



*Tabled by DIAC
29 February 2012
Canberra.*

Australian Government
Department of Immigration and Citizenship

**Opening statement to the Joint Select Committee on
Australia's Immigration Detention Network**

Parliament House, Canberra

29 February 2012

Andrew Metcalfe AO

Secretary, Department of Immigration and Citizenship

Chair and Committee members, thank you for the opportunity to deliver a brief opening statement on significant developments since we last appeared before you in December 2011.

Sadly, as you are aware from recent media reports, a man from the Sydney Immigration Residential Housing facility at Villawood has recently died at Sydney's Liverpool Hospital. I can advise the 44 year old man had been transferred to hospital early on the morning of 25 February after complaining of chest pains, but died on 27 February. The man received professional medical care while in immigration detention. It would be inappropriate to go into detail about this man's background, however, I can say that he was not an irregular maritime arrival. His claims to stay in Australia had been unsuccessful and he was subject to removal from Australia. As the man died unexpectedly, the matter has been referred to the police, who will, as is standard practice, undertake an investigation into his death. My department will of course fully cooperate with this and any other resulting investigations.

people our business

A lot has occurred in recent months in relation to Australia's immigration detention network. After a drop in arrival numbers in the middle of last year, a large increase in arrivals is placing some strain on the immigration detention capacity. As at 28 February, there were around 4700 people in immigration detention facilities. We all understand the potential consequences of a return to an overcrowded and pressured detention network, and you can be assured that the department continues to work hard to accommodate irregular maritime arrivals (IMAs) to the best of its ability.

In October, the Government announced it would be making greater use of existing powers to more flexibly manage irregular maritime arrivals. This includes greater use of community detention and for the grant of Bridging visas to be considered on a case-by-case basis, to allow IMAs to reside in the community while their claims are assessed. 495 people who were in immigration detention have now been granted Bridging visas and are living in a number of locations around Australia. These people have been through a process of appropriate health, identity and security checks, and an assessment to determine what, if any, transitional and ongoing support they may require.

The transfer of children, families and vulnerable individuals into community-based arrangements remains a high priority for the Government and for the department. As at 15 October 2010, there were ten children living in community detention arrangements. Since the announcement by the Government on 18 October 2010 to provide community-based living arrangements for children and families in immigration detention, the Minister has approved over 3300 clients for community detention, including over 1500 children, both accompanied and unaccompanied. As at 28 February 2012, there were over 1600 clients in community detention (comprising children, families and vulnerable adults).

All eligible unaccompanied minors who arrived in Australia prior to 30 November 2011 have been granted community detention. All accompanied children and their families who arrived in Australia prior to 31 October 2011 have been granted community detention. At the same time, over 1400 clients have transitioned out of community detention following Protection visa grant.

We have also made significant progress in relation to immigration detention infrastructure. This includes the delivery of Stage 1 at the Wickham Point Immigration Detention Centre in December 2011, with Stage 2 scheduled for completion in early March and Stage 3 scheduled for completion in May. The design for the dedicated heritage precinct at Villawood Immigration Detention Centre has now been completed and work continues on the construction of the Yongah Hill Immigration Detention Centre, which is scheduled for completion in late March.

The NSW Coroner recently reported on the deaths in 2010 of Mr Rauluni, Mr Al Akabi and Mr Saunders at Villawood Immigration Detention Centre.

I welcome the NSW Coroner's findings and recommendations, which will assist in ensuring the department is better placed to care for clients in immigration detention. The department has considered the recommendations and the extent of further action that needs to be undertaken to address the issues raised. One recommendation, for example, on clinical governance structures (recommendation 7) was fully implemented in August 2011.

The department is progressing a number of other measures in response to the remainder of the Coroner's recommendations, with all measures expected to be fully implemented as soon as possible.

On 23 February 2012, the State Coroner of Western Australia, Alastair Hope, delivered his findings into the SIEV 221 shipwreck which occurred at the cliffs of Rocky Point, Christmas Island on the morning of 15 December 2010. The Coroner noted that the events of 15 December 2010 tragically mark the largest loss of human life in Australian coastal waters during peace time in 115 years.

The State Coroner found that 50 people died in the incident, either by drowning or by injuries suffered as a consequence of impact with the shore or with debris in the ocean. Many people, however, were saved by the combined actions of naval and Customs officers and Christmas Island residents. The report found that the conduct of the people smugglers who organised the failed venture and, to a lesser extent (in terms of culpability), the crew, principally contributed to the deaths.

I welcome the acknowledgement by the Coroner of the exceptional bravery displayed by the navy and customs personnel and the residents of the Island. It is apparent from the Coroner's findings that but for their actions, a significantly greater loss of life would have occurred. I commend the Coroner's comments in this regard and also wish to extend my personal gratitude and the gratitude of the staff of my department, to those individuals who acted so selflessly in the face of such perilous conditions which prevailed at the time.

My department's profile in this Inquiry increased significantly upon allegations made by former immigration detainees that they had told department, the detention services provider, SERCO, and individuals from other agencies, of the imminent arrival of a vessel (ie the SIEV 221) prior to the tragedy occurring. These allegations were extensively investigated by the West Australian Police and the Australian Federal Police on behalf of the Coroner, including the preparation of many witness statements by the police and the Australian Government Solicitor, who acted for the Commonwealth.

A number of former detainees who either made or corroborated such accounts of 'advance notice' were called to the hearings to give evidence. I note that the Coroner concluded that "there was no reliable actionable information available to any persons in authority to the effect that the SIEV 221 or any other similar vessel was to arrive."

Chair, over time we have seen a number of deaths of people in immigration detention as well as loss of life of asylum seekers travelling to Australia on a number of vessels. These are profoundly sad events and on behalf of the department, I again express my condolences to the families, friends and communities of these people.

Chair, in closing I would like place on the record my sincere thanks and appreciation to the department's leadership and staff, service providers, advisory groups and other partners and stakeholders for their ongoing commitment to the very valuable work that we do in providing services to the government, and to people in immigration detention. My department and I place immense value on our close and very productive engagement with our key stakeholders and their willingness and commitment to work collaboratively with us to help deliver programs in a very sensitive area of public administration.

Thank you.