
The Parliament of the Commonwealth of Australia

Report of the inspections of
Baxter Immigration
Detention Facility and Port
Augusta Residential
Housing Project, April 2005

Joint Standing Committee on Migration

June 2005
Canberra

© Commonwealth of Australia 2005

ISBN 0 642 78648 8



Contents

Membership of the Committee	iv
List of abbreviations	vi
1 Background to the visit	1
The Committee's approach and report structure	2
2 Overview of facilities	3
Baxter Immigration Detention Facility.....	3
Structure and facilities.....	4
Management	5
Previous inspection by the Committee	5
Port Augusta Residential Housing Project	6
Structure and facilities.....	6
3 The Committee's inspection - 19 April 2005.....	7
Baxter Immigration Detention Facility.....	8
Health and medical centre	9
Management Unit.....	10
Education and programs unit	11
'Red One' compound	11
Roundtable with nominated detainees	12
Port Augusta Residential Housing Project	13
Concluding observations	13



Membership of the Committee

Chair Mr Don Randall MP

Deputy Chair Mrs Julia Irwin MP (until 10 May 2005)

Senator Linda Kirk (from 25 May 2005)

Members Senator Andrew Bartlett

Senator Alan Eggleston

Mr Laurie Ferguson MP

Mr Michael Keenan MP

Senator Linda Kirk

Hon Dr Carmen Lawrence MP

Hon Roger Price MP (from 10 May 2005)

Dr Andrew Southcott MP

Senator Tsebin Tchen

Committee Secretariat

Secretary	Ms Joanne Towner
Inquiry Secretary	Ms Frances Gant (to 22 April 2005) Ms Paola Cerrato-D'Amico (from 2 May 2005)
Research Officer	Dr Nicholas Horne
Administrative Officers	Ms Emily Davis Ms Jazmine De Roza



List of abbreviations

DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
GSL	Global Solutions Limited (Australia) Pty Ltd
IDF	Immigration Detention Facility
RHP	Residential Housing Project
PV	Protection Visa

Background to the visit

- 1.1 The current Joint Standing Committee on Migration was established by resolution of the House of Representatives and the Senate on 18 November 2004. Under the Committee's Resolution of Appointment, the Committee is to inquire into and report on regulations made or proposed to be made under the *Migration Act 1958*, proposed changes to that Act or any related Acts, and other matters relating to migration referred to it by the Minister for Immigration and Multicultural and Indigenous Affairs. In monitoring developments within the immigration portfolio, the Committee also has an interest in the administration of that portfolio, including the custodial services operating at detention centres under the control of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).
- 1.2 Early in the current parliament, the Committee sought to update itself on the operations of the immigration detention centres and the conditions for detainees. The Committee proposed to conduct inspections of the Baxter detention facility and the Port Augusta Residential Housing Project on 19 April 2005 and then inspect the detention facility on Christmas Island. The visit was supported by the Minister for Immigration, Senator the Hon Amanda Vanstone, and assistance was provided by DIMIA in facilitating arrangements for the inspections.
- 1.3 Due to travel difficulties the visit to Christmas Island did not proceed. However the Committee will inspect the facility on Christmas Island at a later date.

The Committee's approach and report structure

- 1.4 While the Committee met with a group of detainees in the course of its visit to the Baxter detention facility and found that to be very informative, the primary focus of the visit was on the operation of the facility and the services provided for detainees rather than consideration of the general policy in relation to detention.
- 1.5 Chapter 1 of the report provides background information to the Committee's visit. The physical structure and administrative arrangements of Baxter detention facility and the Port Augusta Residential Housing Project are detailed in Chapter 2. Chapter 3 discusses the Committee's inspection in detail before drawing some general conclusions about the operations of the two facilities.

Overview of facilities

Baxter Immigration Detention Facility¹

- 2.1 Baxter Immigration Detention Facility (IDF) was opened in July 2002² as part of the Commonwealth Government's long-term strategy for detention in respect of unauthorised boat arrivals. It is located approximately 12 km south-west of the Port Augusta township and approximately 275 km north-west of Adelaide.
- 2.2 Baxter IDF has a nominal capacity of 660 detainees (with contingency capacity for a further 220 detainees) and is available for use by the Adelaide office of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) to detain visa over-stayers located in South Australia.³
- 2.3 Detainees at Baxter IDF include:
- unlawful citizens who have arrived in Australia without a visa by boat or by air;
 - unlawful citizens who have overstayed visas; and
 - illegal foreign fishers, stowaways, criminal deportees or persons who have had their visa cancelled.

1 Sources for the information in this section include the website of the Department of Immigration and Multicultural and Indigenous Affairs (<http://www.immi.gov.au>).

2 Source: http://www.immi.gov.au/detention/facilities_baxter.htm (as at 30 May 2005).

3 Ibid.

- 2.4 As at 25 May 2005 the population of the Facility was 215 detainees comprising 191 adult men, 20 adult women and 4 children.⁴ This is a reduction of 24 people since the Committee's visit in April 2004.

Structure and facilities

- 2.5 Baxter IDF comprises new and second-hand transportable buildings. The second-hand buildings were previously used as part of an engineering camp near Collie, Western Australia. Planning of the compound sizes and configurations was largely influenced by the road and services infrastructure within the site.
- 2.6 There are 9 accommodation compounds within the Facility comprising ensuite rooms, a dining room, public telephones for outgoing calls, a laundry, playground equipment, shade structures incorporating outdoor furniture, a nurse's station and dispensary, an interview room, and an officer's station. Two of the accommodation compounds have rooms equipped for the disabled, and a number of rooms have a lockable door communicating with the next room for family groups.
- 2.7 Baxter IDF's buildings are situated to form a rectangular common space, and the accommodation compounds have open areas that are grassed and landscaped. Each accommodation compound has a recreation area. Recreational facilities provided include:
- entertainment – televisions, Austar cable television, videos, and electronic gaming equipment;
 - newspapers – various English and foreign language newspapers appropriate for the detainee population are provided wherever possible;
 - sport – a gymnasium, soccer, basketball, badminton and cricket facilities; and
 - leisure – a range of facilities are provided including a table tennis table, a pool table, board games, a bicycle in the family compound, air hockey, computers, Tae Bo, Yoga, Pilates, fishing, walking groups, family excursions, gardening, craft activities, and a hair and beauty salon.
- 2.8 Multi-purpose rooms are also located in each compound and are available for detainees to conduct religious activities. Special meals
-

are provided for religious festivals appropriate to the detainee population.

2.9 Baxter IDF also has the following infrastructure:

- an education complex with capacity for up to 200 students. The complex includes facilities for younger children, two playgrounds, and two shaded play/educational areas;
- a 5-bed primary care medical complex with pharmacy, x-ray room, and consulting rooms;
- a management unit consisting of 10 single ensuite rooms with intercom and CCTV monitoring, a dining/recreation room, and two external courtyards. The management unit is for those who are at risk of self-harm and who cannot be adequately supervised elsewhere, for those who represent a risk to others, and for those who otherwise require single accommodation; and
- a visitors' centre catering for both indoor and outdoor visits including a children's playground, kitchenette, and a parenting room.

Management

2.10 Baxter IDF is managed by Global Solutions Limited (Australia) Pty Ltd (GSL). Along with Baxter IDF, GSL manages detention centres under contract to the Commonwealth Government at Christmas Island, Maribyrnong (Melbourne), Perth, Port Hedland (currently mothballed) and Villawood (Sydney). GSL also provides a range of other services under contract to Commonwealth and State Governments such as prison operation, prisoner transport, and medical transport.⁵

Previous inspection by the Committee

2.11 During the previous Parliament the Committee conducted an inspection of the Baxter IDF on 12 August 2002.

5 Source: <http://www.gslpl.com.au/gsl/contracts/contracts.asp>.

Port Augusta Residential Housing Project⁶

- 2.12 The Port Augusta Residential Housing Project (RHP) was opened in November 2003.⁷ The RHP provides women and children with the opportunity to live a more independent and domestic lifestyle while still in immigration detention.
- 2.13 The RHP is located at Port Augusta and has a nominal capacity of 40 detainees (with contingency capacity for a further 8 detainees). As at 25 May 2005 the population of the RHP was 30 detainees comprising 11 women and 19 children.⁸

Structure and facilities

- 2.14 Port Augusta RHP comprises 8 self-contained 3-bedroom houses (including gardens and adjacent recreation areas) and an administration building.
- 2.15 Residents are able to cook their own food and attend to household duties, including regular accompanied visits to local retail outlets to purchase groceries and other household necessities. Residents can also attend educational and developmental activities and participate in accompanied excursions to local recreational facilities such as the library, swimming pool and cinema.
- 2.16 School-aged children living in the RHP are able to attend local schools. Each child is assessed and placed in an appropriate class by state education officials. Pre-school children are also able to attend kindergarten.
- 2.17 Participation in the Project is voluntary and adult males who have family members residing in the RHP are able to visit those family members regularly.

6 Sources for the information in this section include the website of the Department of Immigration and Multicultural and Indigenous Affairs (<http://www.immi.gov.au>).

7 Source: http://www.immi.gov.au/detention/facilities_port_augusta.htm (as at 30 May 2005).

8 Ibid.

The Committee's inspection - 19 April 2005

- 3.1 The one-day inspection was conducted by the Committee on 19 April 2005. The Committee flew out of Adelaide at 7.45am on a charter flight to Port Augusta. On arrival, the Committee was met by GSL staff at Port Augusta airport and travelled to Baxter IDF.
- 3.2 Six of the ten Committee members participated in the activity:
- Mr Don Randall MP (Chairman);
 - Senator Andrew Bartlett;
 - Senator Alan Eggleston ;
 - Mr Michael Keenan MP;
 - The Hon Dr Carmen Lawrence MP; and
 - Dr Andrew Southcott MP.

Members of the Committee were accompanied by two staff from the secretariat (Ms Frances Gant and Ms Paola Cerrato-D'Amico) and a DIMIA representative (Mr Garry Fleming, Assistant Secretary, Detention Policy and Coordination Branch).

Baxter Immigration Detention Facility

3.3 On arrival at Baxter IDF, the Committee received a briefing from staff from DIMIA, the facility and GSL. The briefing covered:

- general background information on detainees currently at Baxter (including backgrounds, nationalities and gender, length of stay, reasons for continued detention etc);
- health and medical services available to detainees;
- mental and physical health of detainees;
- operation of the Management Unit and 'Red One' compound; and
- legal processes available to detainees.

3.4 The Committee was informed that as of the day of the visit, Baxter IDF had 240 detainees and a further 29 detainees were at the Residential Housing Project. Of this number, 52 were from Iran, 29 from Afghanistan, 17 from Sri Lanka and 12 from Iraq. A breakdown of detainees by their dates of arrival at Baxter IDF and Port Augusta RHP was also provided (see Table 1).

Table 1 Figures for detainees currently at the Baxter IDF and the Port August RHP, by date of arrival (as at 19 April 2005)

Year	Baxter IDF	Port Augusta RHP
1998	1	
1999	7	
2000	43	
2001	46	
2002	8	2
2003	17	7
2004	56	20
2005	62	
Total	240	29

- 3.5 The Committee was advised after the visit that as of 22 April 2005 the number of detainees at Baxter IDF and Port Augusta RHP was 248. Of this number:
- 53 persons had active Protection Visa (PV) applications, including those at primary decision, merits review and requests for section 417 Ministerial intervention;
 - 71 persons had all PV processes finalised (ie PV applications rejected, including all merits and judicial reviews);
 - 38 persons were seeking review of their PV decision at either the Federal Magistrates Court, Federal Court, Full Federal Court or High Court;
 - 3 persons had their temporary protection visas cancelled;
 - 82 persons had not submitted applications for protection and were awaiting removal; and
 - 1 person had been detained for less than 2 weeks and their immigration and/or removal status was yet to be determined.
- 3.6 On a positive note, the Committee was reassured that all children attended local Port Augusta schools and that DIMIA had developed a good relationship with the South Australian Education Department.
- 3.7 After the briefing, the Committee was able to inspect the compounds where people reside, along with the educational, medical and recreational facilities and the visitors' centre. The inspection included the health and medical centre, the management unit, the education and programs unit, one empty accommodation compound and 'Red One' compound.

Health and medical centre

- 3.8 The Committee was met by the Manager and staff of the health and medical centre. The Committee was then joined by two psychologists working at Baxter IDF. Discussion ensued about the mental and physical health management of detainees.
- 3.9 The Committee was told that many detainees suffered from depression (over 50 were on anti-depressant medication) and tended to sleep for long periods during the day. There was some discussion about whether this was a cultural or health issue. The psychologists also told the Committee that assessing what was actually "wrong" with detainees can be difficult – particularly when other health

services such as the Glenside Psychiatric Care Unit reported different behaviours and symptoms of detainees.

- 3.10 The Committee was also informed that a general practitioner was available for detainees Monday to Friday and conducted up to 50 consultations per week.

Management Unit

- 3.11 The Committee was told that the facility staff try to ensure that detainees spend no longer than 48 hours in the Management Unit and that the longest stay in the unit had been 9 days, which was considered "unusual". The Committee was informed that during 2004 the number of detainee transfers to the Management Unit according to length of stay was as follows:
- (a) less than one week - 79;
 - (b) between one week and one month - eight; and
 - (c) more than one month - zero.
- 3.12 DIMIA provided additional figures showing that during 2004, 62 individuals were transferred to the Management Unit, resulting in 87 stays. Of the 62 individuals:
- 46 individuals were transferred there on one occasion;
 - 10 individuals were transferred there on two occasions;
 - four individuals were transferred there on three occasions;
 - one individual was transferred there on four occasions; and
 - one individual was transferred there on five occasions.
- 3.13 The Committee inspected the common areas and individual cells within the facility. The Committee noted that all rooms were monitored with cameras and that there were also semi-reflective mirrors in the rooms. A GSL officer informed the Committee that the rooms were monitored to ensure that detainees were not engaging in self harm behaviours. The Committee was assured that a minimum degree of privacy was maintained in bathroom/shower area.
- 3.14 The Committee subsequently noted concerns expressed about lack of privacy for women detainees when showering and the overall operation of the Management Unit. The Committee does not feel able

to reach any conclusions about the treatment of detainees in that Unit based on the information provided to it during the visit.

Education and programs unit

- 3.15 The Committee was briefed by the Education Manager who outlined a range of cultural and spiritual programs run at Baxter IDF, including meeting special requests of detainees.
- 3.16 The Committee was advised that the facility's normal routines were varied to permit religious observance, eg altering the time of meals to allow for fasting periods during Ramadan, and that special menus were provided for Chinese and Sri Lankan New Year. Other religious festivals were also catered for with the involvement of detainees in food preparation.
- 3.17 The Committee was also advised of a merit/points system that detainees could participate in whereby detainees could earn points for various tasks performed within the facility. These points were convertible into money which could be spent within or outside the facility. Detainees were able to go on supervised shopping excursions.

'Red One' compound

- 3.18 'Red One' compound is that section of the Baxter IDF used to manage more difficult detainees (generally because of bad behaviour). The Committee inspected the isolation cells, including rooms, recreational and common areas. The Committee was informed that the compound could accommodate a maximum of 76 individuals.
- 3.19 There were no detainees in the isolation cells at the time of the inspection, and the Committee was told that only one detainee had been held in the compound recently (for a single night two weeks previous to the inspection), and that the compound had had limited use in recent times.
- 3.20 The Committee was not able to independently confirm the claims made by DIMIA and GSL about the use of the Management Unit or 'Red One' and the treatment of detainees within these parts of the IDF. The Committee notes that other material on the public record does raise concerns about the treatment of detainees in both areas.

Roundtable with nominated detainees

- 3.21 The Committee met with a group of 25 long-term detainees from very diverse backgrounds during a 90 minute session. Countries of origin of those who shared information with the Committee included Iran, Afghanistan, the Congo, Vietnam, Sri Lanka, Pakistan, Sudan and Iraq.
- 3.22 Whilst the Committee found it useful to inspect the facilities and meet with DIMIA officials and GSL staff, the Committee found that the most valuable part of the inspection was the opportunity to meet with detainees, both as a group and individually, and hear their concerns. The main points raised by the detainees as a group were:
- loss of dignity;
 - loss of freedom and length of detention;
 - high levels of depression;
 - frustration at the legal system and the uncertainty surrounding their situation; and
 - the perceived use of long-term detention as a political instrument by the Australian Government to send a message to others.
- 3.23 Individually, detainees indicated that they were not as concerned about living conditions at the IDF as they were by their lack of freedom. They indicated they had come to Australia in the hope of finding refuge from persecution and instead had found themselves incarcerated indefinitely. Their most pressing desire was to be released rather than having their detention made more comfortable. Most of the detainees spoke about their feelings of injustice regarding their individual circumstances. A number also complained about the apparent arbitrariness of decisions to release some and not others from detention.
- 3.24 A number of specific complaints about the conditions in the IDF were also made by individual detainees, including the observation that those providing mental health services were not there to help detainees but rather to manage them for the convenience of the company contracted by DIMIA for that purpose. One detainee indicated his belief that many detainees, even when ill, refused to see the psychologist or psychiatrist because they did not trust them. They viewed the extensive prescription of anti-depressant and anti-anxiety medication as a strategy for keeping detainees under control.

- 3.25 The Committee heard a claim by one detainee that he had been physically abused while handcuffed and had suffered continuing physical effects as a direct result. The Committee regards such a claim as serious.

Port Augusta Residential Housing Project

- 3.26 The Committee was able to inspect the Port Augusta RHP located in the town. During this visit, the Committee was briefed by the operations coordinator of the RHP and inspected a house in the Project.
- 3.27 The Committee did not speak at length with the children or parents, but from the short time at the RHP there appeared to be good relations between staff and detainees.
- 3.28 The Committee felt that although the facilities at the RHP were pleasant, the lack of freedom for detainees and uncertainty about the future was a concern.
- 3.29 Following the visit to the Port Augusta RHP the Committee travelled back to Adelaide.

Concluding observations

- 3.30 The inspections enabled the Committee to observe the operation of the Baxter IDF along with the facilities available for detainees and their families at the Port Augusta RHP.
- 3.31 For the Committee, the three main concerns to emerge from the inspection were:
- length of detention;-
 - mental health in detention; and-
 - the possibility of physical abuse.
- 3.32 While the physical conditions in the Baxter IDF are reasonable, the Committee feels that they are not conducive to good mental health and well-being. The Committee cannot deny the impact of long term detention.

- 3.33 The personal accounts expressed during the roundtable with detainees indicate that the strain on detainees awaiting the results of appeals for prolonged periods is immense. The Committee believes that the length of detention has a close correlation with the development or exacerbation of depressive conditions in a number of cases.
- 3.34 The Committee considers that, even taking into account the existing medical support available from outside Baxter IDF (Port Augusta Hospital) and the professionalism displayed by the nursing staff in the centre, the psychiatric visits (one every six weeks) seem to be inadequate for the number of detainees on tranquillisers and anti-depressant medication.
- 3.35 The Committee believes that concerns relating to the mental health of long-term detainees and the possibility of physical abuse require closer consideration, as do the general conditions under which detainees are held. The Committee supports a review of the full range of services provided in detention.

Don Randall MP
Chairman