

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(11) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett asked:

1. Has DIMIA consulted with the governments of Afghanistan and Iraq about the safety of returning refugees?
2. What advice has DIMIA received about this?
- 3(a) Has DIMIA received any advice regarding the return of unaccompanied minors and single women and their families to Afghanistan?
- 3(b) What resources are used when determining the current situation in Afghanistan and Iraq as being safe for return of those previously determined to be refugees?
4. How much was spent on staff training for the reassessment?
5. How much has been spent on staff training for interview?
6. Is funding provided for legal advice for holders of TPVs who are reapplying for protection?
7. If they are IAAAS funded, how many clients does the department fund them for and how many does the department expect will be able to be assisted given the time constraints.

Answer:

1 & 2. Any Afghan or Iraqi national, whether a refugee (including persons granted a temporary protection visa) or a person found not to require protection, who has returned to their homeland from Australia or Nauru has done so on a voluntary basis.

Returns from Australia and Nauru have taken place in the context of significant numbers of returns to Afghanistan and Iraq internationally.

Over 2.5 million Afghans have returned voluntarily to Afghanistan, including 2.3 million with the assistance of the United Nations High Commissioner for Refugees (UNHCR), since March 2002 from both neighbouring and non-neighbouring countries. The International Organization for Migration (IOM) has also assisted over 1,700 Afghans to return on a voluntary basis since May 2002.

Significant numbers of people have returned to Iraq from the region and other parts of the world since the end of the conflict, although exact figures are not available. These include approximately 7,000 Iraqis who have returned to Iraq from neighbouring countries with the UNHCR's assistance and some 700 Iraqis have returned with assistance from the IOM from non-neighbouring countries since the end of the conflict.

The Australian Government is in contact with authorities in these countries, international agencies, including the UNHCR and the IOM, and the governments of other relevant countries, about conditions in Afghanistan and Iraq.

These contacts give the Government up to date advice about return issues.

3(a) The UNHCR has advised that certain classes of Afghans could have continued protection needs, including single women without effective male and/or community support and women heads of household without male protection.

The UNHCR's monthly Mass Information Update provides current information on return issues.

Afghan Government representatives have raised with DIMIA the issue of appropriate support for Afghan women returning without an adult male companion.

3(b) In deciding whether a further protection visa is to be granted to a temporary protection visa holder, the Migration Act and regulations require the decision maker to decide, *inter alia*, whether the person is owed protection obligations under the Refugees Convention and Protocol. The Departmental and Refugee Review Tribunal decision makers have access to the Department's Country Information Service which maintains comprehensive information on the human rights and security situations in many countries including Afghanistan and Iraq.

The Country Information Service obtains information from a wide range of sources. These include non-government and inter-governmental organisations dealing with human rights, individual country experts, media and internet information sources, the Department of Foreign Affairs and Trade network of overseas posts and equivalent governmental country research agencies in Europe and North America.

4. Decision-making on further applications for protection visas lodged by temporary protection visa holders is undertaken by protection visa decision makers. These officers are already highly trained in protection visa decision-making. They receive extensive induction training in the form of formal coursework, combined with intensive on the job training and continuing mentoring in their work by local supervisors.

Continuing formal training is also provided through courses and presentations on specific issues such as advanced interviewing techniques, gender and cultural sensitivity issues, refugee law developments, administrative decision-making and techniques for researching and weighing country information. Decision-makers also receive regular country information updates and seminars, the latter often drawing

on presentations from independent country experts. These updates and seminars cover, for example, significant developments and advice on the relevant issues and legal tests to be addressed when assessing whether protection obligations exist.

Because of the extensive training already provided to protection visa decision-makers, and the range of ways in which it is delivered, it is not possible to separately quantify the total amount spent on training for these officers. However, only a relatively small increment of training was required to equip these trained decision makers to assess further protection visa applications lodged by temporary protection visa holders. In the order of \$14,000 was spent on the travel and accommodation of DIMIA officers to deliver this specific training.

5. As discussed in the answer to question four above, protection visa decision-makers already receive extensive training to assess protection visa applications. This includes formal and on-the-job training in interviewing techniques. No specific additional training on interview techniques has been needed to deal with further protection visa applicants.

6. Protection visa assessment arrangements have been designed to obviate the need for any professional assistance for asylum seekers.

Notwithstanding this, specific funding has been made available to provide unaccompanied minors seeking further protection visas with full visa application assistance by a migration agent under the Immigration Advice and Application Assistance Scheme (IAAAS).

Other temporary protection visa holders seeking further protection visas are able to access publicly funded migration agent assistance under the IAAAS on the same basis as any other protection visa applicant in the Australian community. There is a fixed allocation of funds to service providers for giving visa application assistance to people in the community. Service providers are selected, amongst other things, on their capacity to focus assistance on those cases in most need.

7. Some 43 unaccompanied minors are expected to receive full visa application assistance under the IAAAS, under specific funding arrangements made for this group.

It is not possible to forecast the number of other further protection visa applicants who may access full application assistance under the IAAAS, or receive some other form of assistance under the scheme. IAAAS service providers are allocated a set amount of funds. The service providers determine those in the community who they will assist within their allocations. They are able to deliver assistance in several ways, such as through one-off phone or oral advice, conducting group sessions and workshops, or providing full application assistance under the scheme.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(12) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Crossin asked:

1. How many East Timorese asylum seekers are currently living in Darwin and/or the Northern Territory?
2. Have any of the East Timorese asylum seekers in the Northern Territory received letters advising of permanent residence? If so how many?
3. How many of these East Timorese Asylum Seekers have been granted permanent residency?
4. Under what visa class has residency been granted?
5. Have any of these letters indicated that residency has been granted under "Class XB/Subclass 202 Global Special Humanitarian (Offshore-permanent) Visas"?
6. What are the conditions of this visa class?
7. How many requests for permanent residency are still outstanding?
8. How many of these have made a special request to the Minister to intervene?
9. When will these people be advised of their request?

Answer:

1. There are 61 East Timorese persons living in the Northern Territory who have pursued Ministerial Intervention under s417. Of these, 30 have been granted permanent residence through the Minister's intervention in the public interest, and 31 are still being processed.
2. Thirty East Timorese in the Northern Territory have been advised that they have permanent residence.
3. As above.
4. Twenty-eight East Timorese in the Northern Territory have been granted Class XB/Subclass 202 Global Special Humanitarian (Offshore - Permanent) Visas; and two persons have been granted Class AN/119 Regional Sponsored Migration Scheme Permanent Visas.
5. Twenty-eight East Timorese in the Northern Territory have been granted Class XB/Subclass 202 Global Special Humanitarian (Offshore-permanent) visas.
6. The Class XB/Subclass 202 Global Special Humanitarian (Offshore-permanent) visa allows holders to enter and remain permanently in Australia. Holders of the visa are granted work rights and immediate access to federal government-subsidised health care through Medicare and social security through Centrelink.

Holders of the visa generally also have access to a wide range of specialised services for humanitarian entrants that help them become fully participating members of Australian society.

These services are provided through the Integrated Humanitarian Settlement Strategy (IHSS). Newly arrived entrants holding SHP visas will generally have access to household formation support, early health and intervention service and proposer support under the IHSS. It is intended that IHSS services are delivered on the basis of assessed need, not as entitlement. As most of the East Timorese caseload has been in Australia for some time, it is expected that IHSS services that are normally delivered in the first six months after arrival will be largely unnecessary. It is expected that, to the extent that East Timorese are granted Special Humanitarian visas, only a minimal number of cases, in exceptional circumstances, will require IHSS assistance.

Holders of the visa also have access to the full range of services available to migrants in general. These include:

- Translating and Interpreting Services;
- Adult Migrant English Program;
- The Community Settlement Services Scheme, that provides culturally based assistance to help migrants to take advantage of the community services, programs and opportunities available to all Australians;
- Migrant resource centres and migrant service agencies; and
- Vocational training and employment assistance through Job Network.

7. There are 31 requests from East Timorese in the Northern Territory for permanent residency still outstanding.
8. These 31 East Timorese have made a request to the Minister to intervene.
9. Notification normally occurs shortly after the Minister indicates whether she is inclined to exercise her s417 powers in a particular case.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(13) Output 1.2 and 1.3: Refugee and Humanitarian Entry and Stay and Enforcement of Immigration Law

Senator Bartlett asked:

- (1) What was the number of boat arrivals since 2001–2003?
- (2) How many claimed asylum?
- (3) What percentage were finally successful in their application after being unsuccessful in the first instance?
- (4) What was the cost for (a) interception, (b) detention and (c) appeals – primary, RRT, Federal, High Court?
- (5) How many of the decisions made by DIMIA were overturned in the RRT, or remitted by the Federal Court and High Court?
- (6) How many of the decisions to remit by the Federal and High Court were appealed by the Minister?

Answer:

- (1) In the 2001-02 financial year there were 1277 onshore unauthorised boat arrivals (persons who arrived in the Migration Zone) and 1770 offshore unauthorised boat arrivals (person who arrived at an offshore excised place).

In the 2002-03 financial year there were no onshore or offshore unauthorised boat arrivals.

- (2) DIMIA systems records as at 7 November 2003 indicate that 1235 of the 1277 onshore unauthorised boat arrivals and 1506 of the 1770 offshore boat arrivals made claims for protection.

- (3) As at 7 November 2003, some 12% of the onshore unauthorised boat arrivals who claimed protection were found to be refugees following a review of their negative primary decision by the Refugee Review Tribunal.

Some 15% of the offshore unauthorised boat arrivals who claimed protection were found to be refugees at the conclusion of the full merits review stage conducted by UNHCR and Australian officials.

- (4) (a) This question would need to be directed to Defence and the Australian Customs Service.

(b) During the period 2001-03 unauthorised boat arrivals were generally held in Immigration Processing and Reception Centres (IRPCs) - Curtin (now closed), Woomera (now closed), Port Hedland and Baxter. It is not possible to determine the breakdown of costs specifically for detaining unauthorised boat arrivals in comparison to other detainees such as unauthorised air arrivals and visa overstayers. There was usually only a small element of the detainee population in IRPCs who were not unauthorised boat arrivals.

The average cost per detainee day for IRPCs for the 2001-02 Financial Year was \$162. This equates to a total operating cost for 2001-02 for IRPCs of \$111M (the figures provided include operating costs for the Christmas Island IRPC as this facility was used for both offshore entry persons and unauthorised boat arrivals).

The average cost per detainee a day for IRPCs for the 2002-03 Financial Year was \$400. This equates to a total cost of operating IRPCs for this period was \$67M (the figures provided include operating costs for the Christmas Island IRPC as this facility was used for both offshore entry persons and unauthorised boat arrivals).

(c) Costs for primary decision making for all unauthorised boat arrivals for 2001-03 are approximately \$7,095,000.

Approximate costs for finalised RRT review for onshore unauthorised boat arrivals for the period 2001-03 was some \$875,000 as at 30 June 2003

Costs for litigation in 2001-02 were \$3,694,764. In 2002-03, litigation costs dropped to \$2,599,427 making a total cost for the combined program years of \$6,294,191. This cost relates to all litigation for onshore unauthorised boat arrivals who appealed to the courts during 2001-03, not just to those arriving within that time period. Further breakdown of litigation costs in the form requested is not available.

(5) DIMIA systems records as at 7 November 2003 indicate that between 1 July 2001-03 there were 151 decisions remitted by the RRT, four decisions remitted by the Federal Court, ten decisions remitted by the Full Federal Court and no High Court remittal in relation to the onshore unauthorised boat arrivals group of cases.

(6) In total the Minister initiated three appeals in respect of the 2001-03 onshore unauthorised boat arrivals group of cases – one to the Federal Court and two to the Full Federal Court.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(14) Output 1.3: Enforcement of Immigration Law

Senator Sherry (L&C 53) asked, " Have you found Mr Brigitte's entry card? Has that been checked?"

Answer:

In line with standard procedure, Mr Brigitte's Incoming Passenger Card was checked by Customs upon his arrival at Sydney Airport on 16 May 2003. The digital image was later retrieved prior to the compliance action to locate Mr Brigitte on 9 October 2003.

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(15) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 69) asked for a breakdown as to where the 'other facilities' are and the number of persons held there.

Answer:

A breakdown of 'other facilities' and the number of persons held there as at 7 November 2003 appears below.

Location type	Adult Female	Adult Male	Female Child	Male Child	Total
Alternate Detention (Foster Care)		6		7	13
Hospital		3			3
Prison	4	50			54
Private Apartment	2	4	1	3	10
Other		17		2	19
Total	6	80	1	12	99

* "Other" facilities include those detainees in transit and illegal fisherman in the care of Australian Fisheries Management Authority.

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(16) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 70) asked, "Do you know what the longest period of time that someone has been held in detention is?"

Answer:

The longest period of time someone has been held in detention is 2,468 days. This client was a criminal deportee and is no longer in immigration detention.

The longest period of detention for a person currently in immigration detention is 2,157 days. This person arrived in Australia unlawfully by air.

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(17) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 71) asked: "How many children have been born in detention centres in the past four years?"

Answer

In the last four years, 87 children were born to mothers who were in immigration detention. All births occur in hospital; none of these children were born in 'detention centres'.

Birth Year	Persons
1999/2000	29
2000/2001	24
2001/2002	26
2002/2003	8
Total	87

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(18) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 71) asked, "How many children have been held in detention for more than two years?"

Answer:

The following table provides the number of children held in detention for more than two years, as at 7 November 2003.

Children in detention

Sex_Ds	24-36 Months	36-48 Months	48+ Months	Total
Female	10	7	0	17
Male	28	13	0	41
Total	38	20	0	58

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(19) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 71) asked: Provide a breakdown of the figures on the length of time in detention into adults and children.

Answer:

The following table provides a breakdown of length of time spent in detention by age and sex, as at 7 November 2003.

All persons in detention

Age Group	0-6 months	6-12 months	12-18 Months	18 Months-2 Years	2 Years and Longer	Total
Adult Female	107	20	8	3	47	185
Adult Male	419	106	44	25	290	884
Female Child	13	4	5	2	17	41
Male Child	26	4	1	0	41	72
Total	565	134	58	30	395	1182

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(20) Output 1.3: Enforcement of Immigration Law

Senator Kirk (L&C 72) asked, "Have there been any children reported as self-harming in the past three years?"

Answer:

The table below provides the number of incidents of attempted and actual self-harm by minors over the last three years.

Data prior to this time is not readily available and its compilation through manual collation would require a large diversion of departmental resources.

Additionally, the manner in which self-harm is reported can mean that, where a group of detainees has threatened to commit, or has actually committed an act of self-harm, such as voluntary starvation, the one report about the incident may cover a number of individuals.

	2001 (1-Mar-01 to 31-Dec-01)	2002 (1-Jan-02 to 31-Dec-02)	2003 (1-Jan-03 to 7-Nov-03)
Attempted	1	6	2
Actual	20	58	10
TOTAL	21	64	12

Any discrepancies between this table and any previous statistics of this nature are due to purification work that has been performed on the database the figures are derived from.

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(21) Output 1.3: Enforcement of Immigration Law

Senator Scullion (L&C 72) asked, "Provide a breakdown of the 33 cases of self-harm, adult versus minor and alleged versus actual."

Answer:

The figure of 33 incidents of self-harm, as provided at the hearing, is amended to 30 as a result of purification work that has been performed on relevant departmental records and updating within the database from which the figures are derived.

The table below provides a breakdown of the 30 incidents of self-harm, which occurred between 1 January 2003 and 30 September 2003.

	Adult	Minor
Attempted	13	1
Actual	15	1
TOTAL	28	2

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(22) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 75-76) asked, "Quantify the reasons detainees give for choosing not to go into the Regional Housing Projects (RHP)."

Answer:

Departmental records confirm that 139 women and children have passed through RHPs since the Woomera RHP opened in August 2001. As at 28 November 2003 there are 15 women and 18 children accommodated in RHPs.

Reasons advanced as to why offers to relocate are not accepted, and percentage of eligible women who advanced each reason include:

- Do not wish to be separated from their husbands or other male family members over 18 years of age (86%);
- Some detainees have stated they would prefer to remain in their current detention environment (having made friends and developed rapport with staff) and do not wish to relocate to Woomera; Port Augusta or Port Hedland to enter a RHP (4%);
- A number of detainees do not wish to relocate from metropolitan areas due to visits from locally resident family and friends, and/or proximity to their chosen legal representative (4%);
- Detainees have on occasion expressed reluctance to disrupt their children's schooling by transferring to a new location (7% - this has reduced with the opening of Port Hedland and Port Augusta RHPs, as a move to the RHP can now be facilitated without children changing schools);
- Some detainees have a family member who requires specialist medical treatment that is only available in the metropolitan area and will not split the family while this care is required (18%);
- Belief by some detainees that they will be living too closely with other families (4%);
- Preference of obtaining prepared meals from the catering facilities at the Detention Centre, rather than undertaking their own cooking at a RHP (4%).

Please note: as eligible detainees often give more than one reason for declining an offer, the percentages given above total more than 100%.

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(23) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 76) asked, "On average, how much per capita was the cost of housing children with foster carers and of housing detainees in community care facilities such as those organised by churches and church organisations?"

Answer:

Within the mandatory detention framework the government has implemented innovative approaches to detention for women and children, and other detainees with special needs. Alternative detention options outside detention facilities include:

- residential housing projects (RHPs)
- foster care arrangements with state child welfare authorities.
- community care placements for people with special needs, currently either with relatives or non-government organisations.

All arrangements for care outside a detention facility are made on a case by case basis.

The approximate cost for foster care per child per annum is approximately \$80,000. This figure is based on the agreement with the South Australia Department of Family Services, as no other formal arrangements are in place in other states.

Currently there is one formal alternative detention arrangement with a non-government organisation in Melbourne. Other alternative detention placements in the community are with a detainee's relatives. Costs can range from \$100 per week for an individual to \$800 for a family excluding health care expenses. Health care expenses are paid by DIMIA directly to the health service provider.

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(24) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 76-77) asked, "How long have a mother and daughter been at the motel and why is the cost \$80,348?"

Answer:

The mother and daughter were transferred into the private apartments in September 2002. The costs covered:

- static guarding;
- accommodation;
- medical;
- escorts (such as for schooling);
- accommodation for detention officers; and
- car hire.

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(25) Output 1.3: Enforcement of Immigration Law

Senator Allison, (L&C 77) asked, "What are the security arrangements on the ground at the motel?"

Answer:

This question relates to the supervisory arrangements on the ground at a motel in South Australia, where two detainees are being accommodated.

The detention services provider, Australasian Correctional Management Pty Ltd (ACM) maintains a 24-hour supervisory presence at the motel. This presence is discreet and ensures the privacy of the two detainees at the motel. The two detainees are also provided with daily activities such as visits to shops, parks and other activities, during which ACM also maintains a high level of discretion.

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(26) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C, 77) asked, "Can you explain why \$230,000 was spent during June 2003 on motels in Western Australia when the figure as at 23 July which you gave me earlier suggests that there were only two detainees kept in hotel-motel accommodation and these were both in South Australia, not in Western Australia?"

Answer:

Figures quoted in the question relate to a response provided by the Department to Parliamentary Question on Notice number 1642.

In that response, the number of 'unlawful non-citizens' located in hotels/motels inadvertently did not include the one detainee located in a hotel in Western Australia. This detainee was an 'offshore entry person' who had been transferred from Nauru to Australia initially on a short term basis for court proceedings and subsequently underwent medical treatment.

In a separate part of that response, however, the costs relating to that detainee were correctly included.

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(27) Output 1.3: Enforcement of Immigration Law

Senator Allison (L&C 77) asked, "How do you assess the costs that are cited for general costs, \$605,207 overall, for June 2003, in regard to the new facilities being constructed? You depreciate those buildings over what period of time? What is the make-up of that \$605,207?"

Answer:

The figure referred to in this question on notice relates to a parliamentary question on notice (PQON no. 1642). The answer of \$605,207 was provided in response to a question about alternative detention costs and relates specifically to operational costs for the relevant period for Alternative Detention and the Residential Housing Project (RHP). The figure did not relate to the construction or start-up costs associated with the new RHPs.

The following points from the response to PQON 1642 detail the "make-up" of the \$605,207.

- RHPs – the only operational residential housing project (at the time of the response) was Woomera. The cost for June 2003 was \$294,215.
- Hotels/Motels – in South Australia costs for June 2003 \$80,348.
- Hotel/Motels – in Western Australia costs for June 2003 \$230,644.

The operational costs for the Alternative Detention and the RHP include items such as health, activities, food, education and escorts.