

Darwin

AFMA Facilities

- 10.1 In Darwin, the Committee undertook two inspections of AFMA operations, which are primarily concerned with illegal fishers. Initially the Committee visited and was briefed on the site of a proposed on-shore facility at Shed Point. The Committee then inspected the current mooring arrangements in Darwin Harbour.

Shed Point Proposed Site

- 10.2 AFMA are seeking an alternative site to the present harbour moorings in response to the Commonwealth Ombudsman's conclusion that improvements to detention arrangements were needed.¹
- 10.3 AFMA have applied to the Northern Territory Department of Lands, Planning and Environment to secure an option on the site and has produced a scoping document to allow the Department to examine the application.
- 10.4 The proposed 22 hectare site is on the western shore of Darwin Harbour. It is accessible by land via a track which is inundated in the wet season. It is more readily reached by a short boat trip from the eastern shore of the harbour.
- 10.5 The site currently has no potable water, no power, and no sewerage. The site's advantages are that it is not casually accessible, it is suitable for

1 Commonwealth Ombudsman, *Administrative Arrangements for Indonesian Fishermen detained in Australian Waters*, para 5.8.

burning forfeited boats, and is only about 20 minutes from Darwin by fast boat.

Proposed development

- 10.6 A security fence, intended primarily to keep non-detainees out will surround the site.² Water demands will be met by using the allocation from a now-disused prawn farm in the vicinity. Power will come from generators, and sewage will probably be handled by septic tanks, but this was not certain when the Committee visited the site. The possibility of a helicopter pad for emergencies was mentioned.
- 10.7 Open style structures emulating Indonesian fishers' dwellings are proposed, with a capacity of up to 100 detainees. Four toilets will be provided. There will be communal cooking facilities, with the detainees doing their own food preparation. All buildings will exceed the current cyclone standards, and the site itself is above predicted cyclone tide surge levels.
- 10.8 The Committee was informed that estimated cost of \$1.6 - \$2 million which had been mentioned to it was not based on any quantity surveyor calculations. The potential cost would become clearer when tenders were called.
- 10.9 The Committee noted that the proposed facility was designed to be an AFMA facility, not a migration detention centre. It would accommodate fishermen, with no women. The Committee considered that, as proposed, the site would not in fact be suitable for DIMA purposes because migration detention potentially requires long-term accommodation for women, children, and family groups as well as men.

Darwin Harbour Moorings

- 10.10 Detained boats are currently moored in Darwin Harbour with their crews on board. The mooring area is a declared quarantine area with limited access by the public. Maximum capacity is about 200 persons

Management and Staffing

- 10.11 The Northern Territory Department of Fisheries coordinates administration of the caretaker agreement between the Commonwealth

2 In two decades, probably only four detainees have attempted to escape.

and Barefoot Marine on behalf of the Commonwealth. The caretaker employs up to five people, depending on the number of boats in the harbour.

Detention

- 10.12 Fishers remain on Darwin Harbour until their court proceedings are concluded, generally about 25 days. Those appearing in court and who, prima face, have a case to argue are provided with legal assistance by lawyers employed by the Northern Territory Legal Aid Commission. The Territory and Commonwealth Governments jointly fund the Commission.
- 10.13 Recent amendments to the Fisheries Management Act will soon allow fishers who plead guilty to leave within 48 hours, forfeiting their vessel, catch and equipment.³

Facilities

- 10.14 Currently fishers remain on their boats while in detention. Conditions are cramped, there is little opportunity for exercise, sanitation is poor, and sewage goes directly into Darwin Harbour. The caretaker is responsible for the daily provision of food and fresh water.

Health

- 10.15 Vessels and their crews are checked for quarantine and health problems.

Recreation

- 10.16 Crews are occasionally taken ashore to a park for impromptu football games.

3 AFMA briefing to the Committee indicated that amendments to the Fisheries legislation will provide for automatic forfeiture of a vessel present and fishing in the Australian Fishing Zone. Under existing legislation, vessels are not forfeited until the court determines. In practice it is possible for owners to pay an agreed bond and retain the vessel, forfeiting the bond in the event of an adverse finding by the Court.

Conclusion

- 10.17 The Committee considered that the existing mooring arrangements in Darwin were less acceptable than those at Willie Creek. Because there was little opportunity to go ashore there was little relief from the cramped conditions on the boats and few opportunities for exercise. Willie Creek also offered a more secure site than the current Darwin Harbour mooring arrangements.
- 10.18 The Ombudsman's view that improvements are required at Darwin,⁴ such as those proposed for Shed Point, therefore gained support from the Committee.
- 10.19 The Committee, however, noted that the estimated cost of the facility quoted to it seemed extremely low, and was not based on any detailed study of the proposed construction.
- 10.20 The Committee was also mindful of the fact that Willie Creek was the preferred destination of the RAN escorts, rather than the more distant Darwin.

Recommendation 18

- 10.21 **The Committee recommends investigation of the relative costs and benefits of centralising detention facilities currently at Darwin and Willie Creek, bearing in mind the necessary role of the RAN in apprehension and escort duties.**

4 Commonwealth Ombudsman, *Administrative Arrangements for Indonesian Fishermen detained in Australian Waters*, para 5.8.