

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 November 2002**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(1) Output 1.3: Enforcement of Immigration Law**

Senator Sherry (L&C 3) asked:

*Regarding the transfer of five detainees from Maribyrnong to other centres:*

What is the nationality of the two detainees awaiting removal and to which country are they awaiting removal to?

*Answer:*

Both are nationals of the People's Republic of China and are awaiting removal to the PRC.

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### (2) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 3) asked:

*Regarding the transfer of five detainees from Maribyrnong to other centres:*

What are the circumstances with the three applications which are before the Courts?

*Answer:*

One has since been released on a Bridging Visa E and returned to Melbourne. He is awaiting the hand down of a Full Federal Court decision.

Another detainee withdrew from judicial review on 26 November 2002 and is available for removal.

The third detainee had matters remitted to the Full Federal Court on 15 October 2002.

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##### (3) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 4-5) asked, "At what time of day were they actually removed from the centre for transfer, and did they take all their possessions with them?"

*Answer:*

The transfers occurred on Wednesday and Thursday 4 and 5 September 2002.

The first three detainees were transferred on Wednesday 4 September 2002. A timetable of the transfer is below.

**0700.** Detainees were asked to come to the Administration area of the Centre where they were advised that they would be moved to Port Hedland IRPC. Detainees were then taken back to their dormitory to pack their belongings, one at a time. The detainees' luggage held in storage lockers was also brought to the Administration area for packing. The commercial airline permitted 20 kgs of luggage per person on the plane.

**1000** Detainees departed Maribyrnong IDC for Melbourne Airport.

**1030** Arrive Melbourne Airport, to DIMIA Airport Office to await domestic flight.

**1150** Depart Melbourne on QF769 to Perth.

**1440** Depart Perth on QF1814 to Port Hedland.

**1655** Arrive Port Hedland.

Two detainees were transferred on Thursday 5 September 2002. The process timetable and flight numbers were the same.

Detainees packed their belongings and were allowed to take 20 kgs of luggage with them on the aircraft. Two detainees had possessions in excess of the 20 kg limit. These items were itemised, boxed, sealed and transported by TNT express to Port Hedland.

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**(4) Output 1.3: Enforcement of Immigration Law**

Senator Sherry (L&C 5) asked:

*Regarding the transfer of five detainees from Maribyrnong to other centres:*

Were the detainees handcuffed or restrained in any way?

*Answer:*

No.

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### (5) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 6) asked, "When detainees are taken to hospital, do they know which hospital they are going to?"

*Answer:*

In a planned hospital admission, detainees are given full information of all intended hospital visits one day in advance by either the centre nurse or DIMIA Business Manager.

In an emergency where an ambulance is called, the detainee may not be given this information as the ambulance radios to see which hospitals have a bed available.

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**(6) Output 1.3: Enforcement of Immigration Law**

Senator Allison (L&C 6) asked, "After their period in hospital, do they know if they will be returned to Maribyrnong or somewhere else?"

*Answer:*

Normal practice is to advise detainees in hospital or a medical facility in advance where they will be taken following the completion of their medical treatment.

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### (7) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 7) asked, "Is there a new policy at Maribyrnong that there be one detainee per visitor?"

*Answer:*

No. Each visitor is able to nominate one detainee they wish to visit. Visitors are unable to speak with large groups of detainees at one time due to the limited size of the visiting area. Each detainee is able to nominate four visitors per session.

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**(8) Output 1.3: Enforcement of Immigration Law**

Senator Allison (L&C 8) asked, "Is Maribyrnong full?"

*Answer:*

Maribyrnong has a planning capacity of 75 detainees and a surge capacity for a further 5 detainees.

As at 28 November 2002 the population of Maribyrnong was 74 people.



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### (9) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 8) asked, "How many detainees at Maribyrnong are there because they have served prison sentences in Australia and are awaiting repatriation? And what length of time do we now have for those detainees?"

*Answer:*

There are six persons in the IDC who previously served prison sentences and who were transferred to immigration custody and have had visas cancelled under S501 of the Migration Act.

Length of stay varies according to legal action and availability/time frame required to obtain a travel document. The length of time these people have spent in Maribyrnong IDC varies from 192 days to 508 days.

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**(10) Output 1.3: Enforcement of Immigration Law**

Senator Allison (L&C 9) asked, "Is there any provision for individual detainees to control the temperature of the rooms they are in?"

*Answer:*

No. There are two separate air conditioning/heating zones in the centre, the family area and the single dormitories. Each is centrally controlled.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(11) Output 1.3: Enforcement of Immigration Law**

Senator Harradine asked:

(a) How does the department respond to recent claims of "uninitiated beatings, harassment and a lack of medical attention for detainees" in the Baxter Detention Centre? Has an investigation been ordered into these claims?

(b) Are there any independent bodies overseeing detention facilities such as Baxter?

(c) Has the Commonwealth ombudsman visited the Baxter Centre to investigate the claims? Please provide findings of the ombudsman when available.

(d) Has the department received complaints Christian ministers have not been allowed to take Bibles and communion wine into Baxter Detention Centre? Has the department examined these complaints?

(e) If the claims are correct what reasons can be provided for denying the provision of religious services and pastoral care to Christians in detention?

(f) What steps is the department taking to facilitate and protect religious freedom for detainees?

*Answer:*

(a) The Department is aware of allegations of beatings raised on the internet and in the press relating to an incident that occurred on 30 October 2002. A response to the allegations is publicly available on the Minister's website.

The video tapes of the incident do not show any evidence that any assaults occurred. Detainees have access to a full range of health services at Baxter and from local health facilities.

The Department obtained a report on the incident from the Detention Services Provider.

(b) Immigration detention services are subject to external scrutiny from and are accountable to a wide range of agencies.

Federal Parliamentarians and Parliamentary Committees regularly visit detention centres and report on conditions. Since opening in September 2002 at least 10 Federal Parliamentarians have visited Baxter IDF.

The Human Rights and Equal Opportunity Commission (HREOC) and the Commonwealth Ombudsman, both of which are independent statutory bodies, monitor and report on activities within immigration detention centres. They have statutory rights to enter detention centres to investigate complaints and also can and do undertake their own inquiries into aspects of immigration detention. Officers of the Commonwealth Ombudsman's office last visited Baxter in early November 2002 and HREOC plan to visit the centre in mid December 2002.

The Immigration Detention Advisory Group (IDAG) which the Minister formed to provide him with advice on the appropriateness and adequacy of services, accommodation and facilities at detention centres also visits regularly. IDAG consists of individuals selected for their expertise and commitment to immigration and humanitarian issues. It has unfettered access to detention centres and can, and does, make regular unannounced visits to detention centres. The last visit to Baxter of an IDAG member was in late November 2002.

International agencies such as the UN High Commissioner for Refugees, the UN Working Group on Arbitrary Detention, and the Personal Envoy of the UN High Commissioner for Human Rights, Justice Bhagwati, have also visited detention centres on request.

The Department closely monitors the performance of its detention services provider, Australasian Correctional Management Pty Ltd (ACM), against Immigration Detention Standards (IDS) developed by the Department in consultation with the Commonwealth Ombudsman's office. The IDS specify the standard of services and programs, including the requirement to provide safe and secure detention. The Department maintains an official presence at each immigration detention facility to ensure day-to-day monitoring. The contract contains sanctions for non-performance.

All these factors make immigration detention among the most closely scrutinised of government programs.

(c) A representative of the Commonwealth Ombudsman's Office was visiting the Baxter Detention Facility on other matters when the allegations were raised. He viewed the video tape of the incident on site and also spoke with the Baxter DIMIA Manager and one of the DIMIA Deputy Managers, prior to formally deciding to investigate the incident. The Ombudsman has been provided with the video tapes of the incident. The Ombudsman has not yet presented his findings relating to the allegations.

(d) The Department received complaints in relation to Christian Ministers not being allowed to take Bibles and communion wine into Baxter Detention centre. At the request of the Department, these claims were investigated by the Service Provider, Australasian Correctional Management (ACM).

(e) The claims that the group of Ministers was unable to take their Bibles into the centre were false. The Ministers were able to take their Bibles into the centre after they had been checked in accordance with usual visiting and screening procedures.

At the time of the visit in question the Ministers were not allowed to take the communion wine into the Centre because the officers on duty were not aware that small amounts of alcoholic wine to be used for religious purposes are exempt from ACM's 'no alcohol' rule. ACM staff Australia wide have been reminded of the appropriate procedures and this incident should not happen again.

(f) All detainees in immigration detention have the right to practise their religion. They are allowed to have the necessary articles for the practice of their religion. At all times such activity must be consistent with the exercise of detention facility security and good management.

Qualified religious representatives hold regular services and pay pastoral visits to detainees who reside in the general compound areas at detention facilities, so long as these activities do not interfere with the security and management of the detention facilities.

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### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 20 NOVEMBER 2002

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

##### (12) Output 3.1: Indigenous Policy

Senator Ludwig (L&C 10) asked:

- (a) Can you list the consultants by project type, the amount that has been spent on them, the project work that they have been doing and whether the projects have been completed and, if they have been completed, what reports they have produced?
- (b) And, if those reports are available, can you provide them?
- (c) If they have not produced a report, can you explain the deadline or time line for producing the report or the output required to be produced by them?
- (d) Can you provide a synopsis of that so that we know when that will be available?
- (e) When that does become available, can you provide it?
- (f) Could you also include their salaries as a percentage of the overall project?

*Answer:*

- (a) During 2002-03 the Office of Aboriginal and Torres Strait Islander Affairs has engaged one consultant. The project is for the independent evaluation of government and non-government responses to the *Bringing them Home* report. As at 30 October the department has paid \$54,340.00 to the contractor. The Department is managing the consultancy on behalf of the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSI/A)
- (b) The report is not available.
- (c) The report is due to be completed in the first half of 2003.
- (d) The report is not completed and therefore it is not possible to provide a synopsis.
- (e) Public release of the report is a matter for the Ministerial Council.
- (f) The contract is for the provision of services. Information on the number of employees and their salaries was not a consideration in the tender process.

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#### (13) Output 3.1: Indigenous Policy

Senator Ludwig (L&C 13) asked:

- (a) Provide the number of staff that are employed within the Department and portfolio agencies that are specifically working on Indigenous issues.
- (b) Provide a breakdown by location or region.

*Answer:*

(a)-(b) The following numbers of staff were employed within the Department and portfolio agencies and working primarily on Indigenous issues at the end of November 2002. Staff numbers are provided by State and Territory.

<b>Department / Agency</b>	<b>ACT</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>SA</b>	<b>WA</b>	<b>Tas</b>	<b>NT</b>	<b>TOTALS</b>
Department – Office of Aboriginal and Torres Strait Islander Affairs	31	Nil	Nil	Nil	Nil	Nil	Nil	Nil	31
Department – Indigenous Community Coordination Task Force	10*	Nil	Nil	Nil	Nil	Nil	Nil	Nil	10
Aboriginal & Torres Strait Islander Commission	131	121	63	198	85	139	26	128	891
Australian Institute of Aboriginal and Torres Strait Islander Studies	96	Nil	Nil	Nil	Nil	Nil	Nil	Nil	96
Aboriginal Hostels Limited	51	58	33	104	37	35	Nil	151	469
Indigenous Land Council	9	Nil	Nil	22	43	11	Nil	Nil	85
Indigenous Business Australia	16	Nil	Nil	1	Nil	Nil	Nil	Nil	17
Torres Strait Regional Authority	Nil	Nil	Nil	40	Nil	Nil	Nil	Nil	40
<b>Totals</b>	<b>344</b>	<b>179</b>	<b>96</b>	<b>365</b>	<b>165</b>	<b>185</b>	<b>26</b>	<b>279</b>	<b>1639</b>

\* The Indigenous Community Coordination Taskforce includes up to eight employees of other Agencies.