

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 May 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(45) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 329) asked:

On how many occasions has the Ombudsman been invited to make or made comments in relation to the content, timeframes and the like?
(of incident reports)

Answer:

In the financial year 2002-03 (as at 18/6/03) 385 informal Ombudsman inquiries and 24 formal Ombudsman inquiries related to detention were received by the Department.

Incident reports are often contained in the information provided to the Ombudsman in the course of an inquiry. The Ombudsman may make specific comments on incident reports for a particular case in relation to aspects of the reports, such as content, timeliness and the like.

To collate information on specific comments made would involve a manual examination of each inquiry. This is a substantial and unreasonable diversion of the agency's resources from its normal operations. The Department is therefore unable to provide a more detailed response to this question.

The Ombudsman did undertake an Own Motion Investigation into Incident Reporting in November 2001. The investigation did not proceed to a formal report. The Ombudsman has, however, continued to follow up on this investigation particularly in relation to the implementation of measures which the Department had already introduced or was introducing at the time of the investigation.

In this context the Ombudsman's office has recently provided some further comment to the Department on quality assurance mechanisms and consistency of approach between detention centres which it has been proposed the Department address in the context of the signing of the new detention services contract. The Department is reviewing these proposals.

During the course of 2001-02 the Ombudsman's office was consulted during the revision of the Immigration Detention Standards for inclusion in the new detention services contract.

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(46) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 329) asked:

How many incident reports were filed in the last calendar year and the previous four years?

Answer:

The number of Incident Reports from 01 January 1999 to 31 August 2003, by calendar year, is provided below. Statistics prior to 01 March 2001 were not available in electronic format and involved a manual compilation of these reports.

*The actual number of original incidents is anticipated to be much lower than reported, as it is not possible to distinguish between a first report and any subsequent follow-up report(s) concerning the same matter. The number of incident reports for 2003 for the period reported is subject to change due to follow-up reports that may be provided subsequent to this question on notice.

Calendar Year	*Incident Reports, including follow-up report(s)	Detainee Days for same period	Occurrence of incident reports per detainee day
01 Jan 1999 – 31 Dec 1999	1,007	441,761	0.0023
01 Jan 2000 – 31 Dec 2000	1,733	1,076,075	0.0016
01 Jan 2001 – 31 Dec 2001	3,248	1,041,876	0.0031
01 Jan 2002 – 31 Dec 2002	4,646	568,236	0.0082
01 Jan 2003 – 31 Aug 2003	2,168	296,765	0.0073
Total	12,802	3,424,713	0.0037

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Senator Kirk (L&C 331) asked for a copy of the incident reports statistics since March 2001.

Answer:

The number of Incident Reports from 01 March 2001 to 31 March 2003, by calendar year, by type, is provided below. Incident Reports since 01 April 2003 are still being entered in the Incident Report database tracking system.

Incident by Type	01 / 03 / 2001 to 31 / 12 / 2001	01 / 01 / 2002 to 31 / 12 / 2002	01 / 01 / 2003 to 31 / 03 / 2003	Total
Involving 3rd Party	58	80	13	151
Assault / alleged / actual	504	576	102	1182
Contraband	41	72	21	134
Court Appearance	58	189	44	291
Damage - Accidental/Deliberate	43	207	18	268
Detainee Complaint	15	5	3	23
Escape - Risk - Recapture	59	38	9	106
Hospital	330	203	47	580
Disturbance or Protest	36	84	4	124
Medical	256	225	36	517
Arrival / Release / Removal	392	575	171	1138
Recreation	13	455	15	483
Centre Management	39	556	25	620
Religion / Ceremony	4	10	1	15
Security Issues	109	143	46	298
Self Harm	224	310	35	569
Other	89	111	19	219
Theft	21	8	1	30
Transfer	40	93	34	167
Use of restraints	492	706	147	1345
TOTAL	2823	4646	791	8260
Detainee Days (same period)	904,057	568,236	111,263	1,583,556
Occurrence of incidents per detainee day	.0031	.0082	.0071	.0052

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(48) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 331) asked for referral statistics to police authorities for the last 12 month period.

Answer:

Between January 2002 and February 2003 a total of 307 incidents were reported to the Australian Federal Police (AFP) Australia wide, of which 34 were investigated and 14 convictions obtained – that is 11.07% and 4.56% respectively.

The majority of cases referred to the AFP for investigation were deemed by the AFP to be not of significantly high priority to warrant investigation.

The Department does not record statistics on referrals to state police authorities in a form that is readily available.

Over the period mentioned above two incidents that were referred to the AFP were subsequently referred to the State Police for investigation.

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(49) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 334) asked:

In relation to the formal review of the Baxter detention centre, are all of the modifications, action plans and the like that you refer to available? Were they formally determined and settled upon? Is it the case that all the matters that have been identified have been followed up? I would be interested to know what the issues were that were identified, when these matters were resolved – some sort of table – and also those matters which remain outstanding that still need to be addressed.

Answer.

The Department and the detention services provider (ACM) held two workshops in December 2002 and February 2003 to discuss the operation of the Baxter Immigration Detention Facility and to review issues that had arisen during the first six months of operation. The issues raised and subsequent actions are as follows:

Operational Issues

Design philosophy including the impact on operations and detainee movement around the facility.

- ACM has developed compound management strategies for each compound.
- ACM is reviewing its operational procedures to consider incorporating more flexible arrangements with regard to detainee movement around the centre.
- ACM is developing Individual Management Plans for each detainee with special needs.

Capacity of Baxter IDF to manage large groups of visitors.

- A visits workshop attended by the Department and the detention services provider was held in May 2003 to discuss visits procedures.
- ACM has made more information about visits available to the public.
- DIMIA is reviewing the content of the Departmental website with a view to including visit specific information for each Immigration Detention Facility.
- DIMIA to consider possible infrastructure options to assist the management of large groups of visitors.

Maximising the efficiency of water and energy usage within Baxter IDF.

- Several measures have been implemented to reduce power usage, including decreasing the temperature of hot water and more effective procedures for the

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(50) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 335) asked for the Committee to be provided with the number of incident reports that have been received by DIMIA in the period from 1999 to 2003 which detail instances of children witnessing such self-harm attempts.

Answer:

The witnessing of an act of self-harm is not necessarily recorded on an incident report.

To collate this information would involve a manual examination of each report of self-harm and potentially each detainee's file without any certainty of finding any such instances. This is a substantial and unreasonable diversion of the Department's resources from its normal operations.

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(51) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 336) asked:

Is the witnessing by a child of a self-harm attempt listed in the guidelines as a matter which is a reportable incident?

Answer:

No. The Services Provider is required to report details of the incident including those persons involved in the incident, not those who may observe it.

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Senator Sherry (L&C 338) asked for further information on whether there is adequate staffing of the high risk assessment team, whether there are any incident reports or other reports that indicate to the Department that staffing of the high risk assessment team could not be adequately provided, whether observations are being carried out according to the time schedule and whether there are incident reports that indicate that that was not happening.

Answer:

HRAT Team

ACM has implemented a High Risk Assessment Team (HRAT) in each IDF, to address the needs of detainees who are at risk of self-harm or suicide.

The High Risk Assessment Team in each centre consists of:

- Registered nurse;
- Detention Supervisor/or delegate;
- Psychologist/counsellor, and
- Health support Officer.

This team determines the level of risk and devises an At Risk Plan which includes:

- Placement of the detainee in particular accommodation;
- Level and conditions of observation to be provided;
- Need for follow up health care;
- Need to contact family and/or friends for special visitation.

DIMIA is not aware of any instances where resourcing of the HRAT Team has been of issue.

HRAT Observations

The Department uses a variety of methods to monitor ACM service provision, including analysis of incident reports, on-site monitoring by local DIMIA staff, staff from Detention Management Section in DIMIA Central Office, and Expert Panel member audits. The Department's monitoring of ACM service provision has identified some instances where HRAT Observations were not carried out in accordance with the relevant observation schedule, and these issues were addressed through contract management arrangements between DIMIA and ACM, and action taken under the Detention Services Contract where appropriate.

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Senator Sherry (L&C 341) asked for an outline of some of the activity of Ernst and Young in the area of detention.

Answer:

In response to the allegations contained in the ABC Four Corners program on Woomera, DIMIA commissioned Ernst and Young (the Department's internal auditors) to conduct a review of DIMIA's management of payments and performance assessments from the commencement of the arrangement between Australasian Correctional Services (ACS) and the Commonwealth for provision of immigration detention services at Woomera IRPC since 1999.

Ernst and Young will be checking all payments to ACS from DIMIA for Woomera IRPC, and the application of performance linked fee assessments.

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(54) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 342) asked:

What was the number of nurses at Woomera for the quarterly periods 1999 to 2003?

Answer:

The schedule below lists the number of Registered Nurses engaged at the Woomera IRPC each quarter from 01/07/01 to 30/06/03 (this does not mean they were all engaged or on roster at the same time):

Quarterly Period	Number of Nurses
01/07/01– 30/09/01	37
01/10/01– 31/12/01	25
01/01/02– 31/03/02	27
01/04/02– 30/06/02	27
01/07/02– 30/09/02	17
1/10/02– 31/12/02	9
1/01/03– 31/03/03	8
01/04/03– 30/06/03	9

The Detention Services Provider is unable to readily provide data prior to 1/7/2001 as this would require a manual examination of individual records which are now largely held in non-active or archived files.

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(55) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 342) asked for the number of detainees at Woomera for the quarterly periods 1999 to 2003.

Answer:

The maximum number of detainees held on any one day in the Woomera Immigration Processing Centre for the quarterly periods from 1999 to 2003 are listed in the table below.

Year	January - March	April - June	July - September	October - December
1999				711
2000	1359	1443	1343	469
2001	582	1185	1446	1293
2002	907	303	208	132
2003	113	51		

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(56) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 343) asked:

When and how many Woomera detainees were taken to the Woomera police station?

Answer:

There was a total of 55* immigration detainees from the Woomera Immigration Reception Processing Centre held at the Woomera Police Station between March 2000 and July 2002, with the last person moved out of the Woomera Police Station on 29 July 2002.

(*most detainees housed at the Woomera Police Station were being held while investigations were undertaken in relation to an alleged criminal offence. However, prior to December 2001 the Woomera Police Station may have been used to assist in the individual management of detainees. Data collected does not allow the department to distinguish between those detainees held for management purposes and those held while a police investigation was undertaken)

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(57) and (58) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 343-344) asked:

- Does the Department have any reports that raised concerns about the delivery of education and recreation activities at Woomera during the period 1999-2003?
- In relation to Woomera, were there any demerit points in respect of payment?

Answer:

DIMIA conducts monitoring of ACM's service delivery at all centres against the requirements of the Immigration Detention Standards. This includes the provision of education and recreation activities. DIMIA has long-established corporate governance arrangements with ACM to formally progress operational and contract management matters. These arrangements complement the performance management framework of the Detention Services Contract. In the event that concerns are raised through DIMIA's monitoring of service provision, DIMIA raises such concerns directly with the ACM management at the centre in question, and where appropriate or necessary takes it up with ACM at an executive level.

There were occasions when DIMIA's monitoring of ACM's service provision at Woomera IRPC identified apparent inconsistencies in regard to education and recreation activities against the Immigration Detention Standards during the stated period. These matters were addressed through the corporate governance, and performance management arrangements between DIMIA and ACM. The precise detail of these actions are Commercial in Confidence.

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(59) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 346) asked for a list of the DIMIA centre managers at Woomera and the periods of time they were the managers.

Answer:

Below is a list of all DIMIA managers who were employed at Woomera IRPC and the periods of time for which they were employed there.

Name of DIMIA Manager	Period of Time at WIRPC
John Tonkin	14 months*
Rodney Patterson	5 months
Tony Hamilton-Smith	13 months
David Frencham	16 months
Annabelle O'Brien	8 1/2 months

(*John Tonkin's position was specifically related to infrastructure at Woomera IRPC)