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## Issues and Conclusions

- 3.1 In considering the proposed works at MIDC, the Committee was mindful of the degree of controversy currently surrounding immigration policy issues in Australia. For this reason, the Committee took pains to confine its investigations to those areas of inquiry defined in the Act; broadly, the purpose, need, scope and value-for-money of the proposed work.
- 3.2 The Committee acknowledged the considerable challenge faced by DIMIA in respect of providing additional places at the MIDC within the constraints of the existing site, and was appreciative of the Department's efforts to make the best possible use of the limited space available.

## Purpose

### Humane and Non-punitive Detention

- 3.3 DIMIA's main submission to the inquiry defined the primary objective of the proposed works at MIDC to be the provision of detention infrastructure that is humane, non-punitive and sensitive to the needs of people held under administrative detention.<sup>1</sup> Upon inspecting the MIDC, Committee members observed that areas of the existing facility were cramped and in poor repair. The Committee therefore questioned how

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<sup>1</sup> Appendix C, Submission No. 1, page 4 – Project Objectives

DIMIA's objective could be achieved by increasing the number of persons detained at the site.<sup>2</sup> One member articulated this doubt as follows:

You say in your submission that the purpose is to create a more humane, non-punitive, sensitive environment. I have to say, certainly as one committee member, I have yet to be convinced that it is possible.... I read about the 50 extra places and then I went around today and realised that you have still got exactly the same amount of space and you are trying to increase the population by that much. I do not know how that can be fulfilled.

- 3.4 DIMIA sought to assure the Committee that conditions conducive to humane and non-punitive detention could be achieved at the MIDC site despite the planned increase in occupancy. The Department explained that there are areas of the existing site that are underutilised or inefficient and that the proposed plan would effectively increase space and amenity for detainees through optimal configuration of the available area. Elaborating on this point at the subsequent hearing, DIMIA reported advice from its project architects to the effect that:

...the available space within the existing facility is likely to be increased by using spaces that are not used at all or that are underutilised space. The increase in space available could be up to 50 per cent on top of the existing used space.<sup>3</sup>

- 3.5 The Committee reminded DIMIA that sufficient space was not the only measure of acceptable accommodation. Concerns were also raised that the detailed project cost estimates did not include any dedicated sums for refurbishment of the existing accommodation.<sup>4</sup> At the conclusion of their investigations, the majority of Committee members remained unconvinced that the objective of "humane and non-punitive detention" could be met at the current MIDC site with the addition of another 50 residents.<sup>5</sup>

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<sup>2</sup> Appendix D, Official Transcript of Evidence 23 February 2005, pages 11 - 12

<sup>3</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 2

<sup>4</sup> *ibid*, page 17

<sup>5</sup> See for example Appendix D, Official Transcript of Evidence 23 February 2005, pages 12, 19, 54, 56, 60 and Appendix E, Official Transcript of Evidence 7 March 2005, pages 5, 7, 15, 16, 31

## Separation of Categories of Detainees

3.6 In its current form, the MIDC allows only for the physical separation of single adult male detainees from females and families. It is DIMIA's intention that the proposed works should enable greater separation and thereby improve the safety and security of occupants. DIMIA stated that the purpose of the proposal was not to lock away particular groups of people, but to give MIDC managers the flexibility to separate groups if management issues should arise. DIMIA elaborated that better separation could address problems associated with the detention of former criminals and illicit drug users, or

... female detainees who may have a background of prostitution or something of that nature mixing in an environment with families including impressionable children of various ages and both sexes.<sup>6</sup>

3.7 Plans provided by DIMIA showed that, in order to achieve a more appropriate level of separation, the extension would include three new accommodation zones and a single linking corridor.<sup>7</sup> The Committee was supportive of the Department's intentions in respect of improved separation, but had some questions regarding the proposed configuration of the new zones.

## Need

### Requirement for 50 Additional Places

3.8 DIMIA's evidence to the Committee emphasised the requirement to increase the number of places at the MIDC by 50. The facility currently has a planned occupancy of 76, with the ability to accommodate 80 persons in 'surge' periods. DIMIA informed the Committee that the centre has been operating at or above capacity for some time and, at the Committee's request, produced statistics showing that occupancy had in fact exceeded the 'surge' maximum of 80 persons on 27 days between January 2004 and January 2005. At the public hearing of 23 February DIMIA explained that

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<sup>6</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 13

<sup>7</sup> Appendix C, Submission No. 1, Annexure 4 - Concept Plan

The strategy of increasing the capacity, which is part of this proposal, is not the only strategy the department has adopted to try to deal with this matter. We have also sought to use transfers to other facilities, particularly the Baxter immigration detention facility, for those who have been in our care for a longer period due to appeal processes or other reasons. But there are personal circumstances for detainees which limit our capacity to move all detainees who are with us for a longer period to that facility, including medical concerns in some cases.<sup>8</sup>

- 3.9 During the course of its inquiries, the Committee sought to establish definitively the requirement for 50 additional places at the MIDC. Specifically, members were interested to know how the figure of 50 places had been established. DIMIA responded that:

The increase of 50 is simply based on architectural advice as to what we could do with the site and what the maximum capacity for the site could increase to in the current location of the buildings.<sup>9</sup>

- 3.10 Whilst not disputing that the accommodation of an additional 50 persons at the MIDC would be an architectural possibility, the Committee did not believe that a population increase of this magnitude would enhance amenity to residents or satisfy the Department's requirement to provide "humane and non-punitive detention".

## Detainee Numbers

- 3.11 Having been presented with evidence that the numbers of both illegal boat arrivals and visa over-stayers are declining, the Committee sought to ascertain that there was a genuine requirement for 50 additional places at MIDC. DIMIA replied that, while the percentage of visa over-stayers was declining over time, there was a forecast growth of some five per cent per annum in overseas visitors, which would create a larger pool of potential over-stayers.<sup>10</sup>
- 3.12 The Committee appreciated the difficulties involved in making accurate projections of future detainee numbers, but was not convinced that the evidence supplied justified the immediate requirement for 50 additional
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<sup>8</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 3

<sup>9</sup> *ibid*, page 19

<sup>10</sup> *ibid*, pages 18 - 19

places at MIDC. The Committee based its conclusion on the present decline in detainee numbers, the planned construction of a new IDC at Broadmeadows in the next five years and the current vacancy rate at detention facilities Australia-wide (see paragraph 3.20).

## Detainees with Community Ties

- 3.13 DIMIA's main submission to the Committee reported that a significant number of detainees at MIDC have family and other ties within the local community. At the hearings, DIMIA included this among its reasons for wishing to increase the capacity of the MIDC, rather than sending detainees to facilities interstate.<sup>11</sup>
- 3.14 The Committee was sympathetic to the competing needs placed upon the department and requested statistical evidence on the percentage of detainees at Maribyrnong with significant ties to the local community. DIMIA was unable to supply numerical data, but reported anecdotal evidence from Victorian staff to the effect that the majority of the detainees at MIDC have ties to the local community.
- 3.15 This reported anecdotal evidence was to some extent contradicted by a statement made at the public hearing of 7 March by DIMIA's Victorian State Director. In describing the detainees picked up during compliance raids in Victoria, the State Director asserted that:
- ...in probably 90 or more per cent of cases they do not have any links into Melbourne...<sup>12</sup>
- 3.16 Having considered all relevant evidence on this matter, the Committee did not believe that DIMIA had adequately substantiated its case for an increase in occupancy at MIDC based on the high number of detainees with links to the local community.

## Medical Transfers

- 3.17 DIMIA cited the transfer of detainees to MIDC for medical purposes as a further reason for the required increase in places. Having seen the very limited medical facilities at the centre, the Committee sought to confirm that medical transfers were executed in order to allow detainees access to

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<sup>11</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 57

<sup>12</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 21

specialist services in Melbourne, rather than to receive treatment at the centre itself.<sup>13</sup>

3.18 At the hearing of 23 February, the Committee requested that DIMIA provide it with numerical data on detainees held at MIDC for medical treatment. DIMIA reported that medical cases were often sent to MIDC from the Department's off-shore detention facility on Nauru and from other non-metropolitan centres within Australia, but added that there were currently no detainees residing at the centre specifically for medical reasons.<sup>14</sup>

3.19 Again, the Committee was of the view that there was insufficient evidence to support the Department's case that significant additional accommodation was required at MIDC to cater for detainees with specialist medical requirements.

## Other Detention Facilities

3.20 In view of DIMIA's intention to increase occupancy at MIDC, the Committee sought to gain broader understanding of the availability of detention accommodation throughout Australia and its territories.<sup>15</sup> DIMIA informed the Committee that there are 2,355 beds available at detention centres across Australia, 922 of which were in use at 2 March 2005. The Department added that, in emergency situations, a further 1,800 beds could be accessed at contingency centres at Port Hedland, Woomera and Darwin.

3.21 The Committee queried why some longer-term detainees could not be transferred interstate to alleviate the pressure on MIDC. DIMIA explained that not all its detention facilities served that same purpose. For example, while DIMIA intends to open the Coonawarra facility in Darwin, the primary purpose of the centre will be the short-term accommodation of illegal foreign fishers. Similarly, the new, permanent 800-bed IRPC on Christmas Island is intended to accommodate off-shore boat arrivals.<sup>16</sup>

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<sup>13</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 15

<sup>14</sup> *ibid*, page 15

<sup>15</sup> *ibid*, page 19

<sup>16</sup> Appendix E, Official Transcript of Evidence 7 March 2005, pages 23 - 24

- 3.22 Considering that some two-thirds of available beds in detention facilities across Australia are unoccupied, the Committee was unable to accept the pressing requirement for 50 additional places at MIDC.

### Proposed Broadmeadows Facility

- 3.23 The Committee investigated whether the MIDC proposal constituted reasonable expenditure, given the planned establishment of a new and larger IDC at Broadmeadows, Victoria in 2010 – 11.<sup>17</sup> DIMIA informed the Committee that a site had been selected at Broadmeadows, but:

...it will be some time – five years or perhaps more – before we have a new facility available. Therefore, the government has agreed that some interim adjustments or redevelopment of the Maribyrnong site would facilitate better service delivery there, which would improve the welfare of the detainees in the environment in which we hold detainees.<sup>18</sup>

- 3.24 Given the delay in the provision of a new Victorian IDC, the Committee accepted the requirement for some interim works at Maribyrnong, but remained doubtful that a 65 per cent increase in occupancy was either warranted or appropriate.

### Refurbishment of Existing Facilities

- 3.25 Following their inspection of the existing facilities at MIDC, members were in no doubt as to the pressing need for refurbishment, particularly in respect of the existing ablutions and family accommodation area. Members were, therefore, anxious to ensure that the proposed works would effect an overall improvement in conditions for detainees, as outlined in the Department's main submission.
- 3.26 Several witnesses appearing before the Committee expressed the view that while they would support any improvement to the conditions under which detainees are held at the MIDC, they did not believe that the current proposal would achieve this, based on the scope of works described in the department's submission.<sup>19</sup> A witness for the Asylum Seeker Resource Centre queried how a greater level of amenity could be achieved

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<sup>17</sup> Appendix C, Submission No. 1, page 3 - Background

<sup>18</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 2

<sup>19</sup> *ibid*, pages 31, 37, 41- 42, 47

...when a development adding an extra 50 people to the centre is only going to further exacerbate the profound problems that exist right now in terms of infrastructure, policies and facilities.<sup>20</sup>

3.27 This position was echoed by Committee members, one of whom identified the issue of amenity as:

... one of the stand-out criticisms of the proposal – that you are not looking to improve amenities for existing detainees but you are going to compound the problem of congestion by this potential growth in the number of detainees.<sup>21</sup>

3.28 Members were disappointed to note that the detailed project cost estimate did not include specific amounts for extensive refurbishment of the existing accommodation. DIMIA explained that it had an ongoing maintenance and refurbishment program and would be looking to address issues such as repainting as part of that program.<sup>22</sup>

3.29 At the conclusion of the second hearing the Chair observed that the proposed expenditure of \$7.5 million was a significant amount of money – estimated by one witness to equate to \$150,000 per bed – and yet, in terms of improvements to the existing facilities, the proposal did not appear to be accomplishing the objective of improving the overall amenity of the facility and providing “humane and non-punitive detention infrastructure”. DIMIA responded that the proposed works would significantly improve amenity, particularly in terms of increasing natural light and improving access to indoor and outdoor recreation areas.<sup>23</sup>

3.30 At the conclusion of its deliberations, the Committee was unanimous that the proposed works would not sufficiently address the shortcomings of existing MIDC facilities, particularly in view of the proposed 65 per cent increase in occupancy.

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<sup>20</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 41

<sup>21</sup> *ibid*, page 56

<sup>22</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 17

<sup>23</sup> *ibid*, page 30

## Recommendation 1

**The Committee recommends that, in order to maintain a reasonable level of amenity, the current maximum occupancy of the Maribyrnong Immigration Detention Centre be increased by no more than 20 places, with a total maximum occupancy in surge periods of not more than 100 detainees.**

## Scope

### Project Delivery Schedule

- 3.31 Having read the project delivery outline provided in DIMIA's main submission, members sought to understand why the proposed new administration building would be the first project element to be delivered, rather than works

...which would go to the heart of comfort and better living conditions for detainees.<sup>24</sup>

- 3.32 DIMIA stated that staff at the MIDC had raised issues which could be best resolved by separating the administrative area. Significantly, the relocation of the administrative area would free up space required to facilitate the staging of the remainder of the accommodation works.

### Security Measures

- 3.33 According to DIMIA's main submission, the construction of a new reception building at the MIDC front gate, estimated to cost \$675,000, is being undertaken as a separate minor project, concurrent with the completion of the main works project. The Committee observed that this new visitor reception facility would include a significant investment in security, and that the extension works referred to the Committee also included a sizeable security element. In view of this, members requested that DIMIA elaborate on the scope of the security works in the extension proposal.
- 3.34 DIMIA explained that security provisions at the visitor reception centre comprised x-ray screening equipment and a connection to the central

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<sup>24</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 8

security control room. Security provisions in the expanded MIDC would include the extension of the existing security camera network into the new areas of the centre, and the installation of additional cameras in the new courtyards and other areas where blind spots might be created. DIMIA added that the security design brief for the new works was to maintain the existing level of security or to improve it where possible. Improvements are anticipated to arise due to the more functional layout of the centre, but

...the investment in equipment is really just building onto the existing system”<sup>25</sup>

## Portable Buildings

3.35 DIMIA proposed that:

...due to the urgency of the need for additional accommodation and to minimise disruption to MIDC operations...the project will maximise the use of transportable modular elements.<sup>26</sup>

3.36 Submissions from the Asylum Seeker Resource Centre and the Western Region Ethnic Communities Council expressed doubt that such demountable units would provide an adequate standard of accommodation<sup>27</sup> At the public hearing of 23 February the Committee investigated the suitability of such accommodation and whether it would provide an appropriate level of amenity to detainees.

3.37 DIMIA explained that the proposed transportable units would be largely manufactured off-site and that they would be designed on a normal domestic scale, and to maximise the penetration of natural light.<sup>28</sup>

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<sup>25</sup> Appendix D, Official Transcript of Evidence 23 February 2005, pages 14 - 15

<sup>26</sup> Appendix C, Submission No. 1, page 7 – Scope of Works

<sup>27</sup> *Volume of Submissions*, Submission No. 3, Western Region Ethnic Communities Council, page 1 and Submission No. 4, Asylum Seeker Resource Centre, page 5

<sup>28</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 20

## Recommendation 2

**The Committee recommends that the portable accommodation units used in the proposed works be of an acceptable standard to ensure a reasonable level of comfort and amenity for detainees.**

### Building Codes and Standards

- 3.38 In view of DIMIA's proposal to accommodate an additional 50 people at the MIDC site, the Committee was concerned that all relevant building codes and standards would be observed to ensure a reasonable level of comfort for those detained at the centre. In particular, the Committee sought detailed information relating to building codes and best-practice standards for comparable facilities world-wide.<sup>29</sup>
- 3.39 DIMIA informed the Committee that while there was no established building code for detention centres, the works would comply with the Building Code of Australia (BCA) and "relevant Australian standards". It was DIMIA's view that the most appropriate analogous facilities would be remand centres and police cells, which provide for the detainment of individuals who have not been convicted of any crime. For this reason, the codes and references used in the design and construction of the proposed MIDC were those used for correctional facilities.
- 3.40 The Committee was informed that the design philosophies and principles underpinning the proposed works had been based on inspections of detention and correctional facilities throughout Australia and New Zealand, and upon a range of standards including:
- Australasian Correctional Framework;
  - NSW Department of Health Guidelines;
  - Design Guidelines: Juvenile Justice Facilities in Australia and New Zealand;
  - United Nations, Rules for the Protection of Juveniles Deprived of their Liberty;
  - United Nations, Standard Minimum Rules for the Administration of Juvenile Justice;
  - United Nations, The Convention on the Rights of the Child;

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<sup>29</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 55

- Royal Commission into Aboriginal Deaths in Custody;
  - American Correctional Association, Standards for Juvenile Detention Facilities; and
  - Peramul Pedovoli Architects submission on behalf of the NSW Department of Commerce to the administrative board of the BCA.
- 3.41 Other codes utilised by the project manager in the design and construction of the proposal included:
- Victorian *Occupational Health and Safety Act 2004*;
  - Worksafe Victoria, Codes of Practice for Occupational Health and Safety Management in the Building and Construction Industry;
  - National Code and Guidelines for the Building and Construction Industry;
  - relevant Australian standards relating to structures and loadings, disabled access, fire services, installation of gas and hydraulic systems; design standards for mechanical building services; technical specifications and electrical standards;
  - Victorian Building Permit Application Approval and associated local, State and Building Code requirements; and
  - Victorian Building Regulation 1994.
- 3.42 The Committee was disturbed to learn that there is no single national or international standard for immigration detention facilities and was concerned that this deficiency should be addressed.

### **Recommendation 3**

**In respect of building codes and standards, the Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs consult with appropriate government and professional bodies to establish a national benchmark for the construction and fit-out of Immigration Detention Centres and Immigration Reception and Processing Centres.**

### **Space per Capita**

- 3.43 Whilst acknowledging that the proposed works seek to provide greater amenity and better use of space at the MIDC, Committee members noted

that the intended 65 per cent increase in the number of detainees would not be matched by a corresponding increase in available space, resulting in an overall reduction per capita.

3.44 This view was echoed by several witnesses to the inquiry. A representative of the Ecumenical Migration Centre observed that:

By doubling the size of the facility, you are not actually doubling the land mass in any way. I was listening to the evidence about the medical spaces: "Well, it is going to be double the size", but you have potentially got double the population, so I am not convinced of that.<sup>30</sup>

3.45 DIMIA sought to assure the Committee that the available space would increase by an "appropriate amount" and subsequently provided detailed measurements.<sup>31</sup>

3.46 The Committee studied the figures supplied by DIMIA and was appreciative of the Department's efforts to maximise use and amenity within the constraints of a very difficult site. However, the prevailing view of the Committee was summarised by one member as follows:

... I just cannot get myself beyond the fact that this is a gross overdevelopment of the site in terms of cramming people in there - 130 is too much, in my book. I have not heard anything that satisfies me that the amenity for these people, which is supposed to be part of the purpose, has been enhanced.<sup>32</sup>

## Room Occupancy

3.47 As the plans included in the department's main evidence did not include a scale, the Committee requested measurements for the proposed accommodation units. Having reviewed these plans, the Committee was concerned to learn that rooms measuring 15 square metres - or approximately 11 square metres in the existing accommodation zones - were to be occupied by four people. The Committee did not dispute the appropriateness of quadruple occupancy in a family situation, but had reservations about the accommodation of four adult strangers in one small room.

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<sup>30</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 37

<sup>31</sup> *ibid*, page 12

<sup>32</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 31

3.48 In order to satisfy itself regarding this point, the Committee requested supplementary evidence from DIMIA regarding standard room sizes and occupancy levels in remand centres across Australia and New Zealand. The Committee's unease was exacerbated when it learned that four-person rooms lie outside the normal standard for correctional facilities, upon which the detention centre design is nominally based, but are more common in short-term tourist and resort-style accommodation. Committee members asserted that tourist accommodation was an inappropriate analogy, and did not support DIMIA's case for quadruple-occupancy. As one member explained:

A backpacker hostel is a place where people might like to stay for one or two nights by choice, but I cannot see it as an acceptable standard for the longer term accommodation of anybody – even hardened criminals.<sup>33</sup>

3.49 In response to further questions on this matter, DIMIA pointed out that detainees at MIDC are not subject to the same restrictions on their freedom as the inmates of most correctional establishments; for example, they are not subject to lock-down arrangements.<sup>34</sup> Whilst acknowledging that detainees at MIDC were not locked in their rooms at night, the Committee observed that detainees were not able to access either the largest outdoor recreation area at the centre, or off-site recreation facilities, at will.

3.50 DIMIA stated that it had sought the advice of leading architects regarding appropriate standards in Australia and New Zealand, and had been advised that accommodating four persons in a room (some of which measure approximately 11 square metres) was "quite reasonable".<sup>35</sup> DIMIA added that other immigration detention facilities had dormitory-style accommodation housing up to 40 persons, and that Stage 1 of Villawood Detention Centre in NSW had dormitory accommodation with four beds per cubicle.<sup>36</sup> Supplementary evidence supplied by DIMIA indicated that the standard room size in remand centres throughout Australia and New Zealand ranges from single occupancy cells measuring 7.5 square metres, to double occupancy rooms measuring 12.9 square metres. It was DIMIA's contention that the new 15 square metre quad-

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<sup>33</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 14

<sup>34</sup> *ibid*, pages 9 - 10

<sup>35</sup> *ibid*, page 15

<sup>36</sup> *ibid*, page 26

occupancy rooms, with three square metre ensuite, proposed for MIDC represent a superior standard of accommodation.

- 3.51 Room size nevertheless remained an issue of concern to the Committee, given that both indoor and outdoor recreation space at the MIDC is limited, and that access is subject to further restrictions due to the requirement to maintain separation between different categories of detainees. Further, while the Committee acknowledged that the accommodation of four persons in a small room may be justified for short periods, there were times when detainees – including families – were held at the centre for a considerable length of time. The combination of confined living quarters, lack of privacy, limited indoor and outdoor recreation facilities and restricted access to the centre’s largest outdoor recreation area prompted grave concerns among members at the proposed increase in detainee numbers at the MIDC.
- 3.52 Members concluded that, whilst quadruple occupancy of the larger ensuite rooms proposed for construction under the extension project was not ideal, it would be acceptable. However, the Committee found that quadruple occupancy of the existing non-ensuite rooms did not represent an appropriate level of amenity for detainees.

#### **Recommendation 4**

**In order to fulfil the Department of Immigration and Multicultural and Indigenous Affairs’ objective of providing “humane and non-punitive detention infrastructure”, the Committee recommends that the Department reduce the number of detainees accommodated in the existing double-bunk rooms at the Maribyrnong Immigration Detention Centre to two persons per room. Moreover, the Committee recommends that, wherever possible, occupancy of new ensuite rooms should be kept below the maximum of four, especially in cases where the detention period is prolonged.**

#### **Privacy**

- 3.53 The Department’s main submission listed improved privacy for residents among its anticipated project outcomes.<sup>37</sup> The Committee was anxious to ensure that DIMIA’s objective of providing “humane and non-punitive detention which provides a clear regard for the personal needs and

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<sup>37</sup> Appendix C, Submission No. 1, page 6 – Scope of Works

dignity of detainees” would be achieved. During their visit to the centre, members had been concerned to see that the existing bedrooms do not have doors. Further, the Committee was told that attempts by detainees to screen the doors with blankets were dismantled by the guards. A witness for the Ecumenical Migration Centre reported anecdotal evidence from detainees to the effect that, unlike other detention facilities, at MIDC

...you cannot even find a place to weep on your own. There is no private space.<sup>38</sup>

3.54 At the hearing of 7 March, members queried DIMIA as to its plans to enhance privacy throughout the centre. DIMIA explained that, while there was no immediate plan to put doors on the bedrooms

...there is discussion with the service provider to provide a curtaining system.<sup>39</sup>

3.55 The Committee was encouraged by this statement and concluded that privacy measures should be installed in both the existing and proposed accommodation areas at MIDC.

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## **Recommendation 5**

**In order to fulfil the Department of Immigration and Multicultural and Indigenous Affairs’ objective of providing “humane and non-punitive detention infrastructure which provides a clear regard for the personal needs and dignity of residents”, the Committee recommends that the Department install bedroom doors or bed-curtaining in all rooms at the Maribyrnong Immigration Detention Centre to ensure an appropriate level of privacy for detainees.**

## **Outdoor Recreation Area**

3.56 Whilst commending the Department’s efforts to improve access to and utilisation of outdoor areas at the centre, Committee members remained concerned at the potential decrease in outdoor recreation space.<sup>40</sup>

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<sup>38</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 42

<sup>39</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 18

<sup>40</sup> *ibid*, page 25

- 3.57 At the hearing of 7 March DIMIA stated that it had calculated the reduction in the external grassed area to be approximately 25 per cent. DIMIA explained, however, that the reduction would be offset by new security arrangements, which would permit the use of land closer to the fence line and access to external areas currently unavailable to detainees.<sup>41</sup> DIMIA elaborated that the redesign would also improve general access to the large green space via the proposed central corridor linking the new accommodation zones.
- 3.58 Committee members welcomed this news but believed that access to the grassed recreation area by families and children should be improved.

## Medical Facilities

- 3.59 During its inspection of the MIDC facility, the Committee noted the small and cramped nature of the existing medical room. Having established that detainees transferred to MIDC for medical reasons were generally treated in facilities outside the centre, members were nonetheless concerned that the proposed works should significantly improve the medical facilities available on-site.<sup>42</sup>
- 3.60 DIMIA explained that the primary purpose of the medical room at the MIDC was to provide first-aid type services and to serve as a general practice clinic. DIMIA explained that the MIDC had on-site nursing support and daily general practitioner clinics, in addition to a staff psychologist and eight-weekly psychiatrist visits.
- 3.61 The Committee believed that the health and welfare of detainees should be a priority of the proposed works project and requested that DIMIA outline exactly how medical facilities would be improved. In response, DIMIA explained that the proposed new medical facility would be double the size of the existing room and would have a brand new fit-out.<sup>43</sup> DIMIA described how, in planning the new facilities, it had consulted with the nurse, its service provider Global Solutions Limited (GSL) and the detainees themselves. In addition, DIMIA stated that a review of medical services at the centre had been undertaken in January 2005 by a

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<sup>41</sup> Appendix E, Official Transcript of Evidence 7 March 2005, pages 19 - 20

<sup>42</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 16

<sup>43</sup> *ibid*, pages 16 - 17

professional doctor who had reported favourably on the services provided by GSL, despite the cramped workspace available.<sup>44</sup>

- 3.62 Whilst appreciative of the efforts undertaken by DIMIA and its service providers in respect of detainee health care, the Committee remained concerned that a 50 per cent enlargement of the facilities would not address existing problems given the proposed 65 per cent increase in population. DIMIA replied that they could explore this issue further with their medical service providers.<sup>45</sup>

### **Ablutions and Laundry Facilities**

- 3.63 Committee members who participated in the MIDC site visit were of the view that the proposed works should allow for the general upgrading of the existing toilet and ablution facilities, and were concerned to note that the budget estimate included no such provision.
- 3.64 DIMIA responded that repairs and maintenance to the male bathroom area was planned as part of the regular service contract and was therefore not included in the project before the Committee.<sup>46</sup> DIMIA subsequently provided additional information on its planned maintenance program in which it stated that bathroom repairs and maintenance would be carried out following the construction of new accommodation units, in order to minimise disruption to the operation of the facility.
- 3.65 The Committee questioned DIMIA as to detainees' views of the current bathroom and laundry facilities. DIMIA stated that while detainees wished to see the bathrooms upgraded, there had been no complaints about the laundry facilities. DIMIA pointed out that all linen from the MIDC was laundered externally so the proposed laundry facilities within the centre were only for personal use.<sup>47</sup> The Committee requested and received supplementary information in relation to building code requirements for the number of toilet and laundry facilities per person. This information indicated that there are no specific requirements under the BCA for the provision of minimum laundry facilities for a Class 3 Building (which includes the residential part of a detention centre), but

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<sup>44</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 17 and Appendix E, Official Transcript of Evidence 7 March 2005, page 7

<sup>45</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 5

<sup>46</sup> *ibid*, page 17

<sup>47</sup> *ibid*, pages 28 - 29

DIMIA intends to provide two washing machines, dryers and tubs per 40 residents at MIDC. In response to the Committee's comments, DIMIA stated that they would also consider reviewing the availability of laundry facilities in the proposed new Zone A accommodation area.<sup>48</sup>

## Self-catering Facilities

- 3.66 In describing the scope of the proposed works, DIMIA's main submission referred to the provision of "some self-catering options".<sup>49</sup> Members were informed that this proposal had come from the detainees themselves. DIMIA explained that the diversity of the detainee population made cooking together and sharing specialities a popular activity and that they wished to provide facilities that would enable that to occur.<sup>50</sup>
- 3.67 DIMIA explained that meals for detainees were provided by a central kitchen and that self-catering was an option. While there is already a kitchen in the existing family/female area, it is DIMIA's intention to provide a similar facility in the single male area.<sup>51</sup>

## Recommendation 6

**In respect of the ratio between living/recreation space, amenities and occupancy, the Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs consult with appropriate government and professional bodies with a view to establishing a national benchmark for room occupancy and related indoor and outdoor recreation areas, ablutions, kitchen and laundry facilities at Immigration Detention Centres and Immigration Reception and Processing Centres.**

## Disparity between Existing and New Accommodation

- 3.68 Evidence presented to the Committee showed that while the proposed new single male accommodation area would comprise quad-occupancy rooms with ensuites, the existing accommodation area would continue to

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<sup>48</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 30

<sup>49</sup> Appendix C, Submission No. 1, page 6 – Scope of Works

<sup>50</sup> Appendix D, Official Transcript of Evidence 23 February 2005, page 21

<sup>51</sup> Appendix E, Official Transcript of Evidence 7 March 2005, pages 27 - 29

comprise rooms measuring approximately 11 square metres, with two showers and four toilets for approximately 50 detainees. Whilst acknowledging that the new bedrooms would be larger and provide a greater level of amenity and comfort, members queried whether the disparity in accommodation would assist in fostering a more humane and non-punitive environment. The question was put to DIMIA as follows:

What would you say to an existing occupant of a quad-occupancy room? How does he feel better off if he is in the same room he was in before, he has reduced outdoor areas and he has to share the facility with up to 65 per cent more people? How would we explain that as an improvement for him that is more humane or less punitive?<sup>52</sup>

- 3.69 DIMIA responded that its intention would be to accommodate those detained for longer periods in the new area.

### **Recommendation 7**

**In order to meet the stated project objective in terms of the provision of “humane and non-punitive” detention facilities, the Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs expedite the proposed routine maintenance and upgrade of existing ablutions and accommodation facilities in order to reduce the disparity in quality of accommodation between the old and new wings of the Maribyrnong Immigration Detention Centre.**

### **Proposed Configuration**

- 3.70 Members examined the planned layout of the proposed MIDC expansion and questioned whether the design represented the best solution in terms of access to adequate recreational space for families and children.
- 3.71 Despite DIMIA’s current philosophy to seek alternative to detention for families, supplementary evidence indicated that there had been an increase in the number of minors detained at the MIDC since late 2004.
- 3.72 DIMIA’s proposed layout of the extended facility would place single adult males in the newly constructed Zone A, adjacent to the largest outdoor

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<sup>52</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 30

recreational area<sup>53</sup>, while families would be housed in the proposed new Zone B. The Committee remarked that this option would not provide families with immediate and unescorted access to the larger green space.<sup>54</sup> DIMIA concurred that there were currently some restrictions upon the family area and that children had to be escorted to the large green outdoor space via a fire escape or through the single male area. However, DIMIA contended that the proposed relocation of families and the construction of a corridor through the centre of the accommodation areas would go some way to alleviating the access problem.<sup>55</sup>

- 3.73 The Chair wished to know why the new Zone A accommodation area adjacent to the large green space had not been designed as the family area, as it was more comfortable and had greater access to outdoor recreation. DIMIA responded that this decision had rested in part on the fact that it tried to minimise the number of families and children detained at the facility. Members did not feel that this solution adequately met the Department's intention to improve

...amenity for residents, particularly women and children...<sup>56</sup>

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<sup>53</sup> Appendix C, Submission No. 1, Annexure 4: Concept Plan

<sup>54</sup> Appendix E, Official Transcript of Evidence 7 March 2005, page 31

<sup>55</sup> *ibid*, page 5

<sup>56</sup> Appendix C, Submission No. 1, page 6 - Scope of Works

**Recommendation 8**

**The Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs give consideration to using the proposed new Zone A of the extended Maribyrnong Immigration Detention Centre for the accommodation of families in order to allow children greater access to the centre's largest outdoor recreation area.**

**Value for Money****Related Works**

- 3.74 Separate, previously commenced minor works to be completed during the course of the proposed expansion project include the new reception building for the facility, budgeted at \$675,000.<sup>57</sup> Members wished to know why the new reception building had been defined as an 'associated project' and excluded from the body of work referred to the Committee.<sup>58</sup>
- 3.75 DIMIA explained that the visitors' centre had been planned late in 2003, prior to the Government's announcement of its long-term detention strategy, which had been delivered in the May 2004 Budget. The project had therefore been approved by DIMIA's executive before the MIDC works were conceived under the long-term detention strategy. DIMIA explained that work on the visitors' centre had commenced and was being executed under a separate contract to the proposed MIDC extension.<sup>59</sup>

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<sup>57</sup> Appendix C, Submission No 1, page 7 – Projected Works

<sup>58</sup> Appendix D, Official Transcript of Evidence 23 February 2005, pages 13 - 14

<sup>59</sup> *ibid*, page 14

**Recommendation 9**

On the basis of the evidence presented, and subject to the acceptance of recommendations 1, 2, 4, 5 and 7, the Committee recommends that the proposed provision of facilities for Maribyrnong Immigration Detention Centre Additional Accommodation and Related Works proceed at the estimated cost of \$7 million.

**Recommendation 10**

The Committee seeks a response from the Department of Immigration and Multicultural and Indigenous Affairs in respect of the Department's intention to adopt the recommendations made in this report.

**Hon Judi Moylan MP**

Chair

25 May 2005

