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Redevelopment of the Villawood Immigration Detention Facility

Parliamentary Standing Committee on Public Works

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Contents

Membership of the Committee	v
List of recommendations	vii

THE REPORT

1 Introduction	1
History of the Public Works Committee and immigration detention	2
Key Immigration Values	3
Conduct of the inquiry	4
Matters addressed in this report.....	5
2 Proposed Works.....	7
Purpose of works	7
Need for works.....	8
Scope of works.....	11
Remediation and new construction	11
Committee concerns.....	13
Stage 1.....	13
Stage 2 and 3 accommodation works	14
Cost of works	17
Project issues.....	18
Naming of stages	18

Standards.....	19
Short-term works.....	22
Other matters	25
Committee comment.....	28

APPENDICES

Appendix A – List of submissions.....	29
Appendix B – List inspections, hearings and witnesses	31



Membership of the Committee

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List of recommendations

2 Proposed Works

Recommendation 1

The Committee recommends that the facilities at Villawood Immigration Detention Centre currently known as 'Stage 1' be demolished as part of the current program of works.

Recommendation 2

The Committee recommends that the Department of Finance and Deregulation present the detailed design for the redevelopment of Stage 2 and Stage 3 of the Villawood Immigration Detention Facility to the Parliamentary Standing Committee on Public Works for examination prior to construction commencing.

Recommendation 3

The Committee recommends that the Department of Finance and Deregulation ensure that the detailed design for the Villawood Immigration Detention Facility address the management plan for potential surge conditions.

Recommendation 4

The Committee recommends that the Department of Finance and Deregulation present the final costs of the Villawood Immigration Detention Facility redevelopment project to the Parliamentary Standing Committee on Public Works for examination prior to construction commencing.

Recommendation 5

The Committee recommends that the Department of Immigration and Citizenship rename the sections within the new Villawood Immigration Detention Facility with names that are non-institutional in nature. In addition, all staff should be actively discouraged from the ongoing use of the terminology 'Stage 1, 2 and 3' in order to reinforce the name changes.

Recommendation 6

The Committee recommends that the Department of Immigration and Citizenship refer the *Standards for design and fitout of immigration detention facilities* to Standards Australia Limited for review and accreditation.

Recommendation 7

The Committee recommends that the Department of Immigration and Citizenship, as a matter of priority, provide each person detained at the Villawood Immigration Detention Centre with access to an adequate lockable space in which to secure their personal belongings.

In addition, the Committee recommends that the Department of Immigration and Citizenship ensure that the detailed design for the new Villawood Immigration Detention Facility incorporate the capacity for each detainee to secure either their room or to secure their personal belongings in an adequate lockable space.

Recommendation 8

The Committee recommends that the Department of Immigration and Citizenship cease the use of the loudspeaker system to page detainees at the Villawood Immigration Detention Centre as soon as possible and implement a method of contacting detainees that respects their right to privacy.

Recommendation 9

The Committee recommends that the Department of Finance and Deregulation and the Department of Immigration and Citizenship (DOFD/DIAC) ensure that the local community is kept informed about security, noise, traffic and light management at the Villawood Immigration Detention Facility (VIDF) site throughout the redevelopment.

Further, the Committee recommends that DOFD/DIAC ensure that plans for the redevelopment of the VIDF are consistent with the stormwater, biodiversity and heritage management plans of the Bankstown City Council.

Recommendation 10

The Committee recommends that the House of Representatives resolve, pursuant to Section 18(7) of the *Public Works Committee Act 1969*, that it is expedient to carry out the following proposed work: redevelopment of the Villawood Immigration Detention Facility.

Introduction

- 1.1 Under the *Public Works Committee Act 1969* (the Act), the Parliamentary Standing Committee on Public Works is required to inquire into and report on public works referred to it through either house of Parliament. Referrals are generally made by a delegate of the Minister for Finance.
- 1.2 All public works that have an estimated cost exceeding \$15 million must be referred to the Committee and cannot be commenced until the Committee has made its report to Parliament and the House of Representatives receives that report and resolves that it is expedient to carry out the work.¹
- 1.3 Under the Act, a public work is a work proposed to be undertaken by the Commonwealth, or on behalf of the Commonwealth concerning:
- the construction, alteration, repair, refurbishment or fitting-out of buildings and other structures;
 - the installation, alteration or repair of plant and equipment designed to be used in, or in relation to, the provision of services for buildings and other structures;
 - the undertaking, construction, alteration or repair of landscaping and earthworks (whether or not in relation to buildings and other structures);
 - the demolition, destruction, dismantling or removal of buildings, plant and equipment, earthworks, and other structures;
 - the clearing of land and the development of land for use as urban land or otherwise; and

¹ The Act, Part III, Section 18 (8). Exemptions from this requirement are provided for work of an urgent nature, defence work contrary to the public interest, repetitive work, and work by prescribed authorities listed in the Regulations.

- any other matter declared by the regulations to be a work.²
- 1.4 The Act requires that the Committee consider and report on:
- the purpose of the work and its suitability for that purpose;
 - the need for, or the advisability of, carrying out the work;
 - whether the money to be expended on the work is being spent in the most cost effective manner;
 - the amount of revenue the work will generate for the Commonwealth, if that is its purpose; and
 - the present and prospective public value of the work.³
- 1.5 The Committee pays attention to these and any other relevant factors when considering the proposed work.

History of the Public Works Committee and immigration detention

- 1.6 The Parliamentary Standing Committee on Public Works has had a long history of involvement with immigration detention. Most recently, the Committee has undertaken the following inquiries:
- Christmas Island Immigration Detention Centre Project Update (September 2008)
 - Maribyrnong Immigration and Detention Centre (May 2005)
 - Construction of a respecified immigration reception and processing centre on Christmas Island (December 2003)
- 1.7 Reports of these inquiries are available on the Committee's website.
- 1.8 The redevelopment of the Villawood Immigration Detention Centre (VIDC) was first referred to the Public Works Committee in February 2006. The then Department of Finance and Administration and the then Department of Immigration and Multicultural Affairs were unable to proceed with the proposal and the inquiry lapsed. Submissions to this proposal are also available on the Committee's website.
- 1.9 Recommendations made by the Committee in *Report 3/2005: Maribyrnong Immigration and Detention Centre (MIDC) – Additional accommodation and related works*⁴ resulted in the development of the *Standards for Design and*

2 The Act, Section 5.

3 The Act, Section 17.

4 See <http://www.aph.gov.au/house/committee/pwc/midc/report.htm>

Fitout for Immigration Detention Facilities by the Department of Immigration and Citizenship as well as a range of significant improvements to the MIDC.

- 1.10 The Committee is pleased to note the existence of these guidelines and has made commentary and recommendations in this report with a view to strengthening the guidelines and embedding them as a part of long-term immigration facilities management in Australia.

Key Immigration Values

- 1.11 On 29 July 2008, the Minister for Immigration and Citizenship, Senator the Hon Chris Evans, announced a series of values that would underpin the Australian Government's immigration detention policy.⁵
- 1.12 The Australian Government's immigration policy framework includes mandatory detention of non-Australian citizens in breach of their visa conditions. The policy for detention in immigration detention centres is administrative and not intended to be punitive in nature. Detention facilities therefore need to be constructed to operate with this policy construct as the principal driver.
- 1.13 The proposed redesign of the VIDC is based on supporting this immigration policy.
- 1.14 The Key Immigration Values are:
1. Mandatory detention is an essential component of strong border control.
 2. To support the integrity of Australia's immigration program, three groups will be subject to mandatory detention:
 - a. All unauthorised arrivals, for management of health, identity and security risks to the community;
 - b. Unlawful non-citizens who present unacceptable risks to the community; and
 - c. Unlawful non-citizens who have repeatedly refused to comply with their visa conditions.

5 Senator the Hon. Chris Evans, Minister for Immigration and Citizenship, 'New directions in detention', speech delivered at the Australian National University, 29 July 2008.

3. Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an immigration detention centre (IDC).
 4. Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both accommodation and services provided, would be subject to regular review.
 5. Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time.
 6. People in detention will be treated fairly and reasonably within the law.
 7. Conditions of detention will ensure the inherent dignity of the human person.⁶
- 1.15 The Committee considered the proposal in the context of these values.
- 1.16 It was not in the scope of this Committee's inquiry to address matters of immigration policy. However, some commentary and recommendations are included in this report where the Committee observed practices that were not in line with the Key Immigration Values.

Conduct of the inquiry

- 1.17 The proposal was referred to the Committee on 13 August 2009.
- 1.18 The inquiry was advertised in local and national newspapers and submissions sought from those with a direct interest in the project. The Committee received six submissions and two confidential supplementary submissions detailing the project costs. A list of submissions can be found at Appendix A.
- 1.19 The Committee undertook a site inspection at the redeveloped Maribyrnong Detention Facility on 18 September 2009 in Melbourne as background to the inquiry and to review the implementation of recommendations made by the Public Works Committee in March 2005. The Committee undertook a site inspection of the VIDC as well as a public hearing, and an in-camera hearing on the project costs on

6 Submission 1, Joint: Department of Finance and Deregulation and Department of Immigration and Citizenship, p. 4.

22 September 2009 in Sydney. A list of site inspections and witnesses at the public hearing can be found at Appendix B.

- 1.20 The Committee also conducted a private informal discussion with some detainees of the VIDC on 22 September 2009 about their experiences of the facility and their views about the proposed redevelopment. This meeting was extremely valuable for the Committee's consideration of the proposed works, and the detainee's views are reflected through this report.
- 1.21 The transcript of the public hearing as well as the submissions to the inquiry is available on the Committee's website.⁷ Plans for the proposed works are detailed in Submission 1: Joint, Department of Finance and Deregulation and Department of Immigration and Citizenship.

Matters addressed in this report

- 1.22 A range of matters were brought to the Committee's attention during the course of the inquiry and are addressed in this report. The Committee considered its obligations under Section 17 (3) of the Act to have regard to the suitability of the proposed works and the present and prospective value of the works.
- 1.23 As a result, the Committee has made recommendations regarding current infrastructure-related practices at the VIDC which it considers to have a detrimental effect on detainees.
- 1.24 This report also addresses DIAC procedures, namely the document *Standards for design and fitout of immigration detention facilities*, with a view to ensuring that this and other proposed works at immigration detention facilities are of the highest possible standard, suitable for purpose and providing value for money for the Commonwealth.

7 <www.aph.gov.au/pwc>

Proposed Works

- 2.1 The proposed redevelopment of Villawood Immigration Detention Facility (VIDF)¹, Sydney aims to provide new and refurbished facilities for people in detention and staff. The project is being delivered by the Department of Finance and Deregulation (DOFD) on behalf of the Department of Immigration and Citizenship (DIAC). The total estimated cost of the proposal is \$186.7 million.

Purpose of works

- 2.2 The Villawood Immigration Detention Centre (VIDC) primarily 'caters for visa over-stayers and those whose visas are cancelled because they have failed to comply with their visa conditions.' VIDC also caters for 'airport turnarounds,' or those who have been refused entry to Australia at international air and seaports and who are awaiting the next available flight to depart.²
- 2.3 The VIDC is the primary detention centre for managing mainland operations. The DOFD/DIAC submission states that the redevelopment is required as:

the VIDC offers the largest and most secure environment where difficult individuals can be accommodated for extended periods of time. It requires substantial redevelopment to ensure that it

1 Currently known as Villawood Immigration Detention Centre (VIDC), the Centre is being renamed as Villawood Immigration Detention Facility (VIDF) as part of the proposed redevelopment. For consistency and familiarity, the term VIDC is used throughout this report.

2 Submission 1, Joint: DOFD/DIAC, p. 7

continues to function as the principal detention, and only high security, facility on the Australian mainland.³

- 2.4 The proposed redesign of the VIDC is based on supporting the Government's immigration policy and the Key Immigration Values as noted in Chapter 1.

Need for works

- 2.5 DOFD and DIAC identify the key deficiencies of the VIDC leading to the need for redevelopment as:

- existing facilities are dysfunctional with old buildings, high maintenance costs and inefficient operational staffing; and
- facilities do not meet community standards for living conditions, nor DIAC's own *Standards for Design and Fitout for Immigration Detention Facilities* (discussed in detail below) as well as failing to comply with the *Disability Discrimination Act 1992* and the Building Code of Australia.

- 2.6 Specifically, key issues identified by DOFD/DIAC, and observed by the Committee at its site visit are:

- Stage 1 (high security) accommodation provides little privacy with inadequate bunk beds, common bathroom facilities, no green space or views to the outside;
- Stage 2 and 3 accommodation (including the women's compound) facilities are small and in a general state of disrepair, detainees have little personal privacy or capacity to secure personal possessions in their rooms;
- kitchen and dining facilities are in poor physical condition with old equipment and have a range of occupational health and safety (OH&S) risks to staff. Detainees also have no access to cooking facilities to prepare a personal meal, including tea and coffee making facilities, without a security officer to escort them to the dining facilities;
- all core amenities (health, education and recreation) are accommodated in transportable buildings that are at the end of their economic life;

3 Submission 1, Joint: Department of Finance and Deregulation and Department of Immigration and Citizenship (Joint: DOFD/DIAC), p. 3.

- limited access to indoor common-room space and covered outdoor space;
- site infrastructure (power, storm water and sewers) is inadequate;
- overall site OH&S concerns for both detainees and staff;
- recreation facilities are inadequate and cannot be accessed freely by detainees leading to long periods of boredom;
- lack of accommodation flexibility and capacity to separate groups or individuals in conflict, or those with mental health issues who, if violent or in danger of self harm are currently transferred to Stage 1;
- expensive, out of date and oppressive security measures, and a high security personnel presence;
- limited to no access for people with disabilities;
- limited car parking for staff and visitors; and
- operational inefficiencies resulting in a reliance on demountable buildings and high staffing levels.

2.7 Overall, the VIDC looks and feels like an antiquated prison, with an oppressive use of high wire fences, little green space and sheltered outdoor areas, no freely accessible indoor areas (other than accommodation blocks), and an almost complete lack of personal privacy and imposing security features. In addition, conditions for staff are inadequate, posing a number of health and safety risks.

2.8 All of these issues were reiterated by detainees who spoke to the Committee during its site inspection. The detainees also made the following points:

- Detainees who had been held in the prison system felt that they had more privacy, capacity to prepare individual meals, personal security and in general, a feeling of greater control over their lives in prison than at the VIDC.
- There is no access to open space to exercise or find privacy, with women in particular having no access to outdoor space. In addition, there needed to be unregulated access to indoor space, including the dining facilities.
- The lack of unregulated access to recreational space, including the gym depresses people. The point was made that young men in

particular need easy access to exercise equipment as a way to manage their mental health.

- Gardens could be incorporated into the centre to both block out the fences and to potentially provide activity for detainees.
- There needs to be capacity for women as well as men who are violent to be separated from the general population when necessary.
- The system of paging detainees for appointments is loud, invasive and breaches personal privacy.
- Air-conditioning and better heating is essential. In particular, the demountables used for common facilities are uncomfortable in both summer and winter.

- 2.9 The detainee group had seen the proposal for the more secure Stage 1 facilities and felt they looked appropriate. However, the point was made that people going into this area often come from a prison environment and as a result already have institutionalised behaviour and the VIDC should be breaking rather than reinforcing this behaviour.
- 2.10 The Committee supports Key Immigration Value 5, as above, that detention is only to be used as a last resort and for the shortest practicable time.
- 2.11 DIAC told the Committee that people remained in detention for an average of three weeks. However, the Committee was also told that 'there is a small number of long-term people in detention that must also be catered for.'⁴
- 2.12 The group of detainees who spoke to the Committee during its site inspection had been at the VIDC an average of three months, with one individual having been in detention for two years and three months. A number of these individuals told the Committee that they were appealing their migration outcome so were uncertain about the future length of their detention. The Human Rights Commission cites similar findings.⁵
- 2.13 The Committee acknowledges that, on occasion, individuals may have to be held in immigration detention for an extended period. While this

4 Submission 1, Joint: DOFD/DIAC, p. 7.

5 Australian Human Rights Commission, *2008 immigration detention report: summary of observations following visits to Australia's immigration detention facilities*. Available at < hreoc.gov.au > accessed 7 October 2009.

should only be a last resort, the facilities need to be designed in such a way to cater for the needs of short and long-term detainees.

- 2.14 It is clear that the existing facilities have had a negative impact on both the physical and mental health outcomes of detainees. Overall, the Committee agrees that the current facilities are unsuitable, even for short-term detention.
- 2.15 The working conditions for staff are also inappropriate, posing a range of occupational health and safety risks. The prison-like nature of the facility clearly poses operational difficulties and contributes to the institutional management more suited to a punitive, rather than administrative detention facility.
- 2.16 The Committee received some submissions that specifically questioned the need for the proposed redevelopment and notes that this is a view held in some parts of the community.
- 2.17 However, the Committee finds that there is an urgent and critical need for the proposed works.

Scope of works

- 2.18 The proposed scope of the works is detailed in Submission 1.⁶ In short, the project proposes the following.

Remediation and new construction

Remediation

- 2.19 Asbestos-contaminated soil will be removed from the site.

New construction

- 2.20 Administration and visits precinct including entry/reception areas, induction and processing, visits, office accommodation and secure control area.
- 2.21 Central support precinct including medical, education/programs/library/internet, sporting facilities, central kitchen/dining and maintenance service areas.

6 Submission 1, Joint: DOFD/DIAC, pp. 24-25.

- 2.22 New secure facility (new Stage 1) comprising:
- higher risk accommodation – 24 beds;
 - high care and observation suite with carers' rooms – 6 beds;
 - general flexible accommodation – 60 beds;
 - kitchenette, laundry, dining, living, tv and games areas included as part of the accommodation precinct;
 - staff support centre; and
 - external meeting/BBQ area.
- 2.23 The new Stage 1 is to be constructed on new ground, close to the other existing accommodation, but separated by the core central support facilities as detailed above. The Stage 1 facility will be able to be configured to accommodate both high-risk men and women and low-risk detainees when required and without security risk.
- 2.24 The Committee finds that the proposed scope of remediation and new construction works are suitable to meet the stated needs of the Villawood Immigration Detention Facility redevelopment project.

Refurbishment

- 2.25 Existing stage 2 and 3 facilities will be refurbished to provide the following:
- Multipurpose bedrooms – 304 beds;
 - Special care bedrooms – 6 beds;
 - Dining/living/TV/games;
 - Self catering;
 - Standalone satellite kitchen;
 - Standalone laundry;
 - Standalone activities/ fitness area; and
 - Staff support centre.

Heritage precinct

- 2.26 A heritage precinct will be established on the site boundary. Currently a large Nissen hut at the proposed site is used for administration. Two small Nissen which provided the post World War II migrant accommodation and are heritage listed will be moved to the site and renovated to provide meeting and exhibition space. This will be open to the public.
- 2.27 The Committee notes that a submission to the 2006 Villawood redevelopment inquiry before this Committee called for the role the VIDC had played in the migrant history of Australia to be recognised in the

facility design.⁷ The Committee commends DOFD/DIAC for including a heritage precinct in the proposal.

Committee concerns

Stage 1

- 2.28 The evidence presented by DOFD/DIAC stated that Stage 1 is to be replaced⁸ and as a result, the Committee and other submitters to the inquiry assumed that existing facilities were to be demolished.
- 2.29 However, the Committee now understands that no decision has been taken as to what will be done with the existing Stage 1 building once the new facility is complete.
- 2.30 At the site inspection, the Committee was told that this facility was constructed in 1965 based on the ideology of the time that prisons were primarily places of punishment rather than rehabilitation.⁹ The facility is therefore an oppressive environment, in a decrepit condition and completely unsuitable as a place for administrative detention.
- 2.31 Some interim works were approved in 2008 by the Committee for the existing facility in order to provide more amenity in outdoor and visitors areas on the basis that the facility will remain in use until the new Stage 1 is completed in late 2012. These interim works are now close to completion. However, the facility as a whole is generally still unfit to be used in the longer term.
- 2.32 The Committee is concerned that should the existing Stage 1 remain standing it may be tempting to use it again, either in surge periods or if the new facilities ever reach capacity.
- 2.33 The Committee recognises that there are no funds in the current proposal to demolish the existing Stage 1 facility.
- 2.34 The Committee is also concerned that as part of the overall site redevelopment plan, no decision has been made about the future of the existing Stage 1 facility. The Committee considers this to be problematic

7 J. Sobski, *Submission 6, Villawood Immigration Detention Centre redevelopment*, Parliamentary Standing Committee on Public Works, February 2006.

8 Submission 1, Joint: DOFD/DIAC, p. 8.

9 Mr B. Correll, Assistant Secretary, DIAC.

given reports from a range of groups including the Commonwealth Ombudsman, the Human Rights Commission and the Parliament's Joint Standing Committee on Migration, which have either called for the facility's demolition or found that it was unfit for use.¹⁰

- 2.35 The Committee therefore recommends that a decision be made regarding the future use of the existing Stage 1 facilities as a matter of urgency. The Committee believes strongly that the existing Stage 1 facility should be demolished at the completion of the new Stage 1 facilities.
- 2.36 Moreover, the Committee considers that the existing Stage 1 facility should never be used again and is therefore recommending that demolition be included in the current program of works.

Recommendation 1

The Committee recommends that the facilities at Villawood Immigration Detention Centre currently known as 'Stage 1' be demolished as part of the current program of works.

Stage 2 and 3 accommodation works

- 2.37 Under the proposal before the Committee, the 'Stage 2' and 'Stage 3' buildings are to be refurbished. The Committee held a lengthy discussion in the in-camera hearing with DOFD/DIAC as to why it was decided to refurbish rather than demolish and rebuild these facilities. The Departments assured the Committee that an appropriate accommodation outcome could be achieved by keeping the existing facilities.
- 2.38 However, the Committee remains concerned the limitations inherent in these buildings may constrain the refurbishment and not allow design of best practice facilities. In particular, the Committee is concerned that:
- The floorplate of the existing buildings is unchangeable, particularly in regard to window size, aspect, use of natural light, exterior views and capacity to access common-use indoor and outdoor space.

10 Parliament of Australia, Joint Standing Committee on Migration, August 2009. *Immigration Detention in Australia: Facilities, services and transparency*. pp. 22-28

- The siting of the existing buildings results in extensive and oppressive use of fencing.
- The extensive use of demountables on site is inappropriate and as the inflexible floorplate of the existing buildings cannot be expanded may require demountables to be used in future if capacity is reached or in surge conditions.
- The 'indicative concept design' incorporates common room space, including kitchenette facilities on all floors and some ensuite rooms, but the dimensions of these spaces remain small and have been manipulated to fit available space rather than achieve the best outcome for residents. In surge conditions, these facilities will not meet the minimum required floor space per detainee.
- While the Committee recognises that there is an environmental and economic benefit in retaining existing structures, the level of refurbishment required and the inability to position the buildings to take maximum advantage of the environmental conditions will require in a heavy reliance on artificial heating and cooling.

2.39 The Committee was presented with indicative concept designs only for Stages 2 and 3 and as such is unable to decide whether these concerns can be adequately addressed. Therefore, the Committee cannot find that the proposed scope for Stages 2 and 3 meet the needs of the proposed redevelopment.

2.40 Accordingly, the Committee is recommending that detailed designs for Stage 2 and 3 be presented to it for approval prior to construction commencing with detail about how the above concerns are to be addressed.

2.41 In considering the detailed design, the Committee will be mindful of the space allocation per person in both regular and surge conditions. The Committee is cognisant of the difficulty that the layout of current buildings pose to the redevelopment and seeks to be reassured that the allocated space per person will allow for privacy and personal space.

2.42 Should the Committee not be satisfied with the proposed scope it may consider re-inquiring into the project pursuant to s19(1) of the *Public Works Committee Act 1969*.

Recommendation 2

The Committee recommends that the Department of Finance and Deregulation present the detailed design for the redevelopment of Stage 2 and Stage 3 of the Villawood Immigration Detention Facility to the Parliamentary Standing Committee on Public Works for examination prior to construction commencing.

Surge conditions

2.43 Currently, Stage 1 (high security) facilities have an operating capacity of 66 with capability to accommodate 100 during surge periods. Stages 2 and 3 (lower security) have an operating capacity of 292 with capability to accommodate 416 during surge periods, giving a total accommodation of 358 in normal usage and 516 during surge events.¹¹

2.44 This project proposes a Stage 1 capacity of 90 and Stage 2/3 capacity of 310 giving a total operating capability of 400.¹² During surge periods, the centre proposes a surge capacity of 728 (120 in Stage 1 and 608 in Stage 2/3). Officials from DIAC stated:

In the redevelopment we would be looking at a total number – that is, the desirable peak level for the facility being 400 beds overall. For a very short period of time, allowing for having two beds in some rooms, we might be able to go up to a surge level, we estimate, of 728 beds. But we would not in any way advocate that that be maintained as ongoing. So 400 would be the ongoing bed number, and that would be the number we would look ensure so that those sorts of standards are met and would also fundamentally underpin detention values such as ensuring that people have privacy and are treated with dignity.¹³

2.45 The Committee was not able to come to a clear understanding of how surge conditions would be managed. DIAC stated:

... some of the rooms we propose to build in Villawood will be larger rooms where, if we have to go into a surge capacity, we can

11 Submission 1, Joint: DOFD/DIAC. p. 7.

12 Submission 1, Joint: DOFD/DIAC, p. 25.

13 Mr B. Correll, Assistant Secretary, DIAC, *Transcript of Evidence*, 22 September 2009, p. 8.

put in two single beds and make share rooms, depending on client profile.¹⁴

- 2.46 However, it is clear that, based on the surge capacity numbers provided, even the smaller rooms would require the addition of a bed to reach the capacity of 728 beds, significantly compromising the space available in these rooms.
- 2.47 The Committee recognises that surge occurs, but shared accommodation is a less than desirable outcome. In addition, the Committee is concerned that given the small rooms presented in the indicative design for Stages 2 and 3, two beds per room in surge conditions will significantly compromise the minimum space available per person.

Recommendation 3

The Committee recommends that the Department of Finance and Deregulation ensure that the detailed design for the Villawood Immigration Detention Facility address the management plan for potential surge conditions.

Cost of works

- 2.48 The total estimated out-turn cost for this project is \$186.7 million excluding GST. The Committee held an in-camera hearing on the proposed works and received further information as supplementary submissions from the Department of Finance and Deregulation (DOFD).
- 2.49 The Committee, in Report 5/2009, raised general concerns regarding the quality of financial information being provided in the course of inquiries. In response, DOFD provided further information relating to this inquiry. The Committee was satisfied with the scope and quality of this information.

14 Ms J. Wilson, First Assistant Secretary, DIAC, *Transcript of Evidence*, 22 September 2009, p. 7.

- 2.50 The Committee is satisfied that the costings for the project provided to it are adequate. Nonetheless, the Committee would like to see the final costings for the project once the detailed design is finalised.

Recommendation 4

The Committee recommends that the Department of Finance and Deregulation present the final costs of the Villawood Immigration Detention Facility redevelopment project to the Parliamentary Standing Committee on Public Works for examination prior to construction commencing.

Project issues

Naming of stages

- 2.51 The Committee noted in all evidence to this inquiry and throughout the site inspection, that residents, staff, departmental officers and community organisations refer to the areas within the VIDC by stages, for example, Stage 1, Stage 2 or Stage 3, with the exception of 'Lima' or the 'women's compound'. This is despite the fact that the buildings also have less institutional names, such as the 'Shoalhaven', 'Hunter' and 'Lachlan' buildings.
- 2.52 The Committee considers that the naming of areas by stage adds to the institutionalised environment of the VIDC. Noting that the VIDC is to be renamed the Villawood Immigration Detention Facility (VIDF) to provide demarcation between the new and old facility, the Committee also considers that the sections of the new VIDF should be similarly renamed and staff actively discouraged from ongoing use of the terminology 'Stage 1, 2 and 3' in order to reinforce the name changes.

Recommendation 5

The Committee recommends that the Department of Immigration and Citizenship rename the sections within the new Villawood Immigration Detention Facility with names that are non-institutional in nature. In addition, all staff should be actively discouraged from the ongoing use of the terminology 'Stage 1, 2 and 3' in order to reinforce the name changes.

Standards

- 2.53 The Department of Immigration and Citizenship's *Standards for design and fitout of immigration detention facilities* (the Standards) were published in October 2007 and were produced following recommendations from the Public Works Committee's report into the Maribyrnong Immigration Detention Centre, released in March 2005 and findings of the Australian National Audit Office in Report 54, 2003/2004.¹⁵
- 2.54 The Standards apply to the design and fitout of typical 200-person-plus metropolitan IDCs, and the underlying principles apply also to ITAs (immigration transit accommodation) and IRHs (immigration residential hostels).
- 2.55 In general, the Committee is satisfied that the document sets good principles for the design and fitout for detention facilities and notes that the production of this document is a world-first in immigration detention. DIAC is to be commended for this.
- 2.56 However, the Committee does have some concerns about the capacity for the document to be used as a standard for the long term. According to Standards Australia Limited:

Standards are published documents setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to.¹⁶

15 Australian National Audit Office, Report 54, 2003/2004: *Management of the Detention Centre Contracts*.

16 Standards Australia Limited, *What is a Standard?* <standards.org.au/cat.asp?catid=2> accessed 8 September 2009.

- 2.57 The Committee is concerned that the Standards fail to perform as a set of design standards, primarily because of the lack of mandatory language and reference to other sources of guidance for decision-making. For example:
- Some lists of requirements, for example detainee rights, are subject to qualification yet make no reference to the guidelines about how to make decisions about the curtailing of these rights, the conditions under which they might be curtailed or if, in fact, certain of these rights are absolute and not subject to qualification.¹⁷
 - Vague adjectives are used to describe requirements rather than technical requirements easily capable of certification. For example, that detainees are ‘provided with a reasonably quiet area to sleep and rest in.’¹⁸ To act as standards, the document should to include a specific noise limit in decibels, capable of measurement and verification so that anyone undertaking an assessment can do so in an objective manner.
 - Equally, the statement ‘no razor wire, tiger tape or barbed wire is to be used’¹⁹ conflicts with the performance criteria that ‘razor wire is to be minimised.’²⁰
 - The document acknowledges that there are important aspects of detainees’ needs that are not addressed such as ‘Sophisticated Higher Level Needs ...creative needs, cognitive needs, need for self-expression, spiritual development, environmental stimulation.’ It is not clear whether DIAC intends to address these needs elsewhere, or amend the standards to include them.²¹
- 2.58 DIAC provided a copy of the Standards in to the Committee in October 2007, however the Committee did not received them until it was reconstituted following the 2007 election. The Committee received a copy of the Standards in March 2008 and asked that DIAC consult with key stakeholders, including the Human Rights Commission prior to finalising the document. The Human Rights Commission confirmed that it received a copy of the Standards in July 2008 welcoming feedback but confirmed

17 DIAC, October 2007, *Standards for design and fitout of immigration detention facilities*. Canberra. p. 21. (DIAC Standards)

18 DIAC Standards, Appendix 2.

19 DIAC Standards, Appendix 1.

20 DIAC Standards, Part B, 14.2.

21 DIAC Standards, Appendix 2.

that it has no record of actually being consulted on the development of the Standards.²²

- 2.59 While the Committee is pleased to note that the Standards are in place and the commitment demonstrated by officers to upholding them in the redesign of the VIDC, it considers that DIAC was remiss not to consult with key agencies during their development.
- 2.60 The Committee notes advice from DIAC received on 22 October 2009 that the standards will be reviewed against the Key Immigration Values (currently not included in the Standards) and key stakeholders consulted.²³
- 2.61 The Committee reiterates that it is pleased that these standards have been produced; however, it would like to see the Standards strengthened and accredited by Standards Australia Limited. While DIAC is the only department that is responsible for the delivery of detention infrastructure, the Committee would like to see this document strengthened and embedded as an intrinsic part of immigration detention infrastructure delivery in Australia.
- 2.62 As the Committee is satisfied with the base principles set out by the Standards, it considers that this review can be undertaken concurrently with works at the VIDC.

Recommendation 6

The Committee recommends that the Department of Immigration and Citizenship refer the *Standards for design and fitout of immigration detention facilities* to Standards Australia Limited for review and accreditation.

22 Correspondence received from the Human Rights Commission, 29 September 2009.

23 Ms J. Wilson, First Assistant Secretary, Community and Detention Services Division, DIAC, correspondence received 22 October 2009.

Short-term works

- 2.63 As noted above, some short-term works were approved by the Public Works Committee in 2008, primarily to improve the amenity of Stage 1, namely:
- improved security measures;
 - inclusion of a high-care facility;
 - improved entrance and visitor facilities;
 - improvements to internal courtyard landscaping to provide increased recreational areas;
 - reduction of razor wire; and
 - improvements to the dormitories.
- 2.64 Further works were approved in September 2009, following the Committee's inspection of the site in order to provide more amenity to the Stage 2/3 visits area and staff accommodation as well as to improve the Lima (women's) compound. The Committee was assured that these works will integrate with the proposed refurbishment.
- 2.65 In addition, while at the VIDC, the Committee noted a number of infrastructure issues that need to be addressed in the short-term, namely, security of personal possessions and the use of the paging loudspeaker. The Committee raised these issues with officials at the public hearing and were assured that they would be addressed as part of the detailed design for the VIDC. However, as this work is not due for completion until 2014, the Committee is recommending that action be taken in the short-term to address these issues.

Personal privacy

- 2.66 Of particular concern to the Committee were reports from detainees that they could not lock their rooms from the outside and detainees asserted that as a consequence personal items (including clothes) were regularly lost from unattended rooms.
- 2.67 One detainee told the Committee that he had to request his personal music player on a daily basis because he considered the risk of it being stolen if left in his room was high. Another reported having had most of his clothes stolen some weeks prior to the Committee's visit and as a result he had limited clothing in his possession.

- 2.68 Secure storage is available for valuables at the front entrance to the centre although to access these belongings detainees need to request security staff to gain access. This is unacceptable in an administrative detention setting.
- 2.69 With the exception of some Stage 1 clients who are in upgraded rooms, no detainee has a key to their own room. Despite acknowledging that detainees have a right to personal security of their person and belongings, DIAC told the Committee:
- [This will be addressed] as part of a redevelopment, looking at what key access can be had to the doors to rooms for the clients. We have not got any of that work in train at the moment. ... It is not a part of the interim works we propose at this stage.²⁴
- 2.70 Further, the Committee was told that providing each detainee with a key to their rooms was not being considered in the short-term because other security measures were being considered for the upgraded accommodation:
- For example, in the Brisbane immigration transit accommodation and also, I believe, in the Melbourne immigration transit accommodation, both of which have been much more recently constructed, we use a card. A client swipes the card to gain access into their room, rather than using the key approach. I do not want to pre-empt the design solution, but those sorts of approaches would clearly be a key part of the concept we are looking at here. Again, having an electronic swipe card gives maximum flexibility, because different circumstances can be programmed to manage different risk situations.²⁵
- 2.71 The Committee acknowledges that it may be impractical to upgrade room locks in the short-term and thus pre-empt a more appropriate, flexible and long-term security solution. However, the Committee considers that the level of personal security currently available to detainees at the VIDC is unacceptable and a breach of detainees' rights to personal privacy.

24 Ms J. Wilson, First Assistant Secretary, DIAC, *Transcript of Evidence*, 22 September 2009, p. 11

25 Mr B. Correll, Assistant Secretary, DIAC, *Transcript of Evidence*, 22 September 2009, p. 12.

- 2.72 In both the short-term in the existing facility and the in the redeveloped centre in future, all detainees must be given access at least to a locker in which to secure their personal belongings. These lockers should be in a location that is freely accessible to detainees and each detainee should hold the key to their own locker.

Recommendation 7

The Committee recommends that the Department of Immigration and Citizenship, as a matter of priority, provide each person detained at the Villawood Immigration Detention Centre with access to an adequate lockable space in which to secure their personal belongings.

In addition, the Committee recommends that the Department of Immigration and Citizenship ensure that the detailed design for the new Villawood Immigration Detention Facility incorporate the capacity for each detainee to secure either their room or to secure their personal belongings in an adequate lockable space.

Use of the paging loudspeaker

- 2.73 On several occasions while the Committee was at the VIDC, the loudspeaker system was used to page individuals to attend the medical centre. The Committee considers that using the loudspeaker system in this manner breaches detainees' privacy and disrupts the Centre as a whole, adding to its prison-like atmosphere.
- 2.74 Detainees also raised this matter with the Committee as did the Little Company of Mary who noted that the loudspeaker disrupted religious services. The Little Company of Mary sought assurances that future facilities utilised for religious services be isolated from the noise of the loudspeaker system.²⁶
- 2.75 DIAC responded that:
- I think the problem is that the buildings are so dislocated and away from everywhere else, and that was seen as the best way of getting clients together. We certainly hope to look at the options

26 Submission 4, Little Company of Mary.

available in the new setting and come up with a better way of looking after client needs.²⁷

- 2.76 Finance assured the Committee that this issue would be addressed in the detailed design phase of the redevelopment and the loudspeaker system would be limited to use for emergency announcements only.²⁸
- 2.77 However, it is inappropriate that the loudspeaker system be used to make personal announcements to individuals, particularly when these announcements concern personal matters such as attendance at medical appointments. The Committee considers it possible to implement an alternative method of contacting detainees. Indeed, at the site inspection, the Committee was advised that the majority of detainees have access to a mobile telephone.
- 2.78 The Committee therefore recommends that the practice of using the loudspeaker system to page individuals should cease as soon as possible and that DIAC should implement a new method of contacting detainees that respects their right to privacy.

Recommendation 8

The Committee recommends that the Department of Immigration and Citizenship cease the use of the loudspeaker system to page detainees at the Villawood Immigration Detention Centre as soon as possible and implement a method of contacting detainees that respects their right to privacy.

Other matters

- 2.79 Both the detainee group and submissions to the inquiry raised a number of other issues regarding the amenity of the VIDC. The Committee considers that these issues need to be addressed in the detailed design.

Space for contemplation

- 2.80 Detainees told the Committee that an issue with the current design was that there was no quiet space to meditate, pray, or 'just be alone.' The

27 Ms J. Wilson, First Assistant Secretary, DIAC, *Transcript of Evidence*, 22 September 2009 p. 22.

28 Mr G. Anderson, Assistant Secretary, Project Delivery Branch, DOFD, *Transcript of Evidence*, 22 September 2009, p. 22.

Little Company of Mary reiterated these concerns and noted that religious observance is an important component of spiritual support for those 'struggling with issues of asylum or repatriation.'²⁹

- 2.81 The Little Company of Mary further submitted that common room space to be used for religious services needs to be constructed of materials such that to isolate it from the general noise of the facility and that Stage 1 detainees also need access to this space.

Gardens

- 2.82 When at the Maribyrnong IDC, the Committee was told that detainees consistently ask for an area of garden to grow vegetables and while this was provided, its use was limited due to water restrictions.
- 2.83 At the VIDC, detainees also told the Committee that they would like to be able to grow vegetables. In addition, one detainee noted the proposed landscaping was essential to block out the fences, and in his opinion would be a significant contributor to breaking down the institutionalised behaviour apparent in the Centre.
- 2.84 The Committee considers that both landscaping and the provision of gardens as recreation for detainees is highly desirable, but notes that, like Melbourne, Sydney also has had prolonged water restrictions. The Committee also notes that underground water storage tanks are proposed as part of the stormwater management system. However, water tanks exclusively for the use of landscaping and gardens should be included in the detailed design.

Local community

- 2.85 The Bankstown City Council raised concerns about the introduction of new security measures and the continued housing of individuals with criminal records at the VIDC.
- 2.86 The Committee supports the use of less imposing security measures as put forward by DOFD/DIAC. The Committee also notes that all detainees at the VIDC are held as administrative detainees under the *Migration Act 1958*. Any detainees with criminal records have completed their sentence and would otherwise be released into the community.

29 Submission 4, Little Company of Mary.

- 2.87 However, the Council's concerns reflect those of the local community and therefore the Committee considers it necessary for DOFD/DIAC to engage the local community regarding the proposed redevelopment.
- 2.88 The Bankstown City Council also raised concerns about an increase in noise, traffic and light spillage in the area during construction and as an ongoing concern for proposed residential developments neighbouring the VIDC. The Committee notes that DOFD/DIAC has stated that they will consult with the Bankstown City Council about the management of these issues.³⁰ However, the Committee considers that it is DOFD/DIAC's responsibility to also keep the local community informed about these issues throughout the redevelopment.
- 2.89 Further, the Bankstown City Council noted that it has management plans in place regarding the following issues:
- stormwater management;
 - Bankstown Biodiversity Corridor Strategy; and
 - heritage conservation management.
- 2.90 All redevelopment plans for the VIDC should be consistent with those in place for the local area.

Recommendation 9

The Committee recommends that the Department of Finance and Deregulation and the Department of Immigration and Citizenship (DOFD/DIAC) ensure that the local community is kept informed about security, noise, traffic and light management at the Villawood Immigration Detention Facility (VIDF) site throughout the redevelopment.

Further, the Committee recommends that DOFD/DIAC ensure that plans for the redevelopment of the VIDF are consistent with the stormwater, biodiversity and heritage management plans of the Bankstown City Council.

30 Submission 1, Joint: DOFD/DIAC, p. 19.

Committee comment

- 2.91 Overall, the Committee is satisfied that this project has merit in terms of need, scope and cost, subject to the recommendations made in this report.
- 2.92 Having examined the purpose, need, use, revenue and public value of the work, the Committee considers that it is expedient that the proposed works proceed, subject to the recommendations made in this report.

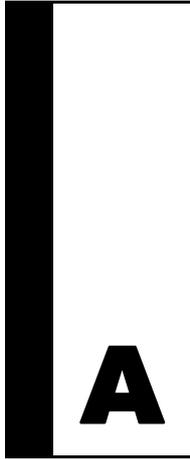
Recommendation 10

The Committee recommends that the House of Representatives resolve, pursuant to Section 18(7) of the *Public Works Committee Act 1969*, that it is expedient to carry out the following proposed work: redevelopment of the Villawood Immigration Detention Facility.

Senator the Hon. Jan McLucas

Chair

19 November 2009



Appendix A – List of submissions

- 1 Joint: Department of Finance and Deregulation and Department of Immigration and Citizenship
 - 1.1 Confidential (Supplementary)
 - 1.2 Department of Immigration and Citizenship (Supplementary)
 - 1.3 Confidential (Supplementary)
 - 1.4 Department of Finance and Deregulation (Supplementary)
 - 1.5 Confidential (Supplementary)
- 2 Ms Marilyn Shepherd
- 3 Department of Environment, Water, Heritage and the Arts
- 4 Little Company of Mary Refugee Project
- 5 Bankstown City Council
- 6 Australian Human Rights Commission



Appendix B – List inspections, hearings and witnesses

Friday, 18 September 2009 – Melbourne

Site inspection

Maribyrnong Immigration Detention Centre

Tuesday, 22 September 2009 – Sydney

Site inspection

Villawood Immigration Detention Centre, Villawood, NSW

Public hearing

Department of Finance and Deregulation

Mr Geoffrey Anderson, Assistant Secretary, Project Delivery Branch

Mr Greg Hammond, Project Director, Project Delivery Branch

Mr Andrew Smith, Acting Division Manager, Asset Management Group

Department of Immigration and Citizenship

Mr Bob Correll, Deputy Secretary

Ms Jackie Wilson, First Assistant Secretary

Australian Human Rights Commission

Ms Susan Newell, Acting Director, Human Rights Unit

In-camera hearing

Five witnesses