assessment mechanism. The Council agreed.
- 6.12 The Chair moved on to reintegration packages, noting they are not high enough to act as a real incentive. He argued packages should be pegged to detention costs to create a real incentive for clients who want to return.
- 6.13 Ms Gillam gave an overview of the current reintegration package that totals USD\$4000, consisting of USD\$500 cash and the rest offered to cover return costs and business start-up incentives.
- 6.14 Ms Lloyd suggested a pilot program. Ms Gillam agreed to work with the Council and the International Organisation for Migration (IOM) to look at reintegration options and a possible pilot. She was mindful that clients need to be aware of implications and comfortable with the decision to go home. Dr Southern noted this work aligns with the Council's commitment to give policy options for negative pathway clients.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM10/04</b>	<b>CISSR members to work with DIAC to explore and generate options for clients who have exhausted review options but cannot be returned. CISSR to draft a letter to Minister to canvas support for options.</b>	<b>Chair, Ms Libby Lloyd, Ms Caz Coleman, Mr Robert Illingworth &amp; Ms Lynne Gillam</b>
<b>GM10/05</b>	<b>DIAC to liaise with PM&amp;C (Duncan Lewis) about the viability of using the National Security Monitor to do risk analysis on clients with adverse security assessments.</b>	<b>Dr Wendy Southern</b>
<b>GM10/06</b>	<b>Council to send letter to the Minister highlighting issues facing clients with negative security assessments.</b>	<b>Chair, CISSR Secretariat</b>
<b>GM10/07</b>	<b>CISSR members to meet with DIAC to consider options on incentives in reintegration packages and test recommendations.</b>	<b>Chair, Ms Caz Coleman, Ms Libby Lloyd, Ms Lynne Gillam and IOM</b>

## **7 DETENTION**

- 7.1 Mr Moorhouse gave an overview of structural changes to the detention group and his observations so far in the role of Deputy Secretary. He noted in particular observations from his CI visit around client group profiles, expectations and the lack of consequences for inappropriate behaviour, including violence. He said this last point is beginning to change with the ability to charge clients.
- 7.2 Mr Moorhouse raised stakeholder relations, noting they haven't been good due to limited departmental capacity to resource. He pointed to the Detention Health Advisory Group (DeHAG) as an example of where the Department is working to renew relationships.
- 7.3 Mr Moorhouse raised IMA processing, noting the need for tighter procedures and a less reactive system. The management of particular risks needs to be built up, with additional layers of capability so issues are not lost. He noted his concern at managing a client group when there are not consistent review processes, lengthy processing times and questions over the quality of decisions. These are pressures on the system; however with a declining client population, hopefully past logistical issues can be averted.

- 7.4 Mr Moorhouse outlined his goal to move to a strategic placement model, where clients are placed in centres according to nationality, behavioural risk and stage in processing. This will lower client risks and reduce the potential for riots in centres where the Australian Federal Police (AFP) cannot respond quickly.
- 7.5 Mr Moorhouse also voiced his concern at staff being exposed to the pressures in centres and repeatedly confronting issues such as self-harm.
- 7.6 Mr Moorhouse noted he was looking into Darwin NIDC for IMR reviews in the strategic plan. This would help to avert negative behaviour. He said the focus should be on moving to a two-tier model where the Department has the capacity for both compliance and support options. He anticipates a system where clients will aspire to better accommodation options and non-compliant clients can be actively managed without endangering other clients and staff.
- 7.7 Mr Moorhouse noted the changing composition of clients and the related shift in expectations among these groups. The Department needs to address processing issues and expectations in order to control behavioural issues. Ms Zoë Clarke agreed, noting the focus should be on managing expectations rather than trying to respond to them. She added that conversations are needed with clients that clearly outline what they should expect in Australia when in detention, CD and perhaps settlement.
- 7.8 The Chair raised the issue of character test provisions, which he perceives gives unfair power to Serco officers reporting incidents and places the onus for good behaviour onto the clients rather than seeing it as symptomatic of system pressures and indefinite detention. He added focus should be on positively encouraging good behaviour. Mr Moorhouse assured the Chair that the AFP will be involved where charges are laid so there are checks in place in relation to implementation of the new character test provisions.
- 7.9 Mr Moorhouse clarified that he was not trying to suggest behavioural issues did not in part arise from long periods in detention. He asserted more active engagement was needed with clients and regular dialogue around processes, rights and responsibilities during detention.
- 7.10 The Deputy Chair added that the key is getting population numbers down through quicker processing. The idea of rewarding positive behaviour is good but he maintains it is of limited effectiveness in large centres like Curtin.



## 8 COMMUNITY PROGRAMS & CHILDREN

- 8.1 Ms Pope provided an overview of latest numbers for clients transitioned into CD, noting the Minister's mid-2011 goal had been reached. The Council congratulated the Minister, Ms Pope and her team for their success in establishing CD and meeting this goal.
- 8.2 Ms Pope noted changes are underway to the MITA to make it a more open facility. She was unsure whether Serco will run it but did foresee a change in management style, care/welfare provision and offsite activities.
- 8.3 The Chair cautioned that police may be unhappy if Serco withdraw management of the MITA. Ms Zoë Clarke countered that MITA will be an alternative model and could be used for the 18-26 age group that require support. Ms Pope added this would be another level of centre based detention but under residence determination so clients can live there with less restriction. It is distinct from the 'pure' CD model.
- 8.4 Ms Pope noted that the focus for CD is shifting to other vulnerable clients within the detention network and her team is working on identifying numbers. She noted that the home-stay option is in a finalisation phase and some internal funding had been granted to do an activities pilot for home-stay clients.
- 8.5 The Chair flagged the issue of older men in detention, suggesting they could be accommodated with relatives already settled in Australia under the framework of CD.
- 8.6 The Council agreed to write a letter of thanks the Red Cross for their role as lead agent for CD.
- 8.7 Ms Pope raised the potential to work with Dr Diana Birch around age determination. She noted criticisms of Dr Birch's methodology and statistical modelling during a recent court case and this will require further assessment. Ms Pope flagged IHMS's unwillingness to be a party to the age determination process and asked the Council to generate suggestions for a third party to participate in this work (using non-intrusive age determination methods).

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM10/08</b>	<b>The Council to write a letter of thanks to Mr Robert Tickner (Red Cross).</b>	<b>Chair and CISSR Secretariat</b>
<b>GM10/09</b>	<b>Council Member to provide Ms Pope with suggestions on suitable third parties to contribute opinions to the age determination process.</b>	<b>CISSR Members</b>

## 9 IMA POLICY AND PROCESSING

- 9.1 Ms Niblett provided the Council with the brochure “Ensuring the quality of refugee status decision-making”, noting it had been developed with input from the Onshore Protection Advisory Group.
- 9.2 Ms Niblett noted the majority of cases are processed within 60 days, which is better than the statutory requirement of 90 days. The focus is on streamlining people out of detention yet reviewer shortages are creating delays. That said, she noted the Department is committed to improved case development quality by giving agents more time up front to work on case preparation. Better primary applications means sounder initial decision making will follow.
- 9.3 Ms Niblett raised country guidance notes and flagged that there are varying views on country of origin information. The notes therefore are not restrictive and decision makers are free to do their own research. Ms Niblett also advised the country of origin notes on Iran and Iraq were about to be made publicly available and would ensure they are circulated to CISSR members.
- 9.4 Air Marshal Funnell (Retd) asked about claims by clients of bias among decision makers and reviewers. Ms Niblett said supervisors track decisions as part of their role and ensure training, mentoring, sound analysis and UNHCR input are part of the process. She added decision and review patterns are being examined but are revealing the opposite biases to the one perceived by clients.

ACTION	ISSUE	RESPONSIBILITY
GM10/10	CISSR to receive country guidance notes for Iran and Iraq on publication.	Ms Julia Niblett

## 10 RETURNS AND REMOVALS

- 10.1 Ms Gillam gave an overview of the current removal case load– 22 voluntary removals and 1 involuntary removal are scheduled. The Department is focused on 68 clients for future removal. The biggest obstacle is obtaining of travel documents and permission for travel through transit countries.
- 10.2 Ms Gillam confirmed there were no minors among this group. She noted that the United Kingdom (UK) has a stay on returning minors to Afghanistan however has returned 9800 Afghans, with 1040 of these being involuntary removals.
- 10.3 Ms Gillam added that a further 128 clients are seeking judicial review who would otherwise be in the removal space. Half are self-represented, around 15% receive legal aid and the rest are represented by lawyers, presumably on a pro bono or community sponsored basis. Ms Benson said it doesn't seem fair these

clients can't access legal aid, particularly if granting of legal aid is a state-based decision as this means access is based on location not need.

- 10.4 Dr Loughry asked what pre-removal counselling is provided. Ms Gillam said it depends on the willingness of clients to have a conversation. The aim of the Department remains getting people to go home as voluntarily as possible and with returns support. Ms Gillam provided copies of removal fact sheets and sought CISSR comments on the draft out of session.
- 10.5 Ms Ann Clark added the difference between voluntary and involuntary removal is enormous. She sees that going back with acceptance, a sense of dignity and a reintegration package puts them in a positive mindset.
- 10.6 The Chair raised once more the need for discussion on reintegration packages. Ms Gillam confirmed her willingness to consider a pilot aimed at testing different incentives to encourage the update of sustainable returns.

ACTION	ISSUE	RESPONSIBILITY
GM10/11	Council to provide feedback on removals fact sheet prior to translation into community languages.	The Council and Secretariat

## 11 MEANINGFUL ACTIVITIES

- 11.1 Ms Melanie Fotiades and Ms Beverley Thompson from Serco were introduced to meeting participants. Ms Thompson asserted Serco's focus on rewarding positive behaviour and challenging negative behaviour as well as offering volunteering and new activities.
- 11.2 Ms Fotiades gave an overview of Serco's activities project, noting that sensitivity is required about what the client brings to the centre and their wants/needs. Ms Fotiades referred to the Hiser Model (outline provided in the briefing packs), pointing to the need to effectively capture client experiences and needs in order to identify improvements and client well-being in detention.
- 11.3 Ms Fotiades said four pilots will be run off the Hiser model – single male, single female, minors and families. There will be around 30 clients per pilot. A health and wellbeing team, including Immigration Health and Medical Services (IHMS), Red Cross, client representatives, DIAC, Serco staff etc., will form a steering committee to channel feedback and advice into model development.

- 11.4 Dr Loughry said that meaningful activities in centres should be primarily focused on single adult males, as they constitute the main population. Mr Clement noted options should be kept open for those in CD.
- 11.5 The Chair asked when the concept will move into actual activities given that Serco is contractually obliged to provide these activities now and isn't delivering. He asserted the project is a good exercise but was concerned it would only further delay implementation of activities.
- 11.6 Ms Thompson responded that Serco recognises the need to recast its view on what activities to provide in centres and is trying to engage with clients to work out what would motivate them. She added she saw volunteering as a way of giving a sense of meaning and self-determination.
- 11.7 The Deputy Chair observed that there is a difference between planning for activities and the reality of implementation in centres. He also praised the Aqualand project and volunteer work with local aboriginal communities in Curtin but saw this was only one centre and limited clients were involved.
- 11.8 Ms Lloyd added that Serco staff need to be available to facilitate activities. She gave an example of cricket in Curtin, where only 16 clients from 1400 can go out to a game given escort ratios. Dr Proctor added that Serco simply needed to start providing activities as it was part of their job to do so.
- 11.9 Ms Benson suggested clients with high skill levels could be enabled to teach other clients, which would give a sense of satisfaction through giving to others.
- 11.10 Professor Proctor offered to provide Serco with guidance on the use of Participatory Activity Research (PAR), which could provide a base for Serco's model and aligning activities funding. He also cautioned against building up client hopes and disappointing them with inadequate delivery.
- 11.11 The Chair questioned why there are no penalties on Serco given they have had three years to deliver these activities. As good as the proposed model may be he stressed that something needs to be done now.
- 11.12 Mr Moorhouse noted contract abatements have not had the impacts needed but should also be balanced against the necessary speed of upscale in the system. There are practical challenges and he affirmed the Department is working with Serco to resolve them.
- 11.13 Mr Illingworth suggested enabling clients to save up points that can be converted to cash upon settlement or return. This would give clients a sense of purpose and incentive in participating.

11.14 Ms Thompson asked the Council to share what clients raise to them as the perennial issues around activities. Mr Clement replied that meaningful use of time and sense of belonging are critical to mental well-being. Literacy also reduced anti-social behaviour because people have the means to engage. Dr Rifi added English lessons are critical to empowerment and should be tailored to age, ethnic and religious background. The Deputy Chair added off-site excursions have a significant positive effect on well-being.

## **12 SERVICE DELIVERY REFORM**

12.1 The Chair opened this session by noting that service delivery reform had lost momentum in the detention space and is an area CISSR had identified for greater focus.

12.2 Mr Lander noted the Department is looking at how to develop an integrated service delivery model and welcomes the Council's participation in that. He flagged that the tender process is underway and June 2013 will be the next tender cycle.

12.3 The Chair warned the opportunity to look properly at a integrated service model could be missed. He viewed the Community Assistance Scheme (CAS) and Asylum Seeker Assistance Scheme (ASA) as closely related to CD in terms of cohorts and saw value in using a Vulnerability Indicator and Assessment Tool (VIAT) to assess client needs and construct a set of services to meet those needs. The Chair sees CAS as a primary model for operationalising the integrated model.

12.4 The Chair added a tender model is needed that provides for flexibility, with IHMS like packaging of services or similar. He noted the demand on service delivery, pointing to the Bridging Visa E (BVE) cohort, which can number 6-8,000 at any one time.

12.5 Mr Illingworth noted this policy area is a challenge and indicated the Department is working to develop some clear ideas on how to move quickly. He added the audit process is looking at how well the Department administers these programs in the lead-up to re-tendering. The Chair strongly encouraged that tenders should allow for reshaping and be defined as such in the tender specifications.

12.6 The Chair offered the Council to assist in mapping but queried if the tender process was too far advanced to usefully provide input.

ACTION	ISSUE	RESPONSIBILITY
GM10/12	Sub-group to meet with Detention and Services policy group and Ms Jo Boardman (IAAAS). Probity issues will also need to be clarified.	CISSR Secretariat

### 13 STAKEHOLDER ENGAGEMENT

- 13.1 The Chair praised the stakeholder engagement document distributed in the briefing pack but noted that it is unfortunate that it hasn't been implemented. He views the stakeholder relationship as currently non-existent and, as a result, stakeholders feel disenfranchised and critical towards the Department. He said it is difficult to convince people of new ideas like the Malaysia agreement with so little detail available. He added that in discussions with Ms Pope they conceived of a series of information sessions.
- 13.2 Dr Loughry added that definition of "the sector" needs expansion to include key business people with an interest in the sector. She noted there are people who know a lot about Malaysia but not currently engaged in the development of the agreement.
- 13.3 Dr Rifi observed the Department is not engaging with anyone at the moment. He pointed to the Villawood Community Consultation Group, which had identified the Easter holiday as being problematic and wanted to pre-empt this with interventions however the recent riots overtook matters. Dr Rifi maintains the activists have a distorted view of the Department and the processes at Villawood and this is an example of what needs to be addressed. He sees great potential in the Stakeholder Engagement Framework but it needs to be implemented.
- 13.4 Mr Moorhouse noted that ideas for high-level stakeholder engagement should be forwarded. The Chair agreed, noting most people in the sector would value more engagement. He referred to a recent meeting with the Minister, where sector attendees were grateful to be included in discussion and planning.
- 13.5 Ms Benson suggested mini-conferences at a local level to deliver information on some of the issues and basics. She suggested inviting DeHAG, RRAC, CISSR and the legal fraternity with the CD group separate. The Chair agreed, noting people will come willingly to such an event.
- 13.6 Professor Procter said the types of questions asked by stakeholders at an open discussion at a recent Adelaide Community Consultative Group were telling of the need to engage more.

13.7 The Chair noted ad hoc opportunities to engage should also be seized in addition to any formalised engagement. He saw the CISSR proposal on community leadership and engagement as needing a project status and structure to advance.

<b>ACTION</b>	<b>ISSUE</b>	<b>RESPONSIBILITY</b>
<b>GM10/13</b>	<b>CISSR working group on Community Leadership &amp; Engagement to meet with DIAC representatives to advance the project's implementation phase.</b>	<b>CISSR Secretariat, CISSR Members and Ms Mirta Gonzalez</b>
<b>GM10/14</b>	<b>CISSR Representatives to pursue discussions with Ms Pope on developing a series of stakeholder meetings</b>	<b>Chair and Ms Pope</b>

## **14 MEETING CLOSE**

The Chair thanked participants for their contributions and closed the meeting at 4.00pm.

## SUMMARY OF ACTION ITEMS

ACTION	ISSUE	RESPONSIBILITY
GM10/01	Establishment of a sub-group to explore capacity building options in Indonesia and Malaysia and develop a revised proposal for the Minister.	Dr Wendy Southern and Dr Maryanne Loughry
GM10/02	The CISSR to be provided with a final draft of the detention health review.	Mr Dermot Casey
GM10/03	The CISSR to draft a letter to the Minister regarding an option for re evaluation of negative RSA cases whilst awaiting review.	Chair and Ms Karen Visser
GM10/04	CISSR members to work with DIAC to explore and generate options for clients who have exhausted review options but cannot be returned. CISSR to draft a letter to Minister to canvas support for options.	Chair, Ms Libby Lloyd, Mr Robert Illingworth & Ms Lynne Gillam
GM10/05	DIAC to liaise with PM&C (Duncan Lewis) about the viability of using the National Security Monitor to do risk analysis on clients with adverse security assessments.	Dr Wendy Southern
GM10/06	Council to send letter to the Minister highlighting issues facing clients with negative security assessments.	Chair, CISSR Secretariat
GM10/07	CISSR members to meet with DIAC to consider options on incentives in reintegration packages and test recommendations.	Chair, Ms Caz Coleman, Ms Libby Lloyd, Ms Lynne Gillam and IOM
GM10/08	The Council to write a letter of thanks to Mr Robert Tickner (Red Cross).	Chair and CISSR Secretariat
GM10/09	Council Member to provide Ms Pope with suggestions on suitable third parties to contribute opinions to the age determination process.	CISSR Members
GM10/10	CISSR to receive country guidance notes for Iran and Iraq on publication.	Ms Julia Niblett
GM10/11	Council to provide feedback on removals fact sheet prior to translation into community languages.	The Council and Secretariat
GM10/12	Sub-group to meet with Detention and	CISSR



	<b>Services policy group and Ms Jo Boardman (IAAAS). Probity issues will also need to be clarified.</b>	<b>Secretariat</b>
<b>GM10/13</b>	<b>CISSR working group on Community Leadership &amp; Engagement to meet with DIAC representatives to advance the project's implementation phase.</b>	<b>CISSR Secretariat, CISSR Members and Ms Mirta Gonzalez</b>
<b>GM10/14</b>	<b>CISSR Representatives to pursue discussions with Ms Pope on developing a series of stakeholder meetings</b>	<b>Chair and Ms Pope</b>