

Joint Standing Committee On Migration Report:

Detention Centre Contracts: Review of Audit Report No.1, 2005-2006, Management of the Detention Centre Contracts – Part B.

GOVERNMENT RESPONSE

Recommendation 1 – “The committee recommends that DIMIA act promptly to develop and implement the changes required to improve the insurance, liability and indemnity regime associated with its detention function.”

Government Response: The Department of Immigration and Citizenship (DIAC) has consulted widely to review the insurance, liability and indemnity regime in the Contract and to draft contract changes that will resolve these issues. DIAC has consulted with the Australian Government Solicitor and Comcare to determine the best way to revise these aspects of the contract. The required contract changes have been agreed in contract negotiations with GSL Australia Pty Ltd (GSL), and a contract amendment resolving these issues was signed on 29 September 2006.

Recommendation 2 – “The Committee recommends that the Minister for Immigration and Multicultural and Indigenous Affairs refer the progress report on the Palmer Implementation Plan to the Joint Standing Committee on Migration for examination when released.”

Government Response: The Australian Government made a commitment to table a progress report on the Palmer Implementation Plan in September 2006. The report was tabled in Parliament on 12 September 2006. It is open to the committee to examine this report.

The following is a response to other comments made by the Committee in its report:

Merit Points Scheme *(page 16 of report refers)*

In June 2006, the Department concluded an internal review into the operation of the Merit Points Scheme (MPS) and the Meaningful Activities Scheme. The internal review recommended a number of amendments to the policy underpinning the scheme to improve clients' health and well being, and in July 2006 the then Minister agreed to implement the new Purchasing Allowance Scheme (PAS) together with a broader Programme and Activities initiative (P&A).

The PAS has been implemented in all centres to provide consistency and meet the needs of people in detention to make incidental purchases. The scheme and initiatives are consistent with the requirements of the Migration Act and Migration Regulations. Regulation 5.35A, which came into effect on 1 March 2006, amended the Migration Regulations to ensure that unlawful non-citizens detained in detention centres, who perform work that is allocated at the non-citizen's request, do not commit an offence under subsection 235(3) of the Act.

Contract Performance Information & Monitoring *(pages 19 to 25 of report refer)*

In accordance with recommendations of the Palmer Report, DIAC engaged a consultant, Mr Mick Roche, to perform a review of the Detention Services Contract. Mr Roche made a number of recommendations, some of which require contract changes. The following summarises DIAC's implementation of those recommendations:

- Mr Roche's recommendations will be addressed through the replacement of the Detention Services Contract when it expires. DIAC has commenced a tender process to achieve this, as announced by the then Minister on 1 March 2006.
- The current contract has been renegotiated to bring under DIAC's direct control the subcontractors previously used by GSL to provide health and psychological services to detainees.
- Performance management arrangements have been improved in accordance with the recommendations of the review. The Contract with GSL was changed to facilitate this.
- Some services in the Contract were identified as needing both improvement and a change to input or process-based quality monitoring. These services included cleaning, catering and food, recreation and education. The Contract has been changed to implement this.
- The insurance, liability and indemnity clauses in the Contract were changed to address matters raised by the Australian National Audit Office (ANAO) and Mr Palmer (see response to Recommendation 1 above).

The ANAO report on its audit of the Management of the Tender Process for the Detention Services Contract was tabled on 2 March 2006. The department's response to the ANAO findings and recommendations was tabled as part of the report.

Senior level discussions have taken place between DIAC and the ANAO on the lessons learned from the report. In addition, a representative of the ANAO has now been included as an observer on DIAC's new Audit and Evaluation Committee.

The ANAO made five recommendations to improve future procurement, covering: probity arrangements, conflict of interest in the roles and responsibilities of key personnel, the documentation of tender processes, compliance with Commonwealth Procurement Guidelines and the development of procedures for the conduct of contract negotiations. The department agreed with all of these recommendations. For the re-tendering of detention and health services, a project plan has been approved to document the Secretary's objectives for, and requirements of, the tendering processes. The plan addresses all relevant ANAO findings and recommendations.

DIAC is currently examining the insurance, liability and indemnity regime to be taken to the market as part of the detention services and health care tenders, noting previous advice and considering input from its advisors for the tendering project. In addition, the ANAO is currently conducting an audit on the current re-tendering activities, focusing on governance arrangements, in particular the recordkeeping arrangements, roles and responsibilities of personnel, expert advisors and the probity auditor.

Food Services at Baxter IDF *(page 27 of report refers)*

Improvements to the provision of food services at Baxter IDF have been ongoing, including greater choice of menus, barbeques, more opportunities for detainees to guide food choices, and self catering. This model is being rolled out to other IDCs.

An independent audit of progress was commissioned by the department recently. It indicates that GSL is to be commended on progress to date, and that a number of issues remain to be addressed. GSL is addressing these issues.

Food services are also reviewed and monitored by the department on a regular basis through local contract monitoring teams. A Food Delegates Committee (which is attended by representatives of the Detention Services Provider (DSP), DIAC and detainees) meets on a regular basis.

Mental Health Services *(page 28 of report refers)*

Significant progress has been made over the past year to improve health and mental health care for people in immigration detention.

The then Minister announced on 1 March 2006 that the current health and psychological services were to be novated from the DSP. The novated contracts came under the direct management of DIAC on 1 October 2006.

A Detention Health Advisory Group (DeHAG) has been established to provide DIAC with advice regarding the design, implementation and monitoring of improvements in health care for people in immigration detention. The Group is made up of nominees from major health professional organisations such as the Australian Medical Association, the Royal College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, the Australian Psychological Society and the Mental Health Council of Australia.

DIAC provides general primary health care services, as well as counselling and dentistry to people in immigration detention. Other services such as public health screening and acute hospital admissions for both physical and mental illness are provided by State and Territory based departments of health.

A Memorandum of Understanding (MOU) was signed with the SA Department of Health in November 2005 and the remaining MOUs are currently being negotiated with remaining State and Territory health departments to improve access for people in immigration detention to health services. DIAC has also engaged with a number of private hospitals and providers of mental health services to ensure timely health care for clients in circumstances where State and Territory based health services are unable to respond.

All people who are detained under the *Migration Act 1958* are offered an induction health assessment, which includes an assessment of their mental health by trained professionals. This involves formal screening, clinical follow up and support by mental health professionals using recognised mental health assessment instruments and protocols. The model includes additional mental health resources, early and more rigorous mental health screening, referral to a multidisciplinary mental health team for diagnosis, development of a specific mental health care plan and ongoing care, and periodic reassessment or reassessment as requested by the individual client. In the Northern IDC, formal mental health screening for Illegal Foreign Fishers (IFF) only occurs if the IFF remains in detention for greater than three months.