
The Parliament of the Commonwealth of Australia

Not the Hilton

Immigration Detention Centres: Inspection Report

Joint Standing Committee on Migration

September 2000
Canberra

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Foreword

The Committee commenced its inspections of detention facilities at a time of extreme pressure on the facilities from the arrival of unprecedented numbers of “boat people”.

The Committee was therefore able to see the processing of new arrivals and examine the capacity of the detention centres to handle this pressure.

The Committee did not formally meet with or talk to the detainees.

The Committee was impressed by the competence of the personnel involved in managing and, in the case of the Curtin and Woomera centres, actually establishing detention facilities.

However, the Committee also noted the potential for problems to arise as a result of holding large numbers of people in single facilities.

This report deals with issues specific to detention centre infrastructure and services. The Committee notes that the Government has taken a number of steps aimed at reducing the numbers of unauthorised arrivals, and also announced initiatives in relation to detention centres. The Committee, in looking solely at infrastructure and services, has not specifically investigated these changes. This report, therefore, reflects the views of the Committee at the conclusion of its inspection visits.

Mrs Chris Gallus MP
Chair



Membership of the Committee

Chair Mrs C. Gallus MP

Deputy Chair Senator J. McKiernan

Members Senator A. Bartlett

 Senator A. Eggleston

 Senator J. Tierney

 The Hon D. Adams MP
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 The Hon B. Baird MP

 Mrs J. Irwin MP

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Rachel Carew (Nov 1999- Mar 2000)

Vishal Pandey (from Mar 2000)



Terms of Reference

The Committee has a responsibility to Parliament to monitor the immigration and multicultural affairs portfolio. This responsibility extends to examining custodial services operating at detention centres under DIMA control.

The operation of migration detention centres and issues to do with suspected unlawful non-citizens detained at some of these centres were the subjects of previous reports:

- *The Management of Boat People*, Australian National Audit Office Report No 32, February 1998;
- *Those who've come across the seas: Detention of unauthorised arrivals*, Human Rights and Equal Opportunities Commission, May 1998; and
- *Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters*, Ombudsman, July 1998.

The Committee took account of these reports when arriving at the recommendation in its *Immigration Detention Centres Inspection Report* (August 1998) that:

“...the Joint Standing Committee on Migration continue to monitor detention practices and suggests that the Minister for Immigration and Multicultural Affairs request that the committee again inspect the facilities in the next Parliament.”

The Minister, in his response to the Report in September 1999, agreed with this recommendation, and the Committee resolved to conduct inspections of detention centres.



List of Abbreviations

ACM	Australasian Correctional Management Pty Ltd
ACS	Australasian Correctional Services Ltd
AFMA	Australian Fisheries Management Authority
AFZ	Australian Fishing Zone
DIMA	Department of Immigration and Multicultural Affairs
DOTRS	Department of Transport and Regional Services
IDC	Immigration Detention Centre
IRPC	Immigration Reception and Processing Centre
RAN	Royal Australian Navy
RRT	Refugee Review Tribunal
SIEV	Suspected Illegal Entry Vessel
SUNC	Suspected Unlawful Non Citizen
UNHCR	United Nations High Commissioner for Refugees.

Executive Summary and Recommendations

1. This summary outlines the conclusions reached by the Committee during its visit to detention centres, and the recommendations which arise from those conclusions. There were no recommendations arising from the first two chapters which deal with the conduct of the inspections and an overview of the management of DIMA facilities.

Chapter 3: Port Hedland

2. The location of the facility in Port Hedland provides a number of advantages for the detainees, allowing them access to off-site facilities and amenities.
3. Although the centre was close to capacity, the Committee did not consider it overcrowded.
4. The Committee considered that it was undesirable for detainees to have their privacy compromised through media coverage.

Recommendation 1

5. **The Committee recommends that the centre be screened to minimise photographic intrusion.**

Chapter 4: RAAF Base Curtin (Derby)

6. The Committee felt that, despite the newness of the Curtin site at the time of its visit, the centre was providing the basic amenities and services required.
7. However, the Committee considered that the climatic conditions at the centre merited the provision of more washing and toilet facilities.

8. The Committee noted the way in which the practical demands of setting up a site had not been permitted to overshadow the humanitarian aspects. The centre's staff showed concern for the detainees and the preservation of their dignity.
9. The Committee considered that the short-term staff contracts would diminish the corporate knowledge of the particular dynamics and needs of detainees in a temporary centre. Increased continuity of staff would assist in monitoring and assessing the internal security of the centre.
10. The Committee considered that, even taking into account the medical support available from outside Curtin, the physical medical arrangements appeared to be inadequate for routine health requirements of 1,000 detainees.
11. In view of the unrest already experienced at Curtin, the Committee was concerned that there was potential for problems to arise which would require action by the staff. The Committee observed the lack of internal subdivision of the centre at the time of its visit. It considered that this could hamper the staff in keeping order should a tense situation arise.
12. As a consequence of these conclusions the Committee makes the following recommendations:

Recommendation 2

13. **The Committee recommends that the ratio of showers and toilets to detainees be increased.**

Recommendation 3

14. **The Committee recommends that ACM endeavour to maintain staffing continuity by re-engaging staff to maximise the use of their skills and knowledge.**

Recommendation 4

15. **The Committee recommends that the expansion of on-site medical facilities be given priority.**

Recommendation 5

16. **The Committee recommended that internal fencing be erected for security reasons.**

Chapter 5: Woomera

17. The Committee considered that the existing medical clinic at Woomera was too small both for the requirements of the staff and for the handling of the large detainee population.
18. The Committee noted that the development of Woomera provided another centre for the detention of suspected unlawful non-citizens. This helped to moderate the population pressure on Curtin IRPC. It also probably reduced the strain on management associated with large numbers in a restricted environment.
19. The Committee also noted that the establishment of the centre provided an economic boost to the host rural area and demonstrated that unexpected demands on Australia's migration process can be met quickly, provided there is useable infrastructure in existence.
20. Despite its large population, the Woomera IRPC had yet to commence processing and review operations. The Committee was aware that the pressure of new arrivals on existing centres had meant that Woomera had been brought into operation very quickly, and that there would be some delays in the processing. However, the Committee was concerned that there were, at the time of its visit, no separation detention facilities.

Recommendation 6

21. **The Committee recommends that the expansion of on-site medical facilities be given priority.**

Chapter 6: Perth

22. The Committee noted that the IDC was operating at its effective design capacity. This produced the challenge of accommodating people of differing ethnic and cultural backgrounds with a minimum of friction in a restricted amount of space.

23. The Committee considered that there had been some improvement in the recreational facilities since its previous visit, particularly better shading of the outdoor area. Nevertheless the Committee concluded that the small outdoor recreation area makes the IDC unsuitable for accommodating detainees for long periods of time.
24. Overall, the Committee considered the IDC to be overcrowded at the time of its visit. As it operates at capacity most of the time there is a need for additional space at the facility.
25. The Committee observed that the current configuration of the centre did not provide adequate toilet facilities for all detainees. This deficiency also needs to be addressed.
26. The Committee noted the arrangements for the use of tranquillisers and anti-depressants, and wanted appropriate protocols to be followed.
27. The Committee was concerned that provision of massage therapy would be misinterpreted both by the Australian public and the detainees.
28. As a consequence of these conclusions the Committee makes the following recommendations:

Recommendation 7

29. **The Committee recommends that the IDC pursue acquisition of the adjoining areas in its current building to:**
 - **expand the interviewing capacity to expedite processing of detainees; and**
 - **provide more space for accommodation.**

Recommendation 8

30. **The Committee recommends that the centre be used only for short-term detention.**

Recommendation 9

31. **The Committee recommends that the provision of toilet and ablution facilities be increased.**

Recommendation 10

32. **The Committee recommends that, in relation to tranquillisers and anti-depressant medication, DIMA ensure that:**
- **detainees provide informed consent; and**
 - **clear documentation of such treatments is kept for each individual.**

Recommendation 11

33. **The Committee recommends that the practice of providing massage to detainees on a regular basis is discontinued, and that massage is only provided when recommended by a doctor for substantial medical reasons.**

Chapter 7: Villawood

34. In its report on its visit to Villawood in June 1998, the Committee noted that major redevelopment works were planned or underway. Following the visit in February 2000, the Committee noted that:
- the two establishments, while currently being adequate for their purpose, are both ageing properties;
 - the redevelopment which had been scheduled for completion in mid 1999 had not begun;
 - had it been completed, the new centre's capacity would have been only marginally in excess of the actual numbers in the existing centre;
 - the improved security promised by the redevelopment would have reduced the number of escapes; but
 - it would not remove the security problems associated with having a centre in a built-up suburban area.
35. The Committee also noted that planning for the redevelopment had been undertaken when annual detainee day numbers were declining.¹

¹ From 242,000 detainee days per year in 1994/95 to 152,061 in 1997/98. DIMA, *Annual Report*, 1994/95-1998/99.

36. In late 1999 this situation had changed with the influx of suspected unlawful non-citizens by sea and air. This rise in numbers has placed a continuous high level of demand on the existing detention centres, which DIMA has met through the creation of additional temporary detention accommodation.
37. This change may only be temporary, but the Committee considered that the volatility of numbers arriving unlawfully and their impact on the detention centres across Australia should also be factored into DIMA's planning for the Villawood upgrade.

Recommendation 12

38. **The Committee recommends that DIMA proceed with the redevelopment of Villawood, taking account of:**
- **the security issues increasingly associated with detention sites in urban areas; and**
 - **the need for flexibility to deal with potential changes in the numbers and mix of suspected unlawful non-citizens arriving in Australia.**

Chapter 8: Maribyrnong

39. As at the Perth IDC, the Committee could see the benefits of the provision of massage therapy for detainees at Maribyrnong, and understood the reasons for its use. The Committee, however, doubted that such opportunities needed to be provided to all detainees. As with the Perth IDC, the Committee was concerned that provision of such therapy would be misinterpreted both by the Australian public and the detainees. Therefore the Committee reiterates its previous recommendation (No. 11) that:
- the practice of providing massage to detainees on a regular basis is discontinued, and that massage is only provided when recommended by a doctor for substantial medical reasons.²**
40. Maribyrnong, although an old facility, remains functional. At the time of the Committee's visit families could not be retained as units because of the lack of space but this was not considered by the Committee to be a permanent state of affairs.

2 See Chapter 6.

41. The Committee noted the plans for improved security and noted that the re-opening of the large recreation areas would ease pressure on the existing communal areas.

Recommendation 13

42. **The Committee recommends that the necessary security upgrading be undertaken as a matter of priority, both to improve security and permit fuller use of the centre's grounds.**

Chapter 9: Willie Creek (Broome)

43. The presence of the Caretaker's family and friends produced a level of informality not apparent in other detention centres. While this relaxed atmosphere was congenial, the Committee regarded it as inappropriate both for security and in the context of the exercise of delegated Commonwealth migration powers.
44. The Committee noted that there had been little change in the limited physical amenities since its previous report. The Committee appreciated that delays pending the release of the Ombudsman's report had impeded improving the land-based facilities. Nevertheless, it was concerned at the state of the facility. In particular, a large deep excavation, remarked upon in the Committee's 1998 report as "potentially dangerous", remained unfenced.³
45. The Committee was concerned that there were health and safety issues with the site as it is, and that the appropriate duty of care was not in evidence.
46. The Committee believed that the extended lines of communication from AFMA through Fisheries Western Australia might have contributed to the unsatisfactory aspects of the situation at Willie Creek.
47. Overall, given the lack of response to its 1998 report, the Committee was unconvinced that a longer-term contract would result in a marked improvement in the facility.
48. In the light of these conclusions, the Committee recommended as follows:

3 Joint Standing Committee on Migration, *Immigration Detention Centres Inspection Report*, 1998.

Recommendation 14

49. **The Committee recommends that consideration be given by AFMA of a clear physical separation of the family's and detainees' on-land areas.**

Recommendation 15

50. **The Committee recommends that the obvious safety risks of incomplete structures be addressed immediately.**

Recommendation 16

51. **The Committee recommends that DIMA and AFMA monitor the operation of the Willie Creek facility more closely.**

Recommendation 17

52. **The Committee recommends that AFMA examine the desirability of a new facility at Broome.**

Chapter 10: Darwin

53. 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.
54. The Ombudsman's view that improvements are required at Darwin, such as those proposed for Shed Point, therefore gained support from the Committee.
55. 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.
56. 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

57. **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.**

Chapter 11: Christmas Island

58. The Committee, having inspected the temporary accommodation at Christmas Island, concluded that it was inappropriate and inadequate for use as a holding or detention facility for more than very short periods of time. Nevertheless, the Committee did not consider that the sporadic nature of unauthorised arrivals merited the construction of a permanent, purpose-built holding or detention facility.
59. The Committee considered that there may be merit in the proposal to make minor adaptations to the proposed recreation complex to facilitate temporary, short-term detention of SUNCs.
60. The Committee considered that there was merit in the idea of creating a stockpile of non-perishables and re-useable equipment to ease the pressure on the Island's resources caused by having to accommodate detainees.
61. Further, the Committee supported the pursuit of a formal arrangement with State health authorities to medical emergencies.

Recommendation 19

62. **The Committee recommends that the current practice of removing unauthorised arrivals to mainland detention centres be continued.**

Recommendation 20

63. **The Committee recommends that the plans for the proposed recreational complex be drafted with sufficient flexibility in its construction to permit short-term housing of unauthorised arrivals.**

Recommendation 21

64. **The Committee recommends that DIMA, in consultation with the Department of Regional Services, Territories and Local Government, provide a stock of equipment such as washable stretcher beds and non-perishables for use in the temporary detention of suspected unlawful non-citizens.**

Recommendation 22

65. **The Committee recommends that arrangements with State medical authorities to cover emergency medical arrangements be finalised.**

Chapter 12: Conclusions

66. Although the numbers of suspected unlawful non-citizens arriving may decline in future, there remains considerable global movement of undocumented people seeking new homes. This provides a potential for future increases in arrivals, and it would be prudent to retain at least some of the recently created detention capacity.
67. The Committee believes that DIMA should attempt to maximise the return from its expenditure on the development of the Curtin centre and the creation and expansion of the Woomera centre. As both Curtin and Woomera are on Commonwealth land, to which entry is restricted, it should be possible to allow much of these newly established centres to be cocooned once they are no longer required to house detainees.
68. The Committee believes that Australia's detention administration is appropriate and professional. It is currently handling the demands of unprecedented numbers of arrivals well.
69. However, as the changes in the demands on detention facilities during the Committee's inspection period indicate, there is a need for continued monitoring.

Recommendation 23

70. **The Committee recommends that DIMA examine the costs and benefits of deactivating, but retaining, structures and infrastructure at the current temporary detention centres.**

Recommendation 24

71. **The Committee recommends that it continue to inspect and monitor detention facilities.**

Recommendation 25

72. **The Committee recommends that, in future, in addition to inspection visits, arrangements also be made to meet with representatives of the detainees.**

Overview

The Committee's Inspection of Detention Centres

Background

- 1.1 The Committee inspected five detention centres in 1998.¹ In its report, *Immigration Detention Centres Inspection Report August 1998*, the Committee recommended that it continue to monitor detention practices.
- 1.2 The Minister, in his September 1999 response to the Committee's report, agreed with this recommendation. As a consequence, the Committee decided to conduct inspections of the detention centres at Perth, Port Hedland, Curtin, Broome and Darwin in November 1999; Woomera in January 2000; and Villawood and Maribyrnong in February 2000. In March 2000 the Committee inspected the facility used as a temporary detention centre on Christmas Island.
- 1.3 The Committee's inspections of facilities in Western Australia and the Northern Territory took place between 10 and 12 November 1999, at a time when the volume of unauthorised entries to Australia was rising rapidly.² Between 1 July 1998 and 30 June 1999 there were 926 unauthorised arrivals by sea. Between 1 July 1999 and the beginning of the Committee's inspections on 10 November, over 1,600 more suspected unlawful non-citizens had arrived and been detained.
- 1.4 The Committee therefore was able to observe the detention process under extreme pressure from new arrivals, and the activities at the new centres

1 Perth, Port Hedland, Villawood, Maribyrnong, Willie Creek.

2 Details of the 1999/2000 inspection visits to the centres are at Appendix A and B respectively.

opened to alleviate this pressure; RAAF Base Curtin (near Derby, WA) and Woomera in South Australia.

- 1.5 The Committee notes the reported volatility of the situation at some centres subsequent to its inspections. It would appear that tensions have not diminished despite efforts by DIMA. The Committee regrets these occurrences, and notes that litigation arising from them is proceeding.

Committee's Approach

- 1.6 In the course of the inspection visits the Committee did not seek information on individual cases, nor did it receive such information. This report therefore focuses on the operations of the centres, rather than on the detainees. The physical structure and administrative arrangements of most centres were detailed in the Committee's previous *Immigration Detention Centres Inspection Report* and are generally not discussed in the current report. The Committee's assessment of the overall arrangements at the Department of Immigration and Multicultural Affairs (DIMA) centres is in Chapter 2, *Management of DIMA Facilities*.

The Centres

- 1.7 The prime function of each of the DIMA centres is detention of suspected unlawful non-citizens, some of whom may attempt to establish grounds for entry to Australia. Perth is a small purpose-built establishment with a predominantly short-term transitory population. Villawood and Maribyrnong are larger, and Port Hedland is the largest of the permanent centres. Curtin, although already accommodating unlawful non-citizens, was still being established at the time of the Committee's visit, as was Woomera. The temporary facilities on Christmas Island were not being used for detention purposes when the Committee visited. The arrangements at remote centres where detainees had arrived by boat and the Committee's assessment of these centres is in *Part 1: "Boat People"*. The urban detention establishments in Perth, Villawood and Maribyrnong are examined in *Part 2: Urban Centres*.
- 1.8 Facilities operated under the auspices of the Australian Fisheries Management Authority (AFMA) use provisions of the migration legislation to detain fishers who have infringed Australia's borders. Unlike the detainees at DIMA centres, those at the AFMA facilities generally do not apply to remain in Australia. The Committee inspected two such facilities, at Willie Creek (Broome, WA) and Darwin.
- 1.9 The AFMA centre at Willie Creek was, at the time of the Committee's visit, involved in processing a boatload of unauthorised arrivals. At Darwin the

Committee inspected the current holding arrangements in Darwin harbour and also a proposed on-land detention site. The Committee's views on these centres are set out in *Part 3: Fishers*.

- 1.10 *Part 4: Offshore detention* concerns the facility on Christmas Island.
- 1.11 In view of the diversity of circumstances and activity, the report discusses each centre separately before drawing some general conclusions about their operation.

Detention

- 1.12 As an integral aspect of Australia's national sovereignty, the State determines:
- which non-citizens can gain entry to Australia;
 - the conditions under which non-citizens are admitted or permitted to remain; and
 - the conditions under which they may be deported or removed.³
- 1.13 Under Australia's *Migration Act 1958*, all non-citizens who are in Australia unlawfully must be detained and, unless they are granted permission to remain in Australia, must be removed from Australia as soon as is practicable.⁴
- 1.14 Those who may be detained include people who have:
- overstayed their visas, or breached the conditions of their visas, and are awaiting travel arrangements to be made for their supervised departure from Australia, or
 - arrived in Australia with a defective visa (which includes visas obtained fraudulently, or visas inappropriate to their circumstances), and who in some instances, must be detained until granted an entry permit or removed from Australia,⁵ or
 - arrived without visas.⁶

3 *Robtelmes v Brenan* (1906) 4 CLR 395.

4 DIMA Fact Sheet 82 *Immigration Detention*.

5 Joint Standing Committee on Migration, *Asylum, Border Control and Detention*, 1994, p.12.

6 Bridging visas may be granted to enable visa applicants to remain in the community lawfully while any outstanding applications or appeals are being finalised.

Detention Administration

- 1.15 The two Federal authorities responsible for the administration and management of detention centres in Australia are the Department of Immigration and Multicultural Affairs (DIMA) and the Australian Fisheries Management Authority (AFMA).
- 1.16 AFMA is a Commonwealth statutory body, established in 1992 under the *Fisheries Administration Act 1991*, which manages Commonwealth fisheries under the *Fisheries Management Act 1991*.⁷
- 1.17 AFMA delegates many of the administrative responsibilities for the fishing vessels to officers of the WA and NT fisheries departments. Fishing boats intercepted fishing illegally in the Australian Fishing Zone (AFZ) by a Navy or Australian Customs Service vessel are detained by the relevant State/Territory Fisheries authorities while an investigation is conducted into the alleged offence.
- 1.18 In the absence of detention powers in fisheries legislation, the fishers are detained using immigration powers.⁸ The Border Protection Legislation Amendment Bill 1999, which had not been proclaimed at the time of the Committee's visit, proposes specific powers of detention under fisheries legislation, but limited to seven days. Subsequent detention would remain under the immigration powers.
- 1.19 AFMA has entered into contracts with private companies to provide the day to day caretaking services for the fishers and their boats.
- 1.20 DIMA is responsible for detention at Immigration Detention Centres (IDC). Since December 1997, however, at its IDCs:
- “Australasian Correctional Services (ACS) is contracted to deliver a range of services required at IDCs, including guarding, catering and providing health, welfare and educational services.
- Actual service delivery has been subcontracted to Australasian Correctional Management Pty Ltd (ACM), the operational arm of ACS.”⁹
- 1.21 DIMA staff remain on location and are solely responsible for all immigration-related matters, as well as the monitoring of delivery services to detainees by the ACS. The standard of care is defined by DIMA in the Immigration Detention Standards. These standards are designed to
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7 Joint Standing Committee on Migration, *Immigration Detention Centres Inspection Report*, 1998.

8 Commonwealth Ombudsman, *Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters*, para 5.1.

9 DIMA, *Annual Report*, 1998/99.

ensure that the needs of the detainees are met in a culturally appropriate manner, while at the same time providing safe and secure detention.

- 1.22 ACS must meet this standard in order to comply with the Government's duty of care obligations. These are included in the contractual agreements with ACS.
- 1.23 The Committee discusses this arrangement in Chapter 2 *Management of DIMA Facilities*.

Detention Locations

- 1.24 DIMA maintains four principal detention centres:
- Villawood IDC (Sydney) was established in 1976 with a capacity of about 270 people.
 - Maribyrnong IDC (Melbourne) was established in 1966, and has a capacity of about 80 people.
 - Perth IDC was established in 1991 with a capacity of about 40 people.
 - Port Hedland Immigration Reception and Processing Centre (IRPC) in Western Australia was established in 1991 with a capacity for over 800 people.¹⁰
- 1.25 DIMA has also leased accommodation at the Curtin RAAF Air Base near Derby in Western Australia (last used in 1995) which can accommodate approximately 1,000 detainees. The centre at Woomera in South Australia has a projected capacity of up to 2,000 detainees.
- 1.26 DIMA hires the Christmas Island community sports centre from the Shire of Christmas Island as temporary detention accommodation until detainees can be relocated to mainland centres.
- 1.27 AFMA is responsible for the detention of predominantly Indonesian nationals and the impounding of their fishing vessels at the following caretaker facilities:
- Willie Creek (Broome, Western Australia). Boats are held in the estuary. Fishers are free to leave their boats but must remain within the secured facility.
 - Darwin Harbour. Boats are moored within a defined quarantine area and the fishers remain on board.

10 *Protecting the Border: Immigration Compliance*, DIMA, 1999.

- 1.28 AFMA is currently investigating the provision of an on-shore detention facility at Darwin.

Detainees

- 1.29 AFMA detains illegal fishers apprehended in Australian waters under immigration legislation. These detainees numbered 873 in 1997/98 and 279 in 1998/99.¹¹

Table 1 **Unauthorised Arrivals and Detainees: 1994/95-1999/2000**

	UNAUTHORISED ARRIVALS					Persons detained
	By Air		Boats	By Sea		Annual Total*
	Persons	%		Persons	%	
1994/95	485	31	21	1071	69	1697**
1995/96	663	55	14	552	45	1410**
1996/97	1350	79	13	365	21	2460
1997/98	1550	91	13	157	9	2716
1998/99	2106	69	42	926	31	3574***
1999/2000	1694	29	75	4174	71	8205

Source DIMA, *Fact Sheet 81 Unauthorised Arrivals by Air and Sea*; Department of the Prime Minister and Cabinet, *Prime Minister's Coastal Surveillance Task Force*, June 1999. DIMA, *Annual Reports 1994/95-1998/99*.
* includes overstayers; ** excludes Pt Hedland & Curtin; ***excludes Christmas Island

- 1.30 The total number of persons detained each year by DIMA varies, but has shown an upward trend in the last half of the 1990s. Until 1999/2000 most unauthorised arrivals occurred at airports. Until 1998/99 unauthorised arrivals by sea had been declining.
- 1.31 Unauthorised arrivals are drawn from a wide range of nationalities, and arrive via a variety of countries. For the last three financial years Iraq and Afghanistan have been a major source of unlawful non-citizens, as has China.¹²

11 DIMA, *Annual Report*, 19978/98, 1998/99.

12 DIMA, *Fact Sheet 81 Arrivals by Sea and Arrivals by Air*.

Duration of Detention¹³

1.32 The period of detention continues for as long as:

- it takes to process the claims people may make to stay in Australia including claims which may engage Australia's protection obligations (ie those making claims to be accepted as refugees); and / or
- it takes arrangements to be made for the removal of detainees if they have no legitimate claim to stay in Australia.

1.33 Those who do not make claims which, *prima facie*, may engage Australia's protection obligations, are quickly removed. In 1998/99 about one third of unauthorised arrivals by boat failed to make claims which would, *prima facie*, engage Australia's protection obligations and were removed, most within 28 days.¹⁴ As Table 1 shows, the number of unauthorised arrivals by boat has increased markedly since 1998/99. It is expected that this will lead to a slowing in the rate of processing and a consequent increase in the period of detention of those not engaging Australia's protection obligations.

1.34 Those with a *prima facie* claim are kept in detention until their visa application is accepted or rejected. The average processing time in 1998/99 was 50 days, and 70 per cent of applications were determined within three months.¹⁵ Most of those who are unsuccessful at the primary stage move to the *review stage* by applying to the Refugee Review Tribunal (RRT) for further consideration.¹⁶

1.35 The RRT may decide a case on only the written material presented to it, but under those circumstances can only make a decision in favour of the applicant. The RRT may hold a hearing with the detainee and, if necessary, an interpreter. The RRT, based in Sydney, is increasingly using video-conferencing facilities to enable hearings involving detainees at remote locations, such as Pt Hedland. This process is more efficient and less time-consuming than a personal visit to the area by a member of the RRT. The average time taken by the RRT to finalise a detention case is 66 days¹⁷.

13 An overview of nationality, duration of detention, etc is at Appendix B. Details of duration of detention are at Appendix C.

14 234 of 336 unauthorised arrivals who did not engage Australia's protection obligations were removed within 28 days. DIMA, *Annual Report 1998/99*, Sub program 2.3 - Unauthorised Arrivals.

15 DIMA *Annual Report 1998/99*, Subprogram 3.2 – Onshore Protection.

16 In 1998/99 there were 5635 appeals lodged with the RRT: DIMA *Annual Report 1998/99*: Subprogram 2.3 – Onshore Protection.

17 RRT Website: *Detention Cases*. www.rrt.gov.au

- 1.36 A small proportion (11%) of unsuccessful applicants to the RRT apply for further judicial reviews through the courts. They remain in detention pending the outcome of those reviews.¹⁸
- 1.37 The range of individual circumstances means that there is a wide range of periods of detention. DIMA data indicates that in 1998/99 about three-quarters of detainees were in detention for less than one month. These included not only persons seeking refugee status, but also others who had attempted to enter Australia unlawfully, and individuals who had breached their visa requirements.¹⁹

18 In 1999/2000 judicial review applications were filed in respect of 11.04 per cent of RRT decisions. RRT Website: *Judicial Review Applications*.

19 DIMA: *Refused Immigration Clearance Report*.

Management of DIMA facilities

Background

- 2.1 The Committee was briefed by the centre management at each of the facilities which it visited. The Committee therefore formed an overview of how the Department of Immigration and Multicultural Affairs (DIMA) and its contractor Australasian Correctional Management (ACM) approach their responsibilities. The information provided at the briefings and during the inspections forms the basis of this chapter.

Delegation of DIMA Authority

- 2.2 ACM manages detention facilities on behalf of DIMA. The DIMA Business Manager is in overall control of the centre. At the direction of the Manager ACM exercises delegated authority through the senior ACM manager on site. This means that the staff of ACM handles the day-to-day operations of the centres. ACM are required to provide incident reports to DIMA on occurrences within a detention centre. There are also “Contact Operation Group Meetings” held between DIMA and ACM, which form part of a quarterly review of ACM’s performance against detention standards.
- 2.3 At all centres DIMA and ACM staff reported that their relationship was harmonious.

Services

- 2.4 ACM provides, or arranges for the provision of, administration, catering, security, escorting, transporting, counselling and medical facilities.
- 2.5 In the case of escort duties, the detention provisions of the immigration legislation require that a detainee be in the charge of an immigration officer. Relevant ACM staff therefore have individual authorisation under the immigration legislation.
- 2.6 In a number of the detention centres ACM has sub-contracted the catering to A & K Anderson.

Staff

- 2.7 Staff are generally recruited locally and trained by ACM and DIMA. ACM staff must complete a 420 hour training program and an additional 40 hours of training annually, which includes cross-cultural awareness. In addition, staff are provided with the ACM “Code of Conduct” which makes reference to the importance of maintaining objectivity in dealing with the detainees in a fair and equitable manner.
- 2.8 Many of the ACM staff have had experience in correctional institutions, but the Committee was informed that this background was not necessarily an advantage. This was because the dynamics of a prison system were significantly different from those of a detention centre.
- 2.9 In prisons, for example, the inmates know the period for which they will be detained before being eligible for parole. This was not the case in detention centres, where detainees do not know how long it will be before there is a decision on their case, nor do they know what that decision might be. Staff at detention centres therefore require a different approach to their duties than that which works in the prison system.
- 2.10 However, some medical staff who spoke to the Committee reported that their previous work in correctional facilities had been valuable because it provided experience of working in conditions with limited access to medical practitioners. This gave staff experience in dealing with medical emergencies in the absence of immediate assistance.
- 2.11 ACM has a policy that at temporary and isolated centres, staff have six-week contracts to ensure that they take an essential break from the stress of the job and the climate. The limited contract period also helps to prevent staff from identifying closely with the detainees’ position. Staff are employed on a casual basis and, subject to the number of positions

available, are subsequently able to apply for permanent positions. Permanent positions are subject to a three month probationary period.

- 2.12 The Committee noted that at Pt Hedland many of the staff were locally recruited and could be expected to have a long-term involvement with the centre. At Woomera the Committee observed that some of the staff there had previously worked at the Curtin centre.

ACM approach

- 2.13 The ACM management of the detainees aims to provide dignity and allow freedom of movement within the detention facility. It also aims to facilitate communication between detainees and between staff and detainees to minimise friction.
- 2.14 ACM's policy is to emphasise to the detainees that its staff are not part of the Australian immigration system, and have no influence on decisions being made concerning the detainees' future. The staff are not permitted to discuss the detainees' position among themselves or with the detainees.
- 2.15 At some of the centres staff members have been assigned a number of individual detainees with whom they were expected to make daily contact. Through this arrangement ACM gains knowledge of the activities and concerns of the detainees. This provides the necessary background against which early identification of individual and /or group problems or unrest can be made.
- 2.16 A briefing by DIMA indicated that each detention centre had a Centre Emergency Response Team of six for crisis intervention. The team provides a rapid response to medical, security and safety incidents. When an incident arises the team is constituted from specifically identified detention personnel on routine duties at the centre. Such teams may also be used to supplement staff at other centres if the need arises.
- 2.17 During the briefing at Woomera, the Committee was advised that, in the event of difficulties at the centre, the staff could be reinforced by a team which was available 24 hours a day to fly in.
- 2.18 The Committee noted numbers of staff either moving about among the detainees or observing activity in the centres. The Committee considered it advantageous for the staff to be working among the detainees to supervise and to provide immediate contact between detainees and administration.

- 2.19 In addition, at each centre representatives of the detainees meet regularly with the ACM administration to discuss issues which arise and to ensure that concerns are directed to the appropriate authorities.

Conclusion

- 2.20 ACM is providing guards and catering, health, welfare and educational arrangements formerly provided by the Commonwealth. The total outlay of DIMA *Sub-Program 2.2: Detention* in 1998/99 was \$18.86 million, compared to \$22.54 million the previous year. DIMA changed its program structure in both 1996/97 and 1997/97; therefore costs from previous years are not comparable.¹
- 2.21 The outlays in relation to ACM are not separately identified in the overall cost of the detention program. Even if they were, it would not be possible to compare the costs with those incurred under the previous arrangements because:
- ACM's contract began half way through 1997/98, so the data for that year reflect a mix of both the current and former arrangements; and
 - the contract with ACM is more comprehensive with regard to services to be provided than was the case under the previous arrangements.²
- 2.22 An alternative measure for cost comparison is the average expenditure per detainee per day. In the established centres the cost per head per day increases as numbers fall because fixed charges are divided among fewer people.³
- 2.23 When at full capacity, the cost at established centres under ACM is \$70.41 per person per day (but more at Woomera and Curtin because of their start-up costs). In 1998/99 the average accrued cost per head for detainees was \$112 per day, compared with \$145 in 1997/98.⁴
- 2.24 At the beginning of 1999, DIMA's opinion of the arrangements with ACM was that:

1 DIMA, *Annual Report*, 1997/98; 1998/99

2 DIMA evidence to the Senate Standing Committee on Legal & Constitutional, Legislation Committee, 9/2/99, p. 205.

3 Eg: if Pt Hedland has fewer than 50 detainees, the average cost is \$300 per person per day. DIMA evidence to the Senate Standing Committee on Legal & Constitutional, Legislation Committee, 10/2/00, p. 169.

4 DIMA, evidence to the Senate Standing Committee on Legal & Constitutional, Legislation Committee, 10/2/00, p. 169 *Annual Report*, 1997/98; 1998/99.

if we had a similar range of developments with the previous service provider, we would probably be paying slightly less now than we did previously; but it is difficult to draw that comparison in an empirical way.⁵

- 2.25 The Committee considered that arrangements at the centres provided an even-handed approach to the detainees. In addition, attention to detainees' needs helped to minimise friction and assisted in smooth management of the centres.
- 2.26 The Committee was, however, concerned that some of the services provided could be considered excessive in the broader community. The Committee comments on particular arrangements in the relevant chapters.

5 DIMA, evidence to the Senate Standing Committee on Legal & Constitutional, Legislation Committee, 9/2/99, p. 206.



PART 1: “Boat people”

*The burden of the long journey
The hardness of life in the new land
Were not for wealth luxury or gold
But for survival if the truth be told¹*

1 Detainee poem MUD1, Woomera Immigration Reception and Processing Centre.



Port Hedland

Immigration Reception and Processing Centre

- 3.1 When the Committee visited Pt Hedland Immigration Reception and Processing Centre (IRPC) in May 1998 the stated capacity of its 11 accommodation blocks was 700. Following the refurbishment DIMA currently assesses that the centre can house more than 800 detainees.²
- 3.2 The numbers and family composition of the detainee population vary constantly with arrivals and departures. At 30 June 1998 there were 33 detainees, but by 30 June 1999 the number was 635.³
- 3.3 At the time of the Committee's visit on 10 November 1999, the centre held 768 detainees.⁴ The Committee considered that the centre appeared close to capacity. The DIMA Business Manager indicated that this was a comfortable number and that the centre could accommodate another 200 people, depending on the family composition and ethnic mix of any additional intake.
- 3.4 The main nationalities at the time of the Committee's visit were Iraqi (36%); Afghan (35%); Turkish (8%) and Chinese (7%).

2 DIMA, *Protecting the Borders: Immigration Compliance*.

3 DIMA Fact Sheet 82: *Immigration Detention; Annual Report 1997/98*.

4 Comprising 683 men (mainly 20-30 years), 43 women, 42 children.

Management and Staffing

- 3.5 ACM has 28 staff on duty at any one time during the day. They are drawn from a pool of some 150 permanent and temporary employees who are resident in Pt Hedland, and staff are also flown in.
- 3.6 Staff members, while on duty, maintain regular contact with the group of individual detainees assigned to them. The staff were not accompanied by interpreters, and therefore a possible language barrier remained. However, the Committee noted that the arrangement provided the detainees with a familiar staff figure who could facilitate access to management.

Detention

- 3.7 The centre undertakes reception and processing as well as detention. New arrivals are initially held in a separate compound from the main group of detainees. This “separation detention” is designed to prevent the new detainees from being coached by those with recent experience of the DIMA processes.
- 3.8 Detainees undergo an initial entry interview by DIMA officers, during which the officer attempts to determine the reasons for the person’s presence in Australia. This interview is summarised and an assessment made of whether the person has made claims which, prima facie, may engage Australia’s protection obligations.
- 3.9 In the case of a detainee who has provided prima facie evidence of having a claim to Australian protection, a further interview is conducted. This involves the detainee, a DIMA officer, an interpreter and a legal representative to assist with filling in forms.⁵
- 3.10 At Pt Hedland, the Committee was informed, individuals who do not raise prima facie claims for Australia’s protection were normally returned to their country of origin within a week. Most detainees (83%) at Pt

5 If a detainee shows at their entry interview that they have, prima facie, a claim on Australian protection, under the Immigration Application Assistance Scheme, the detainee is entitled to be provided with application assistance. This is funded by the Commonwealth and provided by private contractors. Four contractors provide services in Pt Hedland. DIMA (ie Commonwealth) funded application assistance is also available to detainees filling out applications for appeals to the Refugee Review Tribunal (RRT). Further appeals beyond the RRT do not attract Commonwealth funded assistance.

Hedland had been there less than six months at the time of the Committee's visit.⁶

Amenities

- 3.11 Four detainees are generally allocated to one room with four single bunk beds. Families, ie couples and parents with children, are accommodated in family areas.

Interpreting Services

- 3.12 There is some interpreting available at the centre, with the telephone interpreter service used as needed.

Health

- 3.13 A medical centre is open from 8.00 am to 8.00 pm daily, a daily clinic is held by a medical practitioner, and a nurse is available on call. A full-time counsellor is also employed and is available eight hours per day, five days a week. Mothers are taught about nutrition and dietary needs for their children by health staff.

Education

- 3.14 There are two teachers employed at the centre. A basic English comprehension program is available to the detainees, usually two classes daily, and DIMA advises that most detainees attend. The adult education classes also include nutritional issues and social awareness. Detainees who speak English may also use the education facilities to teach other detainees.
- 3.15 A children's education program is conducted on-site, with a weekly supervised excursion to the local school for sporting activity.

⁶ A further 4% had been in detention for between 6 and 12 months. An overview of duration of detention, nationality etc in each centre is at Appendix C.

Cultural

- 3.16 It is in the interests of the smooth operation of the IRPC to minimise potential friction between ethnic groups. Consequently, efforts have been made at the centre to accommodate specific needs of ethnic groups. The Committee noted that because of the large numbers of Muslims the Shiite *Al-Islam Mosque* and the *Sunni Mosque* have been established at the centre in addition to arrangements for other religions.
- 3.17 The centre's normal routines are varied to permit religious observance, eg the timing of meals is altered to allow for fasting periods during Ramadan, and special menus are provided for Chinese and Sri Lankan New Year. Other religious festivals are also catered for.
- 3.18 Religious workers from local Roman Catholic and Uniting Churches also visit the centre.

Recreation

- 3.19 The IRPC is not a gaol, but the occupants are detainees who do not enjoy their liberty. It is in the interests of the management to ensure that the detainees' concerns with their situation do not lead to disruptive behaviour. Provision of recreation opportunities is one means of decreasing this risk.
- 3.20 There were large outdoor areas with shading which the detainees could use, as well as areas for soccer, volleyball and basketball.
- 3.21 The Committee noted that each accommodation block visited had a recreation room with a small refrigerator, a hot water jug, a sink, television, and toys. The rooms were clean, and the furniture old and extremely basic.
- 3.22 The education area had a sewing machine, computers, typewriters, and television.
- 3.23 As the detainees can be kept in the IDC for long periods, occasionally small groups are permitted visits to the town swimming pool. In the past some ACM personnel had arrange basketball and also ad-hoc fishing in the near vicinity, but these activities had been discontinued before the recent sharp increase in numbers in the centre.

Security

- 3.24 The isolation of Pt Hedland contributes to the overall security of the IRPC. The centre itself is surrounded by a high fence. Inside, the area between the buildings is subdivided by similar high wire mesh fences. Gates between these compounds were open when the Committee visited, allowing the detainees to mix, but could be closed to contain specific areas if necessary.
- 3.25 The Committee observed that detainees in the outdoor recreation area were photographed by media personnel from outside the centre. The Committee was concerned that this invasion of privacy could enable identification of individuals. This could be argued as posing a risk for detainees who are subsequently returned home, and that potential risk being used as a new argument for warranting Australian protection.

Conclusion

- 3.26 The location of the facility in Pt Hedland provides a number of advantages for the detainees, allowing them access to off-site facilities and amenities.
- 3.27 Although the centre was close to capacity, the Committee did not consider it overcrowded.
- 3.28 The Committee considered that it was undesirable for detainees to have their privacy compromised through media coverage.

Recommendation 1

- 3.29 **The Committee recommends that the centre be screened to minimise photographic intrusion.**

RAAF Base Curtin (Derby)

Temporary Immigration Reception and Processing Centre

- 4.1 The temporary centre at the Curtin RAAF Base was reopened in September 1999 and has a capacity of approximately 1,000.¹ The population of the site at the beginning of November 1999 was 301. When the Committee visited on 11 November it had risen to 655, including 43 women (two pregnant). The 15-20 families had been kept intact. A further 182 detainees were due to arrive that afternoon and by the following day numbers were expected to rise to about 980. The intention is to keep the detainees in their original boat groups as far as possible, but there were no internal barriers to movement when the Committee visited.

Management and Staffing

- 4.2 DIMA's role, as in other centres, is overall policy administration. Day-to-day management is by ACM. The on-site manager reported excellent support in the setting up of the centre from DIMA, the RAAF, and ACM.
- 4.3 There were 73 staff when the Committee visited. This was expected to increase to about 100 when the site reached its capacity of approximately 1,000. The staff are trained and accredited as correctional or detention personnel. They work 12-hour shifts, but in the setting-up stage at Curtin they had been working longer hours.

1 It had previously been used to supplement Pt Hedland's capacity from 20 April 1995 – 7 December 1995. DIMA, *Annual Reports*, 1994/95; 1995/96.

- 4.4 Staff were on six-week contracts and the staff changes are on a three-weekly cycle to ensure some measure of continuity.

Detention

- 4.5 The centre had been open for little over a month when the Committee visited. The site was surrounded by a high fence and the administration buildings were within the perimeter but inside their own enclosure.
- 4.6 A number of transportable units had been installed and foundations had been laid to allow for the erection of more such units. This would permit detainees to be moved from the tented accommodation which had been set up initially.
- 4.7 The Committee was impressed by the progress made in the short time since the site was re-commissioned, and in the handling of the unexpected increase in demand.
- 4.8 At the time of the Committee's visit, there had been insufficient processing to establish whether detainees had prima facie claims to protection.

Legislative changes

- 4.9 Some of the detainees arrived in Australia after changes to the immigration regulations took effect on 20 October 1999 or made claims after that date. Prior to 20 October 1999 applicants could expect to receive a Permanent Protection Visa if they were found to qualify for protection by Australia.
- 4.10 However, under the new arrangements, people arriving in Australia unlawfully will, if eligible for protection, receive a *Temporary* Protection Visa valid for three years. They will not be able to sponsor other family members to Australia during that period.
- 4.11 These new conditions had been explained to the detainees shortly before the Committee visited Curtin. This news had created unrest. The detainees were advised that if these arrangements were unacceptable, they could request removal from Australia.

Amenities

- 4.12 When the Committee visited, about 300 of the detainees were accommodated in groups of four to six in tents which are used to accommodate up to nine Australian Defence Force personnel when operating in Northern Australia. The tents had electric lighting but were not air-conditioned. Priority was being given to moving women and children into portable air-conditioned buildings, and all detainees were expected to be rehoused in them within a month of the Committee's visit.
- 4.13 Because the centre was being re-established on a site previously used as a detention facility,² there was ready access to power, water and sewerage systems. In addition to the tent lines and an increasing number of transportable buildings, there was an administrative area, and a small clinic. There was approximately one shower and toilet for every 12-15 people, and the committee observed queues for both the men's and women's showers.
- 4.14 The Committee thought that the mess facilities were good, with five chefs and a number of kitchen hands. Detainees have successfully been encouraged to assist in the mess hall. The centre provides all detainees with three meals a day, two of which are hot meals.
- 4.15 Those detainees with money are able to access it through conversion to Australian dollars by a bank and to use it by arranging to have goods (mainly cigarettes) purchased off-site on their behalf.

Interpreting Services

- 4.16 DIMA indicated that the staff mainly spoke Arabic as a second language, and that the Telephone Interpreters Service was available.

Health

- 4.17 The main health problems seen at the clinic are dehydration and rashes. At the time of the Committee's visit the clinic operated from one air-conditioned demountable building. An additional unit for overnight observation was to be installed. There is medical attention available 24

2 The Centre was operational from 20 April to 7 December 1995 inclusive, housing East Timorese, among others. DIMA, *Annual Report*, 1995/96

hours a day from nurses and a medical practitioner is available 16 hours / day and in emergencies.

- 4.18 The Committee was impressed by the professionalism displayed by the nursing staff.
- 4.19 Assistance with routine testing (such as Mantoux for tuberculosis), was provided by Derby hospital, and relieved the centre's staff of some time-consuming activities. Other medical support is available from the hospital, including a hotline, and also from Kimberley Public Health. A car is always available for medical evacuations to Derby.
- 4.20 The need for hygiene is emphasised to detainees. DIMA advises that a comprehensive health program has been implemented. The centre provides showers, shampoo, washing machines and disposable nappies.
- 4.21 The Committee noted that a team was ready to begin counselling detainees as soon as there was sufficient infrastructure.
- 4.22 The clinic was in cramped accommodation in one demountable building. Owing to the heat it was not possible to run clinics in the tents. The Committee noted that no separate cubicles were available for patients in the clinic. The one patient that the Committee observed was lying on the floor while being treated for dehydration.

Education

- 4.23 By early 2000, DIMA reported, there were regular English literacy and numeracy classes provided for the adult population by a full-time Education Coordinator. Classes for school-age children were held twice a week, and negotiations for some children to attend Derby Public School were being undertaken.

Cultural

- 4.24 Most of the detainees were Muslim. Other religious groups were accommodated separately from the Islamic groups, but there was no separation of Sunni and Shiite Muslims. Meals provided included meat and vegetarian dishes with an emphasis on rice and pasta. DIMA advises that this menu, and the meal time, was varied to facilitate the observance of Ramadan.

Recreation

- 4.25 Although the detainees had plenty of space to move around in and there was shade available, the hot and dry conditions during the day discouraged outdoor activity.
- 4.26 Although the Committee did not observe any organised recreation or educational activities, DIMA advises that by March 2000 there were soccer, basketball, and volleyball competitions for adults and children. At the time of its visit the Committee noted that the energies of staff and management were still fully absorbed in establishing the centre and providing essential services.

Security

- 4.27 The Committee noted that the detainees at Curtin appeared less settled than at most other centres visited. ACM told the Committee that this was probably a consequence of the fact that they had arrived in a centre which was still being created, and which lacked an established population which can ease new arrivals' adaptation to their new circumstances. The abrupt change to the detainees' expectations (resulting from legislative changes which had affected their potential visa status) would also have contributed.
- 4.28 Unlike Pt Hedland, there were no internal divisions within the detainees' accommodation area at Curtin when the Committee inspected the site. This made the centre vulnerable to massing and incitement of detainees in a manner not possible at the permanent centres.
- 4.29 The ACM management expected this possibility to recede as the opening of more air-conditioned quarters gave people an attractive alternative to remaining outdoors and lessened the potential for mass actions.
- 4.30 There was a higher ratio of staff to detainees at Curtin than at Pt Hedland. However, compared to their Pt Hedland counterparts, the staff at Curtin were newer to their jobs and working in a more fluid environment where the routines and precedents which assist in the management of detainees had yet to be established.

Conclusion

- 4.31 The Committee felt that, despite the newness of the site at the time of its visit, the centre was providing the basic amenities and services required.
- 4.32 However, the Committee considered that the climatic conditions at the centre merited the provision of more washing and toilet facilities.
- 4.33 The Committee noted the way in which the practical demands of setting up a site had not been permitted to overshadow the humanitarian aspects. The centre's staff showed concern for the detainees and the preservation of their dignity.
- 4.34 The Committee considered that the short-term staff contracts would diminish the corporate knowledge of the particular dynamics and needs of detainees in a temporary centre. Increased continuity of staff would assist in monitoring and assessing the internal security of the centre.
- 4.35 The Committee considered that, even taking into account the medical support available from outside Curtin, the physical medical arrangements appeared to be inadequate for routine health requirements of 1,000 detainees.
- 4.36 In view of the unrest already experienced at Curtin, the Committee was concerned that there was a potential for problems to arise which would require action by the staff. The Committee observed the lack of internal subdivision of the centre at the time of its visit. It considered that this could hamper the staff in keeping order should a tense situation arise.
- 4.37 As a consequence of these conclusions the Committee makes the following recommendations:

Recommendation 2

- 4.38 **The Committee recommends that the ratio of showers and toilets to detainees be increased.**

Recommendation 3

- 4.39 **The Committee recommends that ACM endeavour to maintain staffing continuity by re-engaging staff to maximise the use of their skills and knowledge.**

Recommendation 4

- 4.40 **The Committee recommends that the expansion of on-site medical facilities be given priority.**

Recommendation 5

- 4.41 **The Committee recommended that internal fencing be erected for security reasons.**

Woomera

Immigration Reception and Processing Centre

- 5.1 The establishment of an Immigration Reception and Processing Centre (IRPC) at Woomera was announced on 9 November 1999. It was opened later that month on Department of Defence property at Woomera West, some 3 km from Woomera town, 500 km from Adelaide.
- 5.2 Woomera represents a considerable investment of government resources at a location well removed from both the boat landing region and from the settled regions of the country.¹
- 5.3 At the time of the Committee's visit the site had a surge capacity of about 1,100 people, depending on the mix of families and individuals. Detainees are accommodated in bunk beds in 1950's vintage barrack blocks with flow-through ventilation, and recently erected transportable units with air conditioning ("dongas").
- 5.4 At the time of the Committee's visit the centre was taking clear steps to finalise its processing arrangements and actively preparing to handle increased numbers. Construction of Stage 2 of the IRPC was about to begin, with completion expected in March 2000.
- 5.5 When the additional demountable buildings have been installed, the centre could accommodate up to 2,000 detainees. The expanded facility is designed to allow separation detention of incoming detainees until their

1 The potential cost of the establishment of Woomera IRPC with a capacity of up to 2,000 was estimated to be \$15 million. DIMA, evidence to Senate Standing Committee on Legal and Constitutional Legislation, 10/2/00, p. 169.

initial processing is completed. In addition there would be a high security area for high risk detainees, such as those about to be repatriated.

- 5.6 When the Committee visited there were 936 detainees, all of whom had arrived in Australian territory by boat. They comprised 741 males, 60 females and 135 children. There were 40 unaccompanied minors who were believed to have been separated from their families at the time they boarded boats to transit to the Australian coast. They were accommodated separately from the other adults. The majority of the detainees were of Iraqi origin (493), with the next largest group being Afghan (397)².

Management and Staffing

- 5.7 Most of the staff are ACM employees (about 80) with a small number of DIMA personnel and about a dozen administrative staff recruited locally.³ This number was expected to increase as the facility expands.
- 5.8 The centre has established a committee of appointed religious or academic leaders from each ethnic group. It meets weekly with the ACM administration to discuss issues which arise. The aim is to prevent potential confrontations by defusing and resolving issues and by directing the concerns to the appropriate authorities.
- 5.9 As at Curtin IRPC, the ACM staff members are on six week contracts. The Committee noted that some of the staff had previously worked at Curtin IRPC when it was being developed.

Detention

- 5.10 The first 140 detainees arrived by air on 30 November 1999. At the time of the Committee's visit, eight weeks later, there had been 15 intakes of suspected unauthorised non-citizens.
- 5.11 Owing to the pressure of new arrivals on DIMA resources, not all of the Woomera detainees had had an entry interview at the time of the Committee's visit. The pressure on the newly set up centre meant that its
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2 The Committee was advised that the other detainees came from Iran (31), Kuwait (8), Palestine (3), and one each from Jordan, Syria, Algeria, and Pakistan.

3 The ACM Centre Manager had under him two operations managers, two operations supervisors, six supervisors, and eight duty officers.

focus had been on receiving, housing and feeding the arrivals, rather than on administrative processing.

- 5.12 The Committee noted that facilities for separation detention did not exist, although they would become available in Phase 2.
- 5.13 In view of the opportunity that the mixing of new arrivals with other detainees offers for the fabrication of misleading stories, the Committee considers that separation detention should have been used from the beginning of the Woomera operation. It is important for the accuracy of the decision-making process at the primary interview that the information provided by the detainees has been subjected to minimal rehearsal and coaching.
- 5.14 It is also important subsequently that those with experience of the DIMA interview process do not provide feedback to those yet to be interviewed.
- 5.15 The lack of any processing at the time of the Committee's visit had created obvious tension among the detainees. The Committee was told that they had arrived with expectations that their cases would be processed within six weeks and were impatient that the centre was not adhering to their expected timetable. They had brought their grievance to the attention of ACM at the residents' meeting on the morning of the Committee's visit. Within fifteen minutes of the Committee's unannounced entry to the accommodation area of the centre, a large group of detainees had assembled waving placards urging that their futures be decided.
- 5.16 However, the Committee also noted that the children with placards appeared cheerful, and that there was evidence of good relations between staff and detainees. On Australia Day a delegation had paraded and presented the management with posters commemorating the occasion. In the administration area there was a poem by one of the detainees.⁴

Amenities

- 5.17 There is a small clinic and a separate administration area. The Committee did not visit any of the brick or transportable accommodation buildings, nor the associated ablution blocks because they were occupied, and there was tension at the centre.
- 5.18 Initially catering was provided by the Woomera hotel. The interior of the kitchen building had to be cleared of sand drifts and new or reconditioned

4 See "Part 1: "Boat people" title page.

equipment installed. By January 2000, A & K Anderson's Catering was operating the air-conditioned mess hall and kitchen. Areas used for assembly for meals had shade cloth awnings.

- 5.19 ACM has arranged for clothes from the Society of St Vincent DePaul to be made available to those without money.
- 5.20 Detainees' emphasis on personal cleanliness has meant greater than expected water usage, which was a potential problem for the centre. Stage 2 will incorporate the installation of new sewerage and water recycling systems.
- 5.21 The installation of these new systems would also benefit the township. The Committee was advised that the opening of the centre had also brought other direct benefits to the township, such as increased employment opportunities and more local expenditure.

Interpreting Services

- 5.22 DIMA indicated that the staff mainly spoke Arabic as a second language, and that the Telephone Interpreters Service was available.

Health

- 5.23 The staple food of the detainees is rice, which is their preference, and their diet is basically vegetarian with some meat.⁵ Fresh produce is delivered to cool rooms once a week. Children are provided with additional food such as fruit and milk or milk substitutes.
- 5.24 There is a women-only weekly health and welfare class which approximately two-thirds of the women attend. It covers subjects such as health, wellbeing, coping strategies and safety in the centre.
- 5.25 When the Committee visited, Woomera IRPC had five nurses. With the expansion of the centre, more nursing staff have been recruited, and by March 2000, DIMA advised, there were 12 ACM nurses assigned to Woomera, including two with midwifery qualifications. A local doctor attends daily from 10.30 am to 2.30 pm on weekdays and the centre has 24-hour emergency access to a doctor. The nurses generally have

5 On the day of the Committee's visit Lunch was vegetarian pasta with two salads, Dinner comprised lamb, vegetables, rice, and Supper (8.30pm) was bread pudding.

experience of practising with limited access to doctors. Often they have experience in outback or prison nursing.

- 5.26 At the time of the Committee's visit about 20 people were receiving counselling, in relation to their present location. Detainees requiring trauma counselling were sent to Melbourne, Adelaide, or Sydney for professional counselling.⁶ By March 2000 there was a full-time counsellor at Woomera, providing counselling on site.
- 5.27 The clinic is housed in an air-conditioned demountable building and a new medical centre is planned as part of Phase 2. DIMA advises that by March 2000 another 24-hour medical centre had been established, within the detainee's compound. The Committee visited the clinic only briefly because a patient had just been admitted with possible dehydration and the presence of Committee members severely reduced the limited space available for treatment.
- 5.28 Dehydration was reported to be the main health problem at the centre. Apart from that, the overall health of most arrivals was reported to be good, with many showing signs of previous immunisation. However, in the absence of any documentation, the detainees are screened for TB, Hepatitis B&C, HIV, and STDs.
- 5.29 The Committee was advised that DIMA intends to review its health screening arrangements because the current protocols, originating from the health profiles of previous "boat people" (Cambodian and Vietnamese), are no longer appropriate.
- 5.30 Most detainees are smokers. Smoking indoors is discouraged but strict enforcement is not pursued because it has the potential to create unnecessary friction between management and detainees. Quit smoking programs are to be introduced.

Education

- 5.31 At the time of the Committee's visit nearly half of the detainees were attending classes. DIMA advises that by March 2000 the majority of the adult population was attending classes. The main subject is English as a Second Language. The 10 instructors are detainees who possess relevant linguistic skills and have appropriate academic backgrounds. Other classes available include relaxation exercise, life skills, health, hygiene,

6 The Committee was advised that, by mid-year, detainees requiring trauma counselling were seen by a qualified counsellor at Woomera.

and maths, and for boys under 18, Tai Chi and calligraphy. A kindergarten commenced operation in February 2000.

Cultural

- 5.32 The two major national groups (Iraqi and Afghan) did not, by choice, associate. Most tended to remain with their own language groups. The Committee was told that there was no religious conflict.
- 5.33 DIMA advises that religious leaders of the various ethnic groups hold daily prayer meetings and conduct daily religious instruction. Religious workers from the Roman Catholic and Uniting Church attend the centre for fortnightly religious services.
- 5.34 Some detainees are involved in the food preparation and this is assisting the caterers in fine-tuning the menus. The main adjustments have been to the cooking and presentation of the rice and increased supplies of tea and sugar.

Recreation

- 5.35 DIMA advises that soccer and volleyball are available. The Committee observed few outdoor recreation facilities apart from a yet to be assembled children's playground and a shaded area when it visited. The climate of Woomera in January is not conducive to outdoor activities. The limited indoor facilities included table tennis.
- 5.36 Detainees are also encouraged to work within the centre. Some 12-15 people work on each shift in the kitchen and others are involved in cleaning and painting. The management praised the application shown by the detainees in this voluntary work.
- 5.37 Detainees earn points for their work which can be converted to funds in a trust account, then spent on items such as clothing, toiletries, and cigarettes purchased on their behalf in Woomera.

Security

- 5.38 Physical security for the site is maintained by a perimeter wire mesh fence topped with razor wire which is floodlit at night. This is complemented

by the siting of the facility on Department of Defence land, which requires a permit to enter. Detainees are briefed on the risks associated with venturing into the dry and hot isolation surrounding the centre.

- 5.39 Each detainee has a photographic identification card which is used in the management of detainees' movements at the facility. It enables, for example, the staff to ascertain that all detainees are attending meals. There is an electronic check to prevent metal objects being taken from the mess hall.
- 5.40 The ACM maintains a staff presence in the detention area as an early warning about potential trouble. This would initially be addressed through negotiation. As the quick reaction to the unannounced visit of Committee indicated, the detainees have an effective internal organisation in the centre. Centre managers have met with local police, ambulance and fire-fighting services to formulate contingency plans.

Conclusion

- 5.41 The Committee considered that the existing medical clinic, like that at Curtin, was too small both for the requirements of the staff and for the handling of the large detainee population.
- 5.42 The Committee noted that the development of Woomera provided another centre for the detention of suspected unlawful non-citizens. This helped to moderate the population pressure on Curtin IRPC. It also probably reduced the strain on management associated with large numbers in a restricted environment.
- 5.43 The Committee also noted that the establishment of the centre provided an economic boost to the host rural area and demonstrated that unexpected demands on Australia's migration process can be met quickly, provided there is useable infrastructure in existence.
- 5.44 Despite its large population, the Woomera IRPC had yet to commence processing and review operations. The Committee was aware that the pressure of new arrivals on existing centres had meant that Woomera had been brought into operation very quickly, and that there would be some delays in the processing. However, the Committee was concerned that there were, at the time of its visit, no separation detention facilities.

Recommendation 6

- 5.45 **The Committee recommends that the expansion of on-site medical facilities be given priority.**



PART 2: Urban Centres



Perth

Immigration Detention Centre

- 6.1 Perth Immigration Detention Centre (IDC) can accommodate a maximum of 34 males when the separate dormitory for eight females is full. There is no dedicated family accommodation. Actual occupancy fluctuates, with sometimes fewer than 20 detainees and at other times as many as 40. At the time of the Committee's visit it accommodated 38 males and no females or children.

Management and Staffing

- 6.2 ACM provides the administration, catering, security, escort, transport, counselling and medical facilities at the centre. The Committee noted that these services were formerly provided by the Australian Protective Services.

Detention

- 6.3 In general the Perth IDC provides short-term accommodation for individuals refused admission to Australia at Perth airport and for

overstayers who are apprehended in the community. The Committee was assured that if, in exceptional cases, children were kept at the IDC, it would be only for a short period and in company with their parents.

- 6.4 Most detainees had been at the centre for fewer than six months although some detainees had been at the centre for more than 100 days. When the Committee visited, one detainee had been in residence for in excess of 145 days. The long-term detainees had refused the opportunity to transfer to Pt Hedland so that they could remain near their family and /or their legal representatives.
- 6.5 The Committee noted that the Department's ability to speedily transfer detainees to Pt Hedland was reduced by the pressure on all detention facilities from increased arrivals.

Amenities

- 6.6 The Perth IDC had three showers and five toilets for the 38 males in detention when the Committee visited. However, the Committee observed that most of the detainees had access only to three toilets and two showers because those in a small dormitory (1 shower, two toilets), which housed only a few detainees, were separated from the rest of the quarters.
- 6.7 The Committee was advised that the recent detention of a woman had necessitated taking over the nurse's toilet. The small dormitory used from time to time in the past as women's accommodation was unavailable because it was required to house men who could not be accommodated elsewhere in the centre.
- 6.8 The Committee understood that part of the building, formerly occupied by the Department of Transport, is now vacant. Negotiations were occurring to acquire this area to provide new offices for staff and better interviewing rooms with the aim of speeding up the processing of detainees. It was proposed that some of the existing office space be used for increased detainee accommodation.

Interpreting Services

- 6.9 Languages available on-site during the Committee's visit were Mandarin, French and Arabic. Interpreters for other languages were provided as needed.

Health

- 6.10 A registered nurse is at the IDC from 8 am to 4 pm Monday to Friday, and is on call 24 hours per day. The nurse also works as a counsellor to assist detainees to cope with their detention and deal with trauma. The Committee was told that massage therapy was provided.
- 6.11 A medical practitioner visits during the week and is also on call. The Committee was told that tranquillisers may be provided on the detainee's first night at the centre to ease the transition to new surroundings, but was not given any indication of the actual scale of use. Small doses of anti-depressants are permitted, but only as prescribed by the medical practitioner. The staff liaise with appropriate professionals in the case of detainees with drug or alcohol problems.

Education

- 6.12 The Committee did not receive any briefing on education facilities at the centre.

Cultural

- 6.13 The Committee was advised that the frequent changes in the detainee nationality profile, and the small numbers of each nationality, rendered it difficult to make specialised culturally sensitive arrangements.
- 6.14 At the time of the Committee's visit the detainees were Sri Lankan (9), Algerian (6), and Indian (4), but by mid February 2000 the main nationalities were Iraqi (6), and Iranian (6), and Indian (3). Asian, Middle-eastern and kosher food was made available in addition to the four weekly rotation of the menu.

Recreation

- 6.15 Much of the outside recreation area is covered with shadecloth awnings or solid roofing to provide shade from the sun. The ground is asphalt with no greenery at all. Detainees use the basketball rings in the courtyard and can kick a soccer ball within its confines. An arrangement for off-site indoor football had lapsed with the departure of the staff member who had organised it.
- 6.16 Inside the building the detainees have use of a pool table, computers with games, Foxtel, and video cassette players.
- 6.17 All detainees are also involved in the cleaning of the centre, both to provide them with meaningful activity, and to familiarise them with Australian expectations and standards.

Security

- 6.18 The building has limited access points. The recreation courtyard is bounded on two sides by the building and on the other two by high walls topped with razor wire.

Conclusion

- 6.19 The Committee noted that the IDC was operating at its effective design capacity. This produced the challenge of accommodating people of differing ethnic and cultural backgrounds with a minimum of friction in a restricted amount of space.
- 6.20 The Committee considered that there had been some improvement in the recreational facilities since its previous visit, particularly better shading of the outdoor area. Nevertheless the Committee concluded that the small outdoor recreation area makes the IDC unsuitable for accommodating detainees for long periods of time.
- 6.21 Overall, the Committee considered the IDC to be overcrowded at the time of its visit. As it operates at capacity most of the time there is a need for additional space at the facility.

- 6.22 The Committee observed that the current configuration of the centre did not provide adequate toilet facilities for all detainees. This deficiency also needs to be addressed.
- 6.23 The Committee noted the arrangements for the use of tranquillisers and anti-depressants, and wanted appropriate protocols to be followed.
- 6.24 The Committee was concerned that provision of massage therapy would be misinterpreted both by the Australian public and the detainees.
- 6.25 As a consequence of these conclusions the Committee makes the following recommendations:

Recommendation 7

- 6.26 **The Committee recommends that the IDC pursue acquisition of the adjoining areas in its current building to:**
- **expand the interviewing capacity to expedite processing of detainees; and**
 - **provide more space for accommodation.**

Recommendation 8

- 6.27 **The Committee recommends that the centre be used only for short-term detention.**

Recommendation 9

- 6.28 **The Committee recommends that the provision of toilet and ablution facilities be increased.**

Recommendation 10

- 6.29 The Committee recommends that, in relation to tranquillisers and anti-depressant medication, DIMA ensure that:
- detainees provide informed consent; and
 - clear documentation of such treatments is kept for each individual.

Recommendation 11

- 6.30 The Committee recommends that the practice of providing massage to detainees on a regular basis is discontinued, and that massage is only provided when recommended by a doctor for substantial medical reasons.

Villawood

Immigration Detention Centre

- 7.1 The Immigration Detention Centre's (IDC) stated capacity is approximately 275 people,¹ but at the time of the Committee's visit there were 334 detainees, including 38 children of whom 3 were unaccompanied minors.
- 7.2 The IDC consists of two areas, separate from each other, and having different origins and functions.
- 7.3 "Acacia" (also known as Stage 1) was built in 1976 to house detainees classified as "high risk" or who are in short-term detention. It comprises an accommodation block and an administration centre. At the time of the Committee's visit there were 134 males in residence.
- 7.4 "Banksia" (Stage 2) accommodated 200 (65 female and 135 male) low risk and longer-term detainees. It was originally built as a migrant hostel and comprises a number of two storey buildings with accommodation for 200 and several temporary demountable structures housing the mess, school and entry building.
- 7.5 A major redevelopment of the centre was announced prior to the Committee's visit in 1998. It is intended to replace Acacia and Banksia with a single, more secure centre with a capacity of between 300 to 350 detainees.

1 DIMA: Fact Sheet 82, *Immigration Detention*.

- 7.6 Resolution of issues relating to the project with the Department of Finance and Administration has delayed the start to redeveloping the Villawood IDC.²

Management and Staffing

- 7.7 ACM operates the facility, sub-contracting catering to A & K Anderson.
- 7.8 The centre has a Committee of Representatives, comprised of detainees, which meets fortnightly to discuss issues. There is also a References Committee which deals with complaints and which meets bi-monthly.

Detention

- 7.9 Of the detainees, 149 were at the centre because they had been refused entry to Australia at the airport because of inadequate documentation. A further 122 had overstayed or were otherwise in breach of their visa conditions. When the Committee inspected the centre, one third of the detainees had been held for fewer than six weeks, and a further 20 per cent from between six weeks and three months.³
- 7.10 In Acacia the detainees were housed in rooms and dormitories with two-tier bunks and with communal facilities. One dormitory contained 26 beds. In the buildings comprising Banksia the detainees were accommodated in rooms holding up to four people. Families were kept together. The family accommodation visited by the Committee had two rooms and a bathroom. There is also a separate dormitory building for single women.
- 7.11 Within Banksia, one accommodation building with tighter security is used to house detainees from Acacia pending their possible transfer into Banksia. While there, detainees are assessed by both DIMA and ACM personnel to ensure that those released into the low risk Stage 2 of the compound will not breach detention security or instigate disharmony in the Banksia community.

2 DIMA: *Annual Report 1998-99*, Sub program 2.2 – Detention.

3 Fewer than 6 weeks = 116; 6weeks-3 months = 67; 3-12 months = 98; 12-24 months = 37; more than 24 months = 16.

Amenities

- 7.12 Neither Acacia nor Banksia was air-conditioned. When the Committee visited Acacia large freestanding fans were cooling it.
- 7.13 The Committee noted that the kitchen facilities appeared inadequate for the number of detainees for which the centre catered.
- 7.14 ACM provides clothing to those detainees in need.

Interpreting Services

- 7.15 DIMA advised the Committee that staff and/or interpreters were able to speak a wide variety of languages. These included, but were not limited to, Afghani, Iranian, Cantonese, and Indonesian.

Health

- 7.16 At Acacia there are some separate rooms for detainees with medical problems. A doctor visits the centre every day and there is a nurse on site 24 hours a day.

Education

- 7.17 The Committee did not receive any briefing on the use of the school, which was located in Banksia. The classroom is a prefabricated building catering for children in detention. At the time of its previous visit the Committee noted that adult English language courses were also being taught.

Cultural

- 7.18 In Banksia there was an arrangement which allowed Muslim women and their children to eat earlier, separate from the men, if they desired.
- 7.19 A female doctor also visits the centre to attend to female detainees, including Muslim women.

Recreation

- 7.20 In Acacia there is an open recreation area with paving and a basketball ring which, at the time of the Committee's visit, was broken. In the covered portion of the area the Committee saw two pool tables, two table-tennis tables, television and a punching bag. Recreation facilities also include videos, access to databases via the internet and the ACM Manager foreshadowed the possibility of installing Foxtel at the centre.
- 7.21 In the grassed area surrounding the buildings of Banksia there was a shade-cloth shelter, beach volleyball, a basketball ring, exercise equipment and a barbecue. Tea and coffee were available in the recreation room which had a television set, table tennis and pool tables. Detainees also had access to a soft drink machine, a confectionary dispensing machine and a cigarette machine.

Security

- 7.22 The perimeters are marked by wire mesh and razor wire, with additional steel palisade fencing at Acacia. This, the Committee was told, had reduced the numbers of escapees from the centre. In 1998/99 some 31 people escaped from Villawood, six of whom were recaptured that year.⁴ In February 2000 two detainees escaped, and one was later apprehended.
- 7.23 Briefings at the centre during the Committee's visit indicated that four detainees had escaped this year, most recently from Banksia. Because Villawood is surrounded by suburbs and buildings, escapees are difficult to apprehend.
- 7.24 There are three musterings per day for meals. Each detainee's identification is examined and their presence checked off.
- 7.25 At Acacia there are three visiting periods each day. Visitors are allowed a maximum twenty minutes and only four visitors per detainee are allowed. Visitors must pass through a metal detector before entering the mess hall where visiting takes place.
- 7.26 As part of the security arrangements at Banksia, there is a separate grassed area with covered sitting facilities for meals and visits. Detainees must

4 Table 11.6, *Protecting the Border: Immigration Compliance*, DIMA 1999, indicates that a total of 56 persons escaped detention in 1998/99.

show their identity card upon entering the area to meet visitors and for each meal.

Conclusion

- 7.27 In its report on its previous visit in June 1998, the Committee noted that major redevelopment works were planned or underway.⁵ Following the visit in February 2000, the Committee noted that:
- Acacia and Banksia, while currently being adequate for their purpose, are both ageing properties;
 - the redevelopment which had been scheduled for completion in mid 1999, had not begun;
 - had it been completed, the new centre's capacity would have been only marginally in excess of the actual numbers in the existing centre;⁶
 - the improved security promised by the redevelopment would have reduced the number of escapes; but
 - it would not remove the security problems associated with having a centre in a built-up suburban area.
- 7.28 The Committee also noted that planning for the redevelopment had been undertaken when annual detainee day numbers were declining.⁷
- 7.29 In late 1999 this situation had changed with the influx of suspected unlawful non-citizens by sea and air. This rise in numbers has placed a continuous high level of demand on the existing detention centres, which DIMA has met through the creation of additional temporary detention accommodation.
- 7.30 This change may only be temporary, but the Committee considered that the volatility of numbers arriving unlawfully and their impact on the detention centres across Australia should also be factored into DIMA's planning for the Villawood upgrade.

5 Joint Standing Committee on Migration, *Immigration Detention Centres Inspection Report*, August 1998.

6 Detainees in February 2000 totalled 334 compared to the planned redevelopment capacity of 300-350 (Press Release MPR 49/98, 12 May 1998), and the stated capacity of 275 (DIMA: Fact Sheet 82, *Immigration Detention*).

7 From 242,000 detainee days per year in 1994/95 to 152,061 in 1997/98. DIMA, *Annual Report*, 1994/95-1998/99.

Recommendation 12

7.31 The Committee recommends that DIMA proceed with the redevelopment of Villawood, taking account of:

- the security issues increasingly associated with detention sites in urban areas; and
- the need for flexibility to deal with potential changes in the numbers and mix of suspected unlawful non-citizens arriving in Australia.

Maribyrnong

Immigration Detention Centre

- 8.1 The IDC was built in 1966, with a capacity of about 80 people. As with the other centres visited by the Committee, Maribyrnong was operating at, or close to, capacity. When the Committee visited it held 78 detainees (59 males and 19 females), including 8 minors, all of whom were accompanied.
- 8.2 Of the detainees, nearly half were in detention because they had arrived without authority and had been refused entry (22) or had overstayed or were otherwise in breach of their visa conditions (15). The main nationalities represented at the time of the Committee's visit were Chinese (22) and Iranian (14).

Management and Staffing

- 8.3 The committee was able to discuss the issue of staff recruitment with the centre managers, ACM. A recent briefing on prospective employment had drawn an audience of about 90. However, this field was significantly reduced by the briefing which explained the nature of the work; through subsequent character checks; and through psychological testing. ACM emphasised that the detention centre environment required a different staff approach to that normally found in the prison system.

Detention

- 8.4 Half of the detainees (39) had been in detention for less than three months and 16 had been in detention for longer than a year.
- 8.5 Families are normally kept together as a unit. However, when the Committee visited, families had been split up because of the need to maximise the amount of accommodation available.
- 8.6 Men were in a separate area from women and children. Communication was by message through a central control booth, but husbands were allowed to visit the women's area during the day.
- 8.7 The daily routine was structured around the meal times.¹ Visitors were permitted from 9.30-11.00 am; 2.30-5.00 pm; and 7.30-9.00 pm. When the Committee inspected the visiting area was in use.

Amenities

- 8.8 The centre has a laundry, two common rooms (one for men, the other for women), and a visiting room. There are a number of outdoor exercise areas provided. In the women's area there is a bituminised courtyard and a grassed area. The men had access to a large paved area, but another large grassed yard was closed to detainees at the time of the Committee's visit due to escapes over the surrounding fences.

Health

- 8.9 The Committee was not given any detailed briefing on the health centre, but understands that nurse care is available daily, and there are regular visits by medical practitioners.
- 8.10 The women's common room had an exercise bike and a treadmill. In the men's exercise area outside there were weight machines and a boxing bag.
- 8.11 Massage therapy was available twice per week, and the Committee was told that it was always booked out. As at Perth IDC, the Committee was told that it was provided for its calming effect on individual agitated detainees.

1 Breakfast (7.30-8.00 am); Lunch (12.00-12.30 pm); Tea, (5.15-5.45 pm); and Supper (9.00-9.30 pm).

Interpreting Services

- 8.12 DIMA advice is that mainly European languages are spoken by staff and /or interpreters, but detainees have access to On-Call Interpreters as well.

Education

- 8.13 Well-patronised English classes are conducted on weekdays between 9.00 am and 3.00 pm, providing instruction at four levels of skill. In addition, four of the children in detention attended a school outside the centre. Following a complaint from a detainee about one child attending an inappropriate denominational school, this arrangement was being reviewed by the centre.
- 8.14 The centre provides a sewing skills course which allows female detainees to make clothes for themselves and their children, using materials provided by ACM.

Cultural

- 8.15 One room in the centre had been reserved for use as a mosque by detainees. The Committee was advised that inter-ethnic tensions which might be found in the broader community were largely absent in the centre.
- 8.16 At the time of the lunar New Year festival, arrangements were made to permit all detainees to vary their routine by having their meals later in the afternoon than normally scheduled and to participate in the cultural activities in the recreation area. A chef was employed to provide appropriate catering for the main ethnic groups at the centre.

Recreation

- 8.17 In both the men's and women's common rooms there was extensive reading material available and a pay phone. The women's room had a sewing machine, computer, television with Foxtel, radio and a table tennis table, and milk and biscuits were available. In the men's room there were

two TV sets, a computer with video games, a pool table, a table tennis table and a soft drink machine. Both men and women had an outdoor recreation area.

- 8.18 Once a fortnight the evening meal arrangements were varied by the inclusion of a barbecue and cultural singing and dancing.
- 8.19 Detainees could volunteer to assist in the centre. At the time of the Committee's visit some were helping with the painting which was in progress. "Points" accrued as a result could be converted to soft drinks, cigarettes, or phone cards.

Security

- 8.20 Detainee's visitors are required to identify themselves with a passport, a current visa, or an Australian driver's licence. Prior to being given access to detainees, the visitors' belongings are placed in a locker, and the visitors pass through a metal detector. Visitors are required to sign out.
- 8.21 Like Villawood, Maribyrnong has the disadvantage of being surrounded by suburbs and buildings, which make escapees difficult to apprehend. There had been six escapes in the year to date. Three escapees had been recaptured. As a result of the escapes the larger exercise yard was unavailable to detainees until the perimeter security was improved.

Conclusion

- 8.22 As at the Perth IDC, the Committee could see the benefits of the provision of massage therapy for detainees, and understood the reasons for its use. The Committee, however, doubted that such opportunities needed to be provided to all detainees. As with the Perth IDC, the Committee was concerned that provision of such therapy would be misinterpreted both by the Australian public and the detainees. Therefore the Committee reiterates its previous recommendation (No. 11) that:

the practice of providing massage to detainees on a regular basis is discontinued, and that massage is only provided when recommended by a doctor for substantial medical reasons.²

2 See Chapter 6.

- 8.23 Maribyrnong, although an old facility, remains functional. At the time of the Committee's visit families could not be retained as units because of the lack of space but this was not considered by the Committee to be a permanent state of affairs.
- 8.24 The Committee noted the plans for improved security and noted that the re-opening of the large recreation areas would ease pressure on the existing communal areas.

Recommendation 13

- 8.25 **The Committee recommends that the necessary security upgrading be undertaken as a matter of priority, both to improve security and permit fuller use of the centre's grounds.**



PART 3: Fishers

Willie Creek (Broome)

AFMA Facility

- 9.1 In Australia's northern waters one of the concentrations of illegal fishing is around Cartier and Ashmore Reefs. The Royal Australian Navy (RAN) apprehends illegal fishers there and escorts them to the mainland. The RAN considers Broome to be a more convenient destination than Darwin because it requires only a short period of escort (and occasionally towing) by RAN units.
- 9.2 From the AFMA viewpoint, Broome has a court to handle the legal hearings and a suitable site for holding impounded fishing vessels.
- 9.3 Willie Creek is one of a very limited number of sites near Broome which could provide shelter, anchorage, and proximity to the town while still having limited public access. The location was selected following a tendering process in 1995.
- 9.4 Shortly after the contract was let, an Ombudsman's inquiry into the detention of Indonesian fishers generally was announced. The Committee was advised by AFMA that while the inquiry was in progress the contract had been renewed for short terms pending the final report.
- 9.5 The Ombudsman's report, *Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters*, was released in mid 1998 and placed priority on development of a facility in Darwin. AFMA indicated that the three-year wait, and the thrust of the Ombudsman's report, had inhibited the implementation of a long-term contract and hence the intended development of Willie Creek.

- 9.6 The detainees are male fishers, generally aged 19-21 years. The Committee was told that they prefer, and are permitted, to remain on their boats. At low tide the boats are grounded on the beach, giving the fishers access to the shore. However the Committee noted that when the tide was in some swam to and from their boats.
- 9.7 Boats vary in size according to their function. Shark fishing boats carry 6-7 crew; trochus boats some 25 or more.
- 9.8 The vessels are anchored in a tidal creek inside coastal sandbars. In the event of a cyclone, the ships can be moved further up the watercourse to more sheltered moorings.
- 9.9 The maximum number accommodated at Willie Creek in the past has been 300. At the time of the Committee's visit on 11 November 1999 there were 67 detainees living on nine boats.

Management and Staffing

- 9.10 Sealife Charters Pty Ltd hold the contract with AFMA to operate the Willie Creek facility. Fisheries Western Australia coordinates the administration of the contract on behalf of AFMA.
- 9.11 Under the existing contract the Caretaker is responsible for food, water and basic first aid, and pays the relevant insurance. The staff is six, comprising the Caretaker and his family, with two others available to assist as required.
- 9.12 The relations between the detainees and the Caretaker, his family and their friends are informal. There is no clear demarcation between the Caretaker's residence and the on-shore facilities for detainees.

Detention

- 9.13 The fishers are detained because they have been fishing illegally in Australian waters. As outlined in Chapter 1, AFMA uses provisions of the migration legislation to detain fishers who have infringed Australia's borders. The *Border Protection Legislation Amendment Bill 1999*, which had not been proclaimed at the time of the Committee's visit, proposes specific powers of detention under fisheries legislation, but limited to seven days. Subsequent detention would be under the immigration powers.

- 9.14 Unlike the detainees at the DIMA centres, the detained fishers seldom desire to remain in Australia. They are kept at Willie Creek until their court hearings after which they are either imprisoned, or repatriated by DIMA. If they plead guilty they leave within two weeks. The average stay is 2-3 weeks. At the time of the Committee's visit four fishers were being held in a separate compound, awaiting removal and 48 others were due to leave within a day.
- 9.15 While the Committee was inspecting the site, HMAS Wollongong towed a vessel full of recently arrived, suspected unlawful non-citizens close inshore. It was then escorted into the estuary by the Caretaker. When the 182 passengers and 13 crew were ferried ashore, they were met by Australian Federal Police personnel, 11 Australian Customs Service personnel and 16 ACM staff from Curtin.
- 9.16 ACM undertook processing of the passengers and their belongings in an uncompleted building at Willie Creek. They made prompt superficial checks of the immediate well being of the passengers and crew and supplied water to them while they waited in a shaded area. Detainees were given an identity tag and Customs and ACM examined their possessions, placing personal belongings in sealed envelopes. ACM provided the escort on the buses which took the passengers 200 km to the Curtin detention centre.
- 9.17 The Committee witnessed the initial stages of processing, and considered that the approach, demeanour, and concern for the new arrivals displayed by AFP, Customs and ACM was appropriate.

Amenities

- 9.18 The fishers detained are reported to prefer to remain on their boats as they have spent the majority of their lives at sea and feel "landsick" when ashore. They prepare their own meals on their boats from food provided daily by the Caretaker, including Indonesian sauces, processed tamarind, fish and fresh fruit.
- 9.19 There is little in the way of on-shore facilities. The main buildings at the facility are an unfinished open brick structure containing a pool table and a small concrete building in its own enclosure used to hold convicted individuals prior to deportation.

- 9.20 The Committee was advised that there were six showers and toilets ashore but was not shown these. Sanitation for the boats relies on the strong local tidal flows to remove effluent out to sea.
- 9.21 The Caretaker is in the third year of a contract, which is renewed annually. Upgrading of the centre's amenities had been postponed pending the Ombudsman's report on the detention of Indonesian fishers. The Committee noted that the lack of longer-term arrangements meant that the Caretaker was reluctant to undertake major improvements.
- 9.22 The Committee was later advised that AFMA was waiting until the new legislation was in force, and the proposed Darwin facility was in operation before making a decision on the Broome facility.

Health

- 9.23 The fishers receive medical examinations and are treated if required. Those in poor health are repatriated as soon as possible after arriving in Broome.

Recreation

- 9.24 A television set is made available for the detainees on shore. Pool, cards, table tennis and football equipment is provided. At the time of the Committee's visit about half of the detainees were playing football on a sand bar while the remainder were in the boats.

Conclusion

- 9.25 The presence of the Caretaker's family and friends produced a level of informality not apparent in other detention centres. While this relaxed atmosphere was congenial, the Committee regarded it as inappropriate both for security and in the context of the exercise of delegated Commonwealth migration powers.
- 9.26 The Committee noted that there had been little change in the limited physical amenities since their previous report. The Committee appreciated that delays pending the release of the Ombudsman's report had impeded improving the land-based facilities. Nevertheless, it was

concerned at the state of the facility. In particular, a large deep excavation, remarked upon in the Committee's 1998 report as "potentially dangerous", remained unfenced.¹

- 9.27 The Committee was concerned that there were health and safety issues with the site as it is, and that the appropriate duty of care was not in evidence.
- 9.28 The Committee believed that the extended lines of communication from AFMA through Fisheries Western Australia might have contributed to the unsatisfactory aspects of the situation at Willie Creek.
- 9.29 Overall, given the lack of response to its 1998 report, the Committee was unconvinced that a longer-term contract would result in a marked improvement in the facility.
- 9.30 In the light of these conclusions, the Committee recommended as follows:

Recommendation 14

- 9.31 **The Committee recommends that consideration be given by AFMA of a clear physical separation of the family's and detainees' on-land areas.**

Recommendation 15

- 9.32 **The Committee recommends that the obvious safety risks of incomplete structures be addressed immediately.**

Recommendation 16

- 9.33 **The Committee recommends that DIMA and AFMA monitor the operation of the Willie Creek facility more closely.**

1 Joint Standing Committee on Migration, *Immigration Detention Centres Inspection Report*, 1998.

Recommendation 17

- 9.34 **The Committee recommends that AFMA examine the desirability of a new facility at Broome.**

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.



PART 4: Offshore Detention



Christmas Island

Background

- 11.1 Christmas Island does not have a permanent detention centre, but occasionally has had to accommodate large numbers of unauthorised arrivals prior to their transfer to the Australian mainland. The Committee inspected the building used in those circumstances and was briefed on the effect which large numbers of unauthorised arrivals have had on the small island community.

The Island

- 11.2 The Australian Territory of Christmas Island is 1,400 km from the closest point on the Australian mainland, but only 360 km from the Indonesian archipelago. The main Australian transport and supply routes originate in Perth, some 2,600 km away, or four hours by air.¹ This is interrupted from time to time by bad weather conditions on the Island.
- 11.3 The island population is about 1,500, and the main town area is “The Settlement” adjacent to the port where superphosphate is loaded for export. The Island's population is multicultural, reflecting both the Island's geographical position and unique cultural heritage.

1 Christmas Island Explorers Guide.

- 11.4 The *Christmas Island Act 1958*, as administered by the Minister for Regional Services, Territories and Local Government, provides the legislative basis for the Island's administrative, legislative and judicial systems. The Administrator, as appointed by the Governor General, is responsible for the maintenance of law, good order and good governance of both Christmas Island and the neighbouring Cocos (Keeling) Islands.
- 11.5 Within this legislative framework, the major administrative responsibilities are shared between the Department of Transport and Regional Services (DOTRS), the Administration on the Island, and through the provision of Service Delivery Agreements (SDAs), whereby the Commonwealth enters into arrangements with Western Australian agencies for the provision of services. Local Government services are provided by the Christmas Island Shire Council.²

Unauthorised Arrivals

- 11.6 Christmas Island is not on the main people-smuggling routes. Fewer boats containing suspected unlawful non-citizens have arrived at the Island than have made Australian landfall at Ashmore Reef.³
- 11.7 However, suspected unlawful non-citizens have arrived at Christmas Island in significant numbers throughout the 1990s generally in larger boats than those transiting to Ashmore Reef. In 1999 an unprecedented number of boats carrying some 900 people arrived.

Table 2 Christmas Island: Unauthorised arrivals by sea

	1992	1993	1994	1995	1996	1997	1998	1999	2000
Boats	2	0	1	1	8	3	0	11	2
People	181	0	58	65	453	49	0	906	303
<i>Largest group</i>	<i>113</i>	<i>-</i>	<i>58</i>	<i>65</i>	<i>86</i>	<i>25</i>	<i>-</i>	<i>228</i>	<i>281</i>

Source: DIMA Fact Sheet 81, *Unauthorised Arrivals by Air and Sea*

- 11.8 Many of these arrivals were concentrated in a short period of time. On 20-21 December 1999, a total of 301 people arrived. Similarly, in February

² Commonwealth Grants Commission, *Report on Indian Ocean Territories 1999*, Canberra, December 1999.

³ 1995-1999, 24 boats compared with 57 on Ashmore Reef DIMA Fact Sheet 81, *Unauthorised Arrivals by Air and Sea*.

2000, a further 303 arrived in a 16-day period.⁴ These events had a substantial impact on the population of only 1500 persons.

Arrival

- 11.9 The Island authorities generally only become aware of an approaching suspected illegal entry vessel (SIEV) when exhaust smoke and a distinctive silhouette appear on the horizon. This gives about one hour warning to those on the island involved in receiving the vessel and processing the passengers.
- 11.10 During briefings on the island, the Committee was told that some of the boats which arrived had recently been refurbished and equipped with Global Positioning Satellite navigation equipment. The Committee considered that this was further evidence of well-organised people-smuggling arrangements.

Reception

- 11.11 There are no DIMA officers based on Christmas Island. The AFP deliver immigration services with police officers delegated to act as immigration officers through an agreement funded by DOTRS. The Western Australia Quarantine and Inspection Service (WAQIS) (a State agency) undertakes quarantine services on behalf of the Commonwealth, under a SDA overseen by Australian Quarantine and Inspection Service and funded by DOTRS.⁵
- 11.12 The personnel most directly involved with the processing of illegal arrivals are the small group of 8 AFP personnel, who formally place the arrivals in detention. In addition there are 8 part time “special constables”; local residents of Chinese and Malay background who assist with community liaison, customs and immigration. Basic information such as individual’s names and country of origin is generally collected on the boats, prior to transfer to land.
- 11.13 There are no wharves or landing places on Christmas Island. The unauthorised arrivals therefore have to be ferried to shore by boat or barge. This can take between one and five hours, depending on the

4 DIMA Fact Sheet 81, *Unauthorised Arrivals by Air and Sea*.

5 Commonwealth Grants Commission, *Report on Indian Ocean Territories 1999*, Canberra, December 1999, p. 159.

numbers on board and the sea conditions. The personnel involved in this transfer consider that it is a risky arrangement. The operation is also affected by tidal movements and by the amount of daylight remaining.

- 11.14 Once on shore the arrivals are identified, given a number, photographed and their luggage searched for prohibited goods and quarantine threats. Nursing staff conduct preliminary health checks and those who are ill or appear sick are examined by the medical practitioner or senior nurse, as appropriate.

Temporary Detention Arrangements

- 11.15 It is not possible to move unauthorised arrivals to the mainland detention centres immediately. DIMA therefore hires the Christmas Island community sports centre from the Shire of Christmas Island as temporary accommodation until an aircraft becomes available for charter.
- 11.16 The sports centre is a large shed, about 30 metres square with corrugated metal walls and roof. It is not insulated and has a concrete floor. One wall has tiered seating for sports spectators and the other three walls are lined up to approximately 3 metres.
- 11.17 Women and children and families are grouped together. The crewmembers are detained separately. There are men's and women's toilets, each with three stalls and two basins. Outside are a further three basins for washing clothes, three portable toilets and a mobile washroom equipped with showers.
- 11.18 There are no cooking or on-site food preparation facilities. All meals are supplied by local restaurants and are prepared to meet ethnic and religious requirements as far as is practicable.

Duration of Detention

- 11.19 The time the detainees spend on the Island is dependent on the availability of charter aircraft capacity to remove them to the mainland detention centres. The problem is compounded when there are large numbers of unauthorised arrivals, as occurred in December 1999. Detainees were held for up to two weeks until an aircraft became available for charter. Bad weather conditions were also a factor in the delay.
- 11.20 Authorities are reluctant to use spare seats on scheduled flights because of the health risk involved. The Island's Administration cited an incident in

which a detainee transferred to the mainland on a commercial National Jet Service flight was subsequently discovered to have tuberculosis. This required intense follow-up of all other passengers on the scheduled service to establish whether they had become infected.

Detention Issues

- 11.21 The Committee considered that the key issue was that Christmas Island has had to accommodate large numbers of unauthorised arrivals despite there being no appropriate facility in which to do so.
- 11.22 The Christmas Island sports centre, which is used as a temporary detention facility:
- is not purpose built;
 - is not staffed; and
 - has minimal resources to support it when occupied.

Facility not purpose built

- 11.23 The sports centre does not have provision for cooking, it has no beds or bedding, and no partitioning for privacy. The roof leaks and the floor floods after heavy rain. In hot weather the temperature inside can reach in excess of 30°. These may be acceptable inconveniences during short duration sporting activities, but they pose hazards to health when the building is occupied day and night. This is particularly evident in the case of the permanent toilet facilities which are inadequate for large numbers of people over an extended period.
- 11.24 The location of the outdoor washing and temporary toilet facilities close to a popular lunchtime restaurant and a bakery is also a potential health hazard.
- 11.25 The involvement of a relatively large proportion of the population in processing, supervising, and feeding the new arrivals increases the risk that any illnesses present among the detainees could easily spread into the small island community.

Lack of staff

- 11.26 There are no trained migration detention staff on the island. The AFP personnel undertake the relevant duties. At the time of the peak detainee

numbers their numbers had to be augmented with local temporarily sworn staff and reinforced with a further 10 AFP from the mainland.

- 11.27 The lack of physical security arrangements would make it difficult to maintain order in the event of unrest.

Lack of resources

- 11.28 The sports centre is not designed or equipped to accommodate people overnight or for extended periods. Therefore necessities, such as bedding, must be brought in. The available mattresses are placed on the floor, as there are no beds available. These get wet when rain floods the centre.
- 11.29 There is no ready supply of clothing for detainees in need. Washing lines are erected but washing is also bagged and cleaned elsewhere on the Island.
- 11.30 The medical arrangements on the Island are designed for a small community and face considerable strain when there is a sudden influx of patients. This happened during the peak in detention in December 1999.
- 11.31 When the Committee visited, negotiations were in train with the WA Department of Health for a Service Delivery Agreement for an emergency response team.
- 11.32 The Committee was also briefed on the serious implications for the community's food supplies of suddenly having the population increase by 20 per cent. During the December 1999 peak in arrivals the Island ran out of rice, eggs and milk. The Committee heard anecdotal evidence that this occurred at a time when the Island's supply ship was overdue and local supplies were low anyway. The influx of unauthorised arrivals at this time exacerbated this problem.
- 11.33 These items might be replaced quickly by air, weather permitting, but airfreight costs would make the new stocks expensive. Less expensive resupply by ship would not be sufficiently timely.
- 11.34 Whichever alternative might be used, the Christmas Island community would still be affected by the unprecedented demand flowing from the detainee population. This, the Committee observed, was a situation which had no parallel on the mainland.
- 11.35 The Committee was particularly impressed by the way in which the Island community had responded positively to these unexpected and sustained demands on its facilities and resources.

Potential Remedies

- 11.36 The Committee considered that the most effective means of reducing the demands on the Island's resources was to continue the current practice of transferring unauthorised arrivals to the mainland as quickly as practicable.
- 11.37 The Committee acknowledged, however, that this was not always possible and, as a consequence, identified two main issues requiring resolution:
- the nature of the temporary detention accommodation; and
 - the effect on the islanders of the arrival of large numbers of SUNCs.

Detention accommodation

- 11.38 The Committee was aware that there have been some residents who have called for the Commonwealth funding of a temporary holding facility for illegal arrivals on the island. Other residents have expressed concern that such a facility would place increased pressures on scant resources such as fresh food and supplies.
- 11.39 The Committee was briefed on, and provided with a copy of, a submission to the Commonwealth Grants Commission for the construction of a recreation complex/cyclone shelter. It was suggested to the Committee that the proposed plan might be slightly modified to allow flexibility to facilitate short-term accommodation of SUNCs. The Committee was advised that this would entail a "slight" (but unquantified) increase in the currently projected cost of \$4.9m.

Effect on islanders

- 11.40 Whatever arrangements are made for the temporary detention of SUNCs, the Committee considered that the difficulty of arranging speedy transfer to the mainland would remain. When large numbers are involved, the transport problem will be exacerbated. In that event the Island would still have to provide bedding, food, and other services.
- 11.41 It was suggested to the Committee that some of this pressure could be alleviated if there was a stockpile of material specifically to assist with handling of SUNCs. This could include items such as folding, washable stretchers (to replace the mattresses currently laid directly on the floor), temporary partitioning, and stocks of non-perishable foodstuffs.
- 11.42 Although this would not resolve all the issues of concern to the islanders, it would alleviate some of the pressures and could also be used in the

event of other on-island emergencies requiring the evacuation of residents to emergency accommodation.

Conclusion

- 11.43 The Committee, having inspected the temporary accommodation, concluded that it was inappropriate and inadequate for use as a holding or detention facility for more than very short periods of time. Nevertheless, the Committee did not consider that the sporadic nature of unauthorised arrivals merited the construction of a permanent, purpose-built holding or detention facility.
- 11.44 The Committee considered that there may be merit in the proposal to make minor adaptations to the proposed recreation complex to facilitate temporary, short-term detention of SUNCs.
- 11.45 The Committee considered that there was merit in the idea of creating a stockpile of non-perishables and re-useable equipment to ease the pressure on the Island's resources caused by having to accommodate detainees.
- 11.46 Further, the Committee supported the pursuit of a formal arrangement with State health authorities to cover medical emergencies.

Recommendation 19

- 11.47 **The Committee recommends that the current practice of removing unauthorised arrivals to mainland detention centres be continued.**

Recommendation 20

- 11.48 **The Committee recommends that the plans for the proposed recreational complex be drafted with sufficient flexibility in its construction to permit short-term housing of unauthorised arrivals.**

Recommendation 21

- 11.49 **The Committee recommends that DIMA, in consultation with the Department of Regional Services, Territories and Local Government, provide a stock of equipment such as washable stretcher beds and non-perishables for use in the temporary detention of suspected unlawful non-citizens.**

Recommendation 22

- 11.50 **The Committee recommends that arrangements with State medical authorities to cover emergency medical arrangements be finalised.**

Conclusions

- 12.1 In the course of its inspections the Committee was impressed with the cooperation given to it by the Department.
- 12.2 The Government has a responsibility to meet international obligations to asylum seekers and refugees and to ensure taxpayers' money is properly expended. The Committee is an appropriate body to monitor the Government's performance in these areas.

DIMA Detention Centres

Operations

- 12.3 In relation to the initial processing of the boat arrivals in Northern Australia the Committee particularly noted:
- the labour-intensive nature of the task;
 - the effective coordination between the various authorities, DIMA, ACM, Australian Customs Service, the Australian Federal Police, and the caretakers; and
 - the professional approach used by the personnel undertaking the processing.
- 12.4 The numbers of unlawful arrivals fluctuate and are unpredictable. The Committee visited centres at a time when all were directly or indirectly under severe pressure from the recent influx of unauthorised arrivals. At the times it visited the Committee found that the centres were full but, apart from Perth, not noticeably overcrowded.

- 12.5 The Committee was impressed with the operation of the temporary centres in the face of the demands on their resources and infrastructure.
- 12.6 The Committee's view is that Curtin and Woomera centres should be clearly identified as temporary measures to accommodate the surge in arrivals of suspected unlawful non-citizens.
- 12.7 The solution is not more centres, it is fewer arrivals.

Management and Staffing

- 12.8 When the Committee last visited the detention centres, ACM had only recently acquired responsibility for their management. During its inspections, the Committee was briefed on the operations of each centre and conducted through the centres by ACM.
- 12.9 The Committee noted the ACM approach of keeping its staff in frequent contact with detainees. The primary aim of this was to facilitate ACM management of the detainees. However, the Committee considered that it could also have a positive effect of reducing the detainees' perception of a guard / prisoner relationship. With the centres at, or close to, their capacity this relationship was becoming more difficult to maintain. This could have undesirable effects for both the managers and detainees through impeding informal communication and slowing responses, with potential implications for centre security.

Amenities

- 12.10 Overall, the Committee believed that the facilities provided were adequate, and that the cultural sensitivities of detainees were being accommodated. The Committee was convinced that Australia was taking seriously its responsibilities for those in its care, whether or not they were expected to gain visas for Australia.
- 12.11 The Committee was aware that the some facilities and services made available to detainees represented a desire to both supply basic necessities and to facilitate the management of the centres by relieving boredom and stress among the detainees.

Detainees

- 12.12 Most of the detainees at the DIMA centres had arrived as part of the boat influx in late 1999 and early 2000. At the time of the Committee's first visits in November 1999 there were nearly 1,500 detainees in DIMA centres, predominantly Iraqi (31%) and Afghan (27%). Most had arrived

via a third country where, the Committee was informed, many had spent some time before attempting to enter Australia.

- 12.13 The Committee was advised during its inspections that the detainees often had a clear idea of what processing to expect in Australia. At a number of centres the Committee was informed that many detainees had paid substantial sums to arrange their passage to Australia, and some had considerable cash assets on arrival.
- 12.14 This may be seen at odds with the stereotype of refugees as penniless fugitives abruptly departing from their home country, but it may give weight to the UNHCR assessment that the vast majority of asylum seekers in western countries in the 1990s were economic refugees.¹ However, possession of wealth does not preclude someone from being a genuine refugee and such individuals may have an entitlement to Australian protection.
- 12.15 In the context of this report, the Committee is concerned at the pressure that unauthorised arrivals place on the detention facilities and the Commonwealth's resources generally. In 1998/99 the accrued cost to DIMA of providing detention arrangements was estimated to be \$22.5 million.² In addition DIMA's outlay on processing and removal of unauthorised arrivals and associated costs was \$8.5 million.³ These costs are expected to rise in 1999/2000 as a result of the increased arrivals of suspected unlawful non-citizens.
- 12.16 The Committee was also concerned about an issue of equity. Those with assets have used them in an attempt to gain advantages over those lacking funds to travel to Australia. While this indicates that they may have qualities which could be beneficial to Australia (capital, entrepreneurship, commitment), their approach disadvantages others with fewer resources.
- 12.17 Suspected unlawful non-citizens arriving in Australia gain consideration of their cases sooner than if they had followed established processes. And, if successful,⁴ they take up some of the limited number of places which might have gone to more patient or less wealthy, yet perhaps more threatened, individuals.

1 Cited in *Boat people, Illegal Migration and Asylum Seekers: in Perspective*, Department of the Parliamentary Library, Current Issues Brief No 13: 1999-2000.

2 Including removal of non-boat arrivals. DIMA, *Annual Report 1998/99*: Sub program 2.2.

3 Including support for prosecution of people smugglers and international negotiations to discourage unauthorised arrivals. DIMA, *Annual Report 1998/99*: Sub program 2.3.

4 Of those arriving by boat in 1998/99, one quarter were determined as having refugee status, and a further 55% were still in detention awaiting a determination at mid February 2000. DIMA, Fact Sheet 81 *Unauthorised Arrivals by Air and Sea*.

- 12.18 Although outside the immediate scope of this report, the Committee notes the Government's initiatives in attempting to reduce the flow of unauthorised arrivals. These include increasing penalties for people smugglers;⁵ improving Australia's ability to intercept them; placing conditions on those subsequently offered Australian protection; and by publicising these restrictions in source countries.
- 12.19 One of the new conditions, in operation since 20 October 1999, is that unauthorised arrivals seeking the protection of Australia are not eligible for the Permanent Protection Visa in the first instance. They may have access to the Temporary Protection Visa, valid for three years, and are not able to sponsor relatives to migrate to Australia while on a Temporary Visa.
- 12.20 The Committee's visits to centres in Western Australia and the Northern Territory coincided with these changes. They had caused disquiet at Curtin, where detainees had begun their journey when the previous arrangements applied and were dismayed to find the new provisions in place when they arrived.
- 12.21 The Committee was unable to assess the effect of the new arrangements. The informal judgement of centre administrators was that they had possibly affected both the numbers and demographic mix of arrivals. During its visit to Woomera, some three months after arrangements were changed, the Committee was informed that more family groups were now being found among unauthorised arrivals by sea.
- 12.22 This apparent change in the demographic mix had not been confirmed, but it was attributed to the changed immigration provisions. In essence, the possibility that individuals might be granted Temporary Protection Visas and might not be able to be reunited with their families for three years could cause them to bring their families with them.
- 12.23 The Committee noted that, if true, these apparent changes in such a short time implied that:
- news of Australia's new requirements had spread quickly to source countries, indicating an effective communications network; and
 - the transit time for unlawful arrivals from their starting point was short.

5 People smugglers face fines of up to \$220,000 and up to 20 years jail. MPS 22/2000.

- 12.24 Both implications indicated an efficient and well-informed people smuggling operation was in place.⁶
- 12.25 More broadly, if the apparent change in the demographic make up of suspected unlawful non-citizens as a result of the new arrangements is confirmed, it would indicate that:
- the appeal of Australia is still sufficiently strong for families to commit themselves to the potential hazards of a venture previously undertaken mainly by men;
 - the increased presence of women and children among unauthorised arrivals will serve to focus additional attention on Australia's handling of applicants for refugee status; and
 - the changed demographic mix will add to the pressure on the detention facilities because their accommodation arrangements are designed primarily to house individuals rather than family groups.

AFMA Detention Centres

Operations

- 12.26 Those detained by AFMA under the provisions of the Migration Act are generally fishers who prefer, and are commonly allowed to, remain on their boats until court hearings decide their fate. The Committee noted moves to provide for powers under fisheries legislation for short-term detention of those infringing the Australian Fishing Zone.
- 12.27 The Committee understood the appropriateness of this move, but would be concerned if it removed detention arrangements from Parliamentary checks.

Management

- 12.28 AFMA contracts the day-to-day running of the facilities to private contractors. The Committee observed that the terms and conditions of the contracts varied, as did the quality of the management provided.

⁶ International Organisation for Migration estimated in 1996 that about 4 million people were moved each year, and that the people smuggling industry was worth \$11 billion / year. *Boat people, Illegal Migration and Asylum Seekers: in Perspective*, Department of the Parliamentary Library, Current Issues Brief No 13: 1999-2000.

Facilities

- 12.29 At the time of the Committee's inspections it was told that the detained fishers prefer to remain with their boat. Fewer facilities and services were therefore required than was the case for on-shore detention.
- 12.30 However the Committee believes that there should be on-shore facilities for detained fishers. Such facilities would allow better sanitation, cooking facilities, health monitoring, and access to exercise than are currently available to detainees at Willie Creek and Darwin.
- 12.31 The northern location of these anchorages means that they are subject to cyclones, and an on-shore facility could provide better opportunities for shelter than the moored boats on which the detainees currently live.

Detainees

- 12.32 Detainees held by AFMA are unlike those held by DIMA in that they expect to return home.
- 12.33 The Committee noted two main types of detainee during its visit:
- fishers who had infringed Australian waters (held by AFMA); and
 - those crewing the people-smuggling boats.
- 12.34 The latter were fewer in number than the detained fishers and subject to different penalties. Anecdotal evidence to the Committee indicated that these individuals were often not the key agents. Rather, they were akin to the drug couriers in being paid to deliver a consignment and take the risk on behalf of organisers.
- 12.35 The Committee considered that, even if these crews were fully aware of the penalties of being caught, the potential rewards of people-smuggling compared with the vagaries of fishing would continue to encourage them to take the risks.
- 12.36 One of the broader implications of pursuit of people-smugglers which was drawn to the Committee's attention was that it reduced the resources available for the protection of Australian fisheries. This represents an additional cost to Australia's economy from unlawful boat arrivals.

Summary

- 12.37 Although the numbers of suspected unlawful non-citizens arriving may decline in future, there remains considerable global movement of undocumented people seeking new homes.⁷ This provides a potential for future increases in arrivals, and it would be prudent to retain at least some of the recently created detention capacity.
- 12.38 The Committee believes that DIMA should attempt to maximise the return from its estimated expenditure of \$5.5 million on the development of the Curtin centre and \$15 million on the creation and expansion of the Woomera centre.⁸ As both Curtin and Woomera are on Commonwealth land, to which entry is restricted, it should be possible to allow much of these newly established centres to be cocooned once they are no longer required to house detainees.
- 12.39 The Committee believes that Australia's detention administration is appropriate and professional. It is currently handling the demands of unprecedented numbers of arrivals well.
- 12.40 However, as the changes in the demands on detention facilities during the Committee's inspection period indicate, there is a need for continued monitoring.

Recommendation 23

- 12.41 **The Committee recommends that DIMA examine the costs and benefits of deactivating, but retaining, structures and infrastructure at the current temporary detention centres.**

Recommendation 24

- 12.42 **The Committee recommends that it continue to inspect and monitor detention facilities.**

7 World refugee numbers were estimated to be 11.5 million in 1998, *Boat people, Illegal Migration and Asylum Seekers: in Perspective*, Department of the Parliamentary Library, Current Issues Brief No 13: 1999-2000.

8 DIMA: evidence to Senate Standing Committee on Legal and Constitutional Legislation, 10/2/00, p. 169.

Recommendation 25

- 12.43 **The Committee recommends that, in future, in addition to inspection visits, arrangements also be made to meet with representatives of the detainees.**



Appendix A: Committee Inspections

Wednesday 10 November 1999

- 9.15 am Perth: Immigration Detention Centre
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator J. McKiernan, Mrs J. Irwin, MP, Mr B. Ripoll MP)
- 1.00 pm Pt Hedland: Immigration Reception and Processing Centre
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator J. McKiernan, Mrs J. Irwin, MP, Mr B. Ripoll MP)

Thursday 11 November 1999

- 8.00 am Broome: Willie Creek AFMA caretaker facility
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator J. McKiernan, Senator A. Eggleston, Mrs J. Irwin, MP, Mr B. Ripoll MP)
- 3.45 pm Curtin RAAF Air Base: DIMA facility
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator J. McKiernan, Senator A. Eggleston, Mrs J. Irwin, MP, Mr B. Ripoll MP)

Friday 12 November 1999

- 5.00 am Darwin: AFMA caretaker facility site
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator J. McKiernan, Senator A. Eggleston, Mr B. Ripoll MP)

7.45 am Darwin: AFMA detained vessels moorings
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator
J. McKiernan, Senator A. Eggleston, Mr B. Ripoll MP)

Thursday 28 January 2000

12.45 pm Woomera: Immigration Reception and Processing Centre
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator
J. McKiernan, Hon D. Adams MP, Mrs M. May MP,
Mr B. Ripoll MP)

Wednesday 23 February 2000

2.30 pm Villawood: Immigration Detention Centre
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator
J. McKiernan, Hon D. Adams MP, Mrs J. Irwin MP,
Mrs. May MP, Mr B. Ripoll MP, Senator J. Tierney)

Thursday 24 February 2000

3.30 pm Maribyrnong: Immigration Detention Centre
(Acting Chair: Senator J. McKiernan, Senator A. Bartlett,
Mrs J. Irwin MP, Mr B. Ripoll MP, Senator J. Tierney)

Thursday 18 May 2000

10.10 am Christmas Island: Temporary Immigration Detention Centre
(Chair: Mrs C. Gallus MP, Deputy Chair: Senator
J. McKiernan, Hon D. Adams MP, Mrs J. Irwin MP,
Mrs. May MP)



Appendix B: Persons in Detention Centres*

	Curtin IRPC 11/11/99	Maribyrnong IDC 24/2/00	Perth IDC 10/11/99	Port Hedland IRPC 10/11/99	Villawood IDC 23/2/00	Woomera IRPC 28/1/00
CAPACITY (approx)						
	1,000	80	40	800	270	1,100
DETAINEES						
TOTAL	655	78	38	768	334	936
Male	612	59	38	718	269	741
Female	43	19	0	50	65	60
Minors (inc above)	62	8	0	42	38	135
FIVE MAIN NATIONALITIES AT EACH CENTRE						
	Iraqi 445	Chinese 22	Sri Lankan 9	Iraqi 276	Iraqi nd	Iraqi 493
	Afghan 183	Iranian 14	Algerian 6	Afghan 269	Chinese nd	Afghan 397
	Bangladeshi 13	Somali nd	Indian 4	Turkish 61	Algerian nd	Iranian 31
	Iranian 7	Sri Lankan 3	Iraqi 3	Chinese 54	Somali nd	Kuwati 8
	Sri Lankan 3	Iraqi 6	Chinese 3	Sri Lankan 23	nd	Palestinian 3
PERIOD IN DETENTION (to date)						
0-6 months	655	39+	25	637	183+	936
12 + months	0	16	9	30	53	0

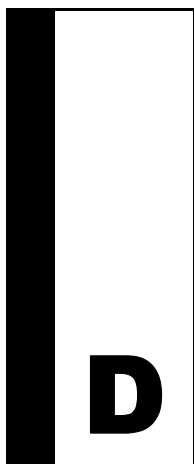
* at the time of the Committee's inspection



Appendix C: Time in detention

Time in detention as at 1/11/99	Proportion of detainees (%)
Less than 6 weeks	42.3
6 weeks – 3 months	25.8
3 – 4 months	5.5
4 – 5 months	3.9
5 – 6 months	3.4
6 – 9 months	10.7
9 – 12 months	1.6
12 – 24 months	5.8
More than 24 months	1.2

Source DIMA: Detention Figures 1 Nov 99



Appendix D: References

Commonwealth Government:

Government Response to Human Rights and Equal Opportunity Commission 1998 Report

Commonwealth Ombudsman:

Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters
July 1998

Department of Immigration and Multicultural Affairs:

Annual Report 1995 / 96, 1996 / 97, 1997 / 98, 1998 / 99.

Evidence to Senate Standing Committee on Legal & Constitutional, 10 February 2000.

Fact Sheet:

41	<i>Seeking Asylum within Australia.</i>
42	<i>Assistance for Asylum Seekers in Australia.</i>
70	<i>Immigration Advice and Application Assistance Scheme.</i>
81	<i>Unauthorised Arrivals by Air and Sea.</i>
82	<i>Immigration Detention.</i>
83	<i>People Smuggling.</i>

Protecting the Borders: Immigration Compliance 1999.

Joint Standing Committee on Migration:

Immigration Detention Centres Inspection Report August 1998.

Department of the Parliamentary Library:

Current Issues brief No 13 1999-2000:

Boat people, Illegal Migration and Asylum Seekers: in Perspective.

