

## QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 24 FEBRUARY 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

### (40) Output 1.5: Detention

Senator Hanson-Young asked:

#### Christmas Island

- 1) Is there any intention to use the DIAC Phosphate Hill facility? If not, will the facility be removed?
- 2) Are people in community detention able to move around the community freely?
- 3) What are the definitions of alternative detention and the policies that exist for this status and the comparative of definitions between alternative detention detainees on the Australian mainland and Christmas Island?

*Answer:*

- 1) The Phosphate Hill immigration detention facility on Christmas Island is currently being maintained in contingency mode. It will be used in future as operational needs dictate.
- 2) Yes.
- 3) Under s (1) 'immigration detention' (b)(v) of the *Migration Act 1958* (the Act), immigration detention can occur 'in another place approved by the Minister in writing', one such place being an Alternative Place of Detention (APOD). An APOD is a place of immigration detention within the community that is used by the Department to meet the specific needs of individuals and/or family groups that are not properly met through a placement in facility-based immigration detention.

This form of immigration detention is generally intended for use only as a short term solution. For example, a person could be placed in an APOD pending their imminent removal, or while a Residence Determination (Community Detention) is arranged and while initial health, security and identity checks are completed.

Examples of APOD placements within the community on the mainland include but are not limited to:

- hospitals, psychiatric facilities and other places where medical treatment is provided;
- hotels, motels and commercial apartments;
- home-based care using private accommodation;
- community based care provided through NGOs using accommodation provided by the community group or NGO; and
- foster care for unaccompanied minors.

Examples of APOD placements on Christmas Island include facilities such as the Construction Camp, Phosphate Hill and foster care.