
The Parliament of the Commonwealth of Australia

Immigration detention in Australia

Facilities, services and transparency

Third report of the inquiry into immigration detention in Australia
Joint Standing Committee on Migration

August 2009
Canberra

© Commonwealth of Australia 2009

ISBN 978-0-642-79206-8 (Printed version)

ISBN 978-0-642-79207-5 (HTML version)

Cover design by Lisa McDonald, House of Representatives Printing and Publishing Office



Contents

Foreword	vii
Membership of the Committee	xi
Terms of reference	xiii
List of abbreviations	xv
List of recommendations	xix

THE REPORT

1 Introduction	1
Background to this report	1
The development of Australia's system of mandatory detention	3
Ministerial announcements	5
First report: Criteria for release from detention	8
Second report: Community-based alternatives to detention	10
Structure of this report	11
2 Immigration detention infrastructure	13
Fitout standards	13
Immigration detention facilities	14
Perth immigration detention centre	17
Villawood immigration detention centre	22
Northern immigration detention centre	28
Maribyrnong immigration detention centre	30

Excised Territories	33
Christmas Island immigration detention centres	35
Phosphate Hill immigration detention centre	36
Construction camp immigration detention centre	38
North West Point immigration detention centre	40
Immigration residential housing	43
Perth immigration residential housing	43
Sydney immigration residential housing	45
Immigration transit accommodation	47
Melbourne immigration transit accommodation	48
Brisbane immigration transit accommodation	50
Darwin juvenile facilities	51
Christmas Island duplexes and community placements	53
Contingency facilities	54
Committee conclusions	55
3 Provision of services in detention facilities	61
Overview of immigration detention services	61
Background	61
Privatisation of detention services	62
Systemic issues in immigration detention centres	63
Immigration detention guidelines	64
Contract with Global Solutions Limited (Australia) Pty Ltd	65
Initiating change across detention services	66
Service delivery model	69
New detention service provider arrangements	70
Services currently provided across immigration detention facilities	72
Health care services for people in detention	76
Delivery of health care services	80
Community concerns about detention services	85
Privatisation of detention services	85
Immigration detention standards	87
Inadequate health services	88
Independent immigration detention health review commission	91
Lack of services on Christmas Island	92

Training of personnel	93
Additional community comments on detention services	95
Committee conclusions.....	95
4 Transparency and visibility – immigration detention facilities	103
Oversight mechanisms.....	103
Australian Human Rights Commission	104
Immigration Detention Advisory Group	106
Detention Health Advisory Group.....	108
Commonwealth Ombudsman.....	109
Independent inquiries.....	110
United Nations High Commissioner on Refugees	111
International obligations	111
Lodging complaints	113
Committee conclusions.....	113
Transparency – immigration detention facilities.....	115
Media	117
Committee conclusions.....	119

APPENDICES

Appendix A: List of submissions to the inquiry	123
Appendix B: List of public hearings and inspections	133
Appendix C: The Committee’s first report of the inquiry into immigration detention in Australia.....	143
Government response.....	150
Appendix D: The Committee’s second report of the inquiry into immigration detention in Australia.....	151

DISSENTING / MINORITY REPORTS

Dissenting Report by Mr Petro Georgiou MP 155

Dissenting Report by Senator Sarah Hanson-Young 165

Minority Report by the Hon. Dr Sharman Stone MP 177

LIST OF TABLES

Table 3.1 Operating principles of detention 70

LIST OF FIGURES

Figure 2.1 Location of immigration detention facilities in Australia..... 16

Figure 3.1 Detention health services delivery structure 81



Foreword

This is the third and final report of the Joint Standing Committee on Migration's inquiry into immigration detention in Australia.

The first report of the Committee, tabled in December 2008, made a number of recommendations that were aimed at improving accountability and ensuring that release from detention centres followed health, security and identity checks. The Committee is extremely pleased to note that the Government has already taken steps to respond to the Committee's recommendations from the first report.

The second report of the Committee, tabled in May 2009, examined the practicality of releasing people from immigration detention and recommended that the Australian Government reform the bridging visa framework to comprehensively support those released into the community, with appropriate reporting or surety requirements.

The Committee's last report addresses the remaining terms of reference, namely:

- options to expand the transparency and visibility of immigration detention centres (IDCs)
- the preferred infrastructure options for contemporary immigration detention, and
- options for the provision of detention services and detention health services across the range of current detention facilities, including IDCs, Immigration Residential Housing (IRH), Immigration Transit Accommodation (ITA) and community detention.

Australia's immigration detention infrastructure has undergone significant changes over the past 30 years with the establishment of immigration residential housing, immigration transit accommodation and immigration detention facilities on Christmas Island.

The Committee acknowledges that the Australian Government has made positive steps to introduce more appropriate and humane accommodation and facilities through immigration residential housing and immigration transit accommodation.

However, the standard of the accommodation and facilities provided at immigration detention centres was of a serious concern, particularly Stage 1 at Villawood and the Perth immigration detention centre. Many detention facilities also have disproportionate and antiquated security measures such as razor/barbed wire, in particular at the North West Point immigration detention centre on Christmas Island.

The Committee has therefore recommended:

- reconstruction of Stage 1 at Villawood remains urgent and a priority of the Committee
- the upgrade of the Perth immigration detention centre proceed as proposed and the Australian Government examine long term options with the intent to establish a purpose built long-term facility
- all caged walkways, perspex barriers, and electrified fencing be removed from the North West Point immigration detention centre and replaced with more appropriate security infrastructure, and
- all razor/barbed wire fencing is removed from all immigration detention centres and replaced with more appropriate fencing.

This report also recommends that detention in immigration residential housing should be used in lieu of detention in immigration detention centres, provided that it is feasible.

In addition, the Committee received evidence from a number of organisations that highlighted some serious issues relating to the provision of immigration detention services across all immigration detention facilities. In particular, professional groups, stakeholders, advocacy groups and individuals within the community have voiced their concerns over the privatisation of detention services, immigration detention standards and inadequate health services provided to detainees on Christmas Island.

The Committee, and many other organisations, continue to have some reservations about the Department of Immigration and Citizenship's capacity to shift to a risk-averse framework where the onus is on establishing the need to detain. The primary concern of immigration detention authorities should be one of care for the well-being of detainees.

The Committee has made the following four key recommendations which are intended to ensure that people in immigration detention, both onshore and offshore, are provided the same level of appropriate service:

- that the Department of Immigration and Citizenship engage an independent auditor, the Australian National Audit Office, to undertake a full review of the current immigration detention service providers and immigration detention facilities within the next three years
- that the Department of Immigration and Citizenship introduce a mandatory ongoing training program for all staff of the immigration detention service provider
- that the Department of Immigration and Citizenship publish the detention service standards, or the current equivalent, on its website and provide a copy of the detention service standards or the current equivalent, translated into appropriate languages, to all current and future detainees
- that the Australian Government maintain appropriate physical and mental health facilities on Christmas Island commensurate with services provided at other immigration detention centres.

The Committee notes that the Australian Government has recently signed the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment (OPCAT). If Australia ratifies the OPCAT it will need to establish an agency possessing functional independence to conduct visits-based inspections at all 'places of detention' within all parts of Australia, as well as relevant offshore locations such as immigration detention facilities. As the Australian Human Rights Commission (AHRC) already conducts inspections of immigration detention facilities, the Committee recommends that the AHRC be granted a statutory right of access to all places of, and persons in, immigration detention in Australia.

Lastly, the Committee has also recommended that there should be improved transparency of immigration detention facilities by:

- providing the media greater access to all immigration detention facilities, whilst maintaining the privacy of people in immigration detention
- publishing regularly updated information on all immigration detention facilities, including statistics on the detainee population, on the Department of Immigration and Citizenship's website, and

- developing a set of public media protocols that apply consistently across all immigration detention facilities.

I would like to thank all who have participated in this inquiry, particularly those who have written submissions or given evidence at public hearings.

I would also like to express my appreciation to my hard working colleagues on the Committee, and the long suffering secretariat, who have participated during the course of this inquiry and who are committed to ensuring that our immigration system treats all people, regardless of their status, in a humane and compassionate manner while protecting Australia's borders in a robust and fair immigration system.

Mr Michael Danby MP
Chair



Membership of the Committee

Chair Mr Michael Danby MP

Deputy Chair Hon Danna Vale MP

Members Senator Andrew Bartlett (*to 30 June 2008*)

Senator Sue Boyce (*from 22 June 2009*)

Senator Catryna Bilyk (*from 1 July 2008*)

Ms Yvette D'Ath MP

Senator Alan Eggleston (*to 4 February 2009*)

Senator Concetta Fierravanti-Wells (*from 4 February 2009 to 22 June 2009*)

Mr Petro Georgiou MP

Senator Sarah Hanson-Young (*from 27 August 2008*)

Senator Anne McEwen

Mr Don Randall MP (*to 10 November 2008*)

Hon Dr Sharman Stone MP (*from 10 November 2008*)

Mr Tony Zappia MP

Committee secretariat

Secretary	Ms Sharon Bryant (<i>from 18 May 2009</i>) Dr Anna Dacre (<i>to 15 May 2009</i>)
Inquiry Secretary	Mr Paul Zinkel Ms Anna Engwerda-Smith
Senior Research Officer	Mr Steffan Tissa
Office Manager	Ms Emma-Kate Martin
Administrative Officer	Ms Claire Young



Terms of reference

The Joint Standing Committee on Migration is inquiring into immigration detention in Australia. The Committee will examine:

- the criteria that should be applied in determining how long a person should be held in immigration detention
- the criteria that should be applied in determining when a person should be released from immigration detention following health and security checks
- options to expand the transparency and visibility of immigration detention centres
- the preferred infrastructure options for contemporary immigration detention
- options for the provision of detention services and detention health services across the range of current detention facilities, including Immigration Detention Centres, Immigration Residential Housing, Immigration Transit Accommodation and community detention
- options for additional community-based alternatives to immigration detention by
 - a) inquiring into international experience
 - b) considering the manner in which such alternatives may be utilised in Australia to broaden the options available within the current immigration detention framework
 - c) comparing the cost effectiveness of these alternatives with current options.

(5 June 2008)



List of abbreviations

ACM	Australasian Correctional Management
AHRC	Australian Human Rights Commission
AJA	A Just Australia
ASRC	Asylum Seeker Resource Centre
CBD	Central Business District
CCP	Community Care Pilot
Chilout	Children Out of Detention
DeHAG	Detention Health Advisory Group
DIAC	Department of Immigration and Citizenship
DIMIA	former Department of Immigration and Multicultural and Indigenous Affairs
FASSTT	Forum of Australian Services for Survivors of Torture and Trauma
G4S	Group 4 Securitor
GSL	Global Solutions Limited
HREOC	Human Rights and Equal Opportunity Commission
HRCA	Human Rights Council of Australia
the Human Rights Centre	Human Rights Education Centre for Human Rights Education

IAAAS	Immigration Advice and Application Assistance Scheme
IDAG	Immigration Detention Advisory Group
IDC	Immigration Detention Centre
IHMS	International Health and Medical Services
IOM	International Organisation for Migration
IRH	Immigration Residential Housing
ITA	Immigration Transit Accommodation
m ²	metres squared
MRT	Migration Review Tribunal
NGO	Non-Government Organisation
NLA	National Legal Aid
NSW	New South Wales
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment
PCIRO	Preparatory Commission of the International Refugee Organisation
PIDC	Perth Immigration Detention Centre
PSS	Professional Support Services
RACS	Refugee Advice and Casework Service (Australia) Inc.
RILC	Refugee and Immigration Legal Centre
RRT	Refugee Review Tribunal
SA	South Australia
SDM	Service Delivery Model

STARTTS	NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors
the Standards	Immigration Detention Standards
THV	Temporary Humanitarian Visa
TPV	Temporary Protection Visa
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Committee



List of recommendations

Immigration detention infrastructure

Recommendation 1

The Committee reiterates that reconstruction of Stage 1 at Villawood remains urgent and a priority of the Committee.

Recommendation 2

At the very least, the Committee recommends that the upgrade of the Perth immigration detention centre proceed as proposed. Given the limited lease arrangements, the Australian Government should also examine long term options with the intent to establish a purpose built long-term facility.

Recommendation 3

The Committee recommends that all caged walkways, perspex barriers, and electrified fencing be removed from the North West Point immigration detention centre and replaced with more appropriate security infrastructure.

Recommendation 4

The Committee recommends that detention in immigration residential housing should be used in lieu of detention in immigration detention centres provided that it is feasible.

Recommendation 5

The Committee recommends that all razor/barbed wire fencing is removed from all immigration detention centres and replaced with more appropriate fencing.

Provision of services in detention facilities

Recommendation 6

The Committee recommends that the Department of Immigration and Citizenship engage an independent auditor, the Australian National Audit Office, to undertake a full review of the current immigration detention service providers and immigration detention facilities within the next three years having regard to:

- the service providers' adherence to the Department of Immigration and Citizenship's service delivery model and the immigration detention standards, or their current equivalent
- whether the services provided are cost effective
- the level of service provided to detainees.

The Committee also recommends that the review feed into the contracts for either the next re-tender or renewal process.

Recommendation 7

The Committee recommends that the Department of Immigration and Citizenship introduce a mandatory ongoing training program for all staff of the immigration detention service provider, ensuring that all staff dealing directly with people in immigration detention are assessed as competent in:

- cultural appropriateness and sensitivity
- basic counselling skills
- first aid
- managing conflict through negotiations
- the provision of appropriate security measures.

Recommendation 8

The Committee recommends that the Department of Immigration and Citizenship publish the detention service standards, or the current equivalent, on its website and provide a copy of the detention service standards or the current equivalent, translated into appropriate languages, to all current and future detainees.

The Committee also recommends that the Department of Immigration and Citizenship should report on the performance of each immigration detention service provider against the immigration detention standards, or the current equivalent, which should be included in the Department's annual report.

Recommendation 9

The Committee recommends that the Australian Government maintain appropriate physical and mental health facilities on Christmas Island commensurate with services provided at other immigration detention centres.

Transparency and visibility – immigration detention facilities

Recommendation 10

The Committee recommends that the Australian Human Rights Commission be granted a statutory right of access to all places of, and persons in, immigration detention in Australia.

Recommendation 11

The Committee recommends that the Department of Immigration and Citizenship increase the transparency of immigration detention facilities by:

- providing the media greater access to all immigration detention facilities, whilst maintaining the privacy of people in immigration detention
- publishing regularly updated information on all immigration detention facilities, including statistics on the detainee population, on the Department of Immigration and Citizenship's website, and
- developing a set of public media protocols that apply consistently across all immigration detention facilities.

