

### Inspection decision

1.1 The Committee has a responsibility to Parliament to monitor the immigration and multicultural affairs portfolio. This responsibility extends to examining changes to custodial services operating at detention centres under DIMAs control.

1.2 In September 1997, the Department of Immigration and Multicultural Affairs (DIMA) on behalf of the Australian Government entered into contractual arrangements with Australasian Correctional Services Pty Limited (ACS). The contract related to the provision of detention, transfer and removal services at all immigration detention centres throughout Australia. The Committee was interested to inspect the detention centres shortly after the service delivery arm of ACS, Australasian Correctional Management (ACM), assumed control of these functions.

1.3 On 30 April 1998, the Joint Standing Committee on Migration (the Committee) resolved to conduct a series of inspections of immigration detention centres under the portfolio responsibility of the Minister for Immigration and Multicultural Affairs. The Committee also resolved to report its findings to Parliament.

### Rationale for inspection

#### *Criticisms of existing practices*

1.4 The Committee is aware that the issues of the operation of immigration detention centres and the "boat people" detained at some of these centres form the subject material of recent reports. The Human Rights and Equal Opportunities Commission (HREOC) has released *Those who've come across the seas*<sup>1</sup>, which is critical of aspects of the present system. The Australian National Audit Office has released *The Management of Boat People*.<sup>2</sup> The Ombudsman has recently released a report on the two centres that detain illegal fishermen, predominantly but not exclusively Indonesian, apprehended fishing within Australian territorial waters.<sup>3</sup>

1.5 These reports have attracted and will continue to attract public interest in the detention facilities operating in Australia. Committee members determined to inspect the centres for themselves to form their own view and in order to provide information about the facilities and the adequacy of the existing management to the Parliament and the community.

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1 HREOC, *Those who've come across the seas: Detention of unauthorised arrivals*, Commonwealth of Australia, 1998.

2 ANAO, *The Management of Boat People*, Commonwealth of Australia, Report 32 in 1997/1998.

3 *Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters*; Report under Section 35A of the Ombudsman Act 1976; July 1998.

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Rationale for inspection

Continuation of existing work

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1. HREOC, 'Those who've come across the sea: Detention of unauthorised arrivals', Commonwealth of Australia, 1998.
2. ANAO, 'The Management of Boat People', Commonwealth of Australia, Report 33 in 1997/1998.
3. Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters: Report under Section 23A of the Ombudsman Act 1976, July 1998.

1.6 HREOC suggests the overall conditions of detention are inadequate and violate the human rights of non-citizens detained for long periods. HREOC cites as particular problems insufficient resources for education services and inadequate recognition of detainees' experience of traumatic events. Detainees' access to lawyers and separation detention were other areas of specific criticism as was overcrowding that occurs on occasions at all centres. HREOC also advocated external monitoring of the centres. The Attorney General has not yet responded to the report.

1.7 The ANAO report deals with the management of boat people and it encourages further improvements in the areas of formalised arrangements with service providers, security risk assessments, the use of legal resources and cost recovery..

1.8 The Ombudsman's report examined the administrative arrangements regarding the care and management of Indonesian fishermen whilst they are detained within Australia. It also looked at the conditions under which the fishermen are detained. The report concluded that the existing arrangements involved 'unsatisfactory features', even for short stays. The findings of this report will be examined in more detail in Chapter 4 of this report.<sup>4</sup>

#### *Committee focus*

1.9 The focus of the Committee's report is on describing the physical premises and custodial services operating at Australia's immigration detention centres. The Committee used the criticisms of the other agencies as a guide to identify those aspects of the existing management regime to be subject to closer inspection. The Committee obtained information on all aspects of the current management practices but looked closely at the criticisms about:

- health services;
- educational services;
- access to lawyers; and
- overcrowding, especially in Perth.

1.10 There was no evidence taken on the wider issues of detention and the detainees were not contacted.

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4 *Administrative Arrangements for Indonesian Fishermen Detained in Australian Waters, Summary and Conclusions, paragraph 12.*

## Inspection Process

1.11 The Committee conducted inspections of four DIMA premises. The Committee was briefed about the facilities and services at each of these sites by local DIMA staff and ACM representatives. Members were conducted on tours through the premises to observe the facilities.

Date	Premise	Members present
30 April 1998	Perth	Mrs Gallus MP, Senators McKiernan, Eggleston and Bartlett
1 May 1998	Port Hedland	Mrs Gallus MP, Senators McKiernan, and Bartlett
17 June 1998	Villawood	Mrs Gallus MP, Senators McKiernan, Bartlett and Mr Hicks MP.
17 June 1998	Maribyrnong	Mrs Gallus MP, and Senator McKiernan

1.12 The Committee was also briefed by DIMA central office staff and supplied with information about the management of those centres.

1.13 Two members of the Committee, the Chair and Deputy Chair, travelled separately to inspect the detention facility operated at Willie Creek, Broome, by the Australian Fisheries Management Agency (AFMA). This centre, and another in Darwin Harbour, is used to detain Indonesian nationals accused of illegal fishing inside Australia's territorial waters. AFMA supplied information about its arrangements for the two centres and this is reported in Chapter 4.

1.14 This information, together with the members' own observations, comprise the information from which the report was prepared.

## Inspection report

1.15 The remainder of the report is divided into several chapters. Chapter 2 provides an overview of non-citizen detention in Australia together with a history of the outsourcing to ACM. Chapter 3 describes the detention facilities inspected and the services observed by the Committee. Chapter 4 covers information from the Australian Fisheries Management Agency on the detention of illegal fishermen at Willie Creek and Darwin and the observations of the Chair and Deputy Chair on their

visits to Willie Creek. Chapter 5 as the conclusion records the Committee's observations about the management of the centres.

1.16 As the Committee did not provide an opportunity for the information supplied by DIMA, AFMA or ACS to be tested at public hearings, the Committee considered it inappropriate at this stage to make any specific recommendations regarding the management of the Immigration Detention Centres.

visit to Willie Creek. Chapter 2 in the conclusion records the Committee's observations about the management of the center.

1.10 As the Committee did not provide an opportunity for the information supplied by DIMA, AFMA or ACS to be tested at public hearings, the Committee considered it inappropriate at this stage to make any specific recommendations regarding the management of the Immigration Detention Centre.

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