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WORKS

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**PARLIAMENTARY STANDING
COMMITTEE ON PUBLIC WORKS**

Tuesday, 22 September 2009

Members: Senator McLucas (*Chair*), Senator Troeth (*Deputy Chair*), Senator Forshaw and Mr Champion, Mr Forrest, Ms Hall, Mr Lindsay, Mr Price and Mr Slipper

Members in attendance: Senator Forshaw, Senator McLucas, Senator Troeth, Ms Hall, Mr Price, Mr Slipper

Terms of reference for the inquiry:

To inquire into and report on:

Villawood Immigration Detention Facility, Sydney, New South Wales

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ANDERSON, Mr Geoffrey, Assistant Secretary, Project Delivery Branch, Department of Finance and Deregulation

HAMMOND, Mr Greg, Project Director, Project Delivery Branch, Department of Finance and Deregulation

SMITH, Mr Andrew, Acting Division Manager, Asset Management Group, Department of Finance and Deregulation

CORRELL, Mr Bob, Deputy Secretary, Department of Immigration and Citizenship

WILSON, Ms Jackie, First Assistant Secretary, Department of Immigration and Citizenship

CHAIR (Senator McLucas)—I declare open this public hearing of the Joint Parliamentary Standing Committee on Public Works inquiry into the proposed redevelopment of the Villawood immigration detention centre. A couple of our members are on their way and they will join us shortly. I welcome representatives from the Department of Finance and Deregulation and Department of Immigration and Citizenship. Can I put on record the committee's thanks to Marissa Dominello and others, including Mr Correll and Ms Wilson, for the tour we had this morning. I think it was very informative for the committee, especially those of us who have not been to Villawood before, to be able to view the facility. I also want to thank the Department of Immigration and Citizenship for facilitating our trip to Maribyrnong last Friday. I think that was also instructive for the deliberations that we are about to undertake.

Mr Smith—Thank you for the opportunity to brief you today on the Villawood immigration detention centre project. My colleagues have advised me that your tour this morning went very well and that that has served to provide your team with insight into the shortcomings and the driving mechanisms for this project.

The Department of Finance and Deregulation is before you today because it has been agreed by government and by the Department of Immigration and Citizenship that we will be the enablers and the deliverers of this project. We have had long experience in delivering projects of all types, including complex projects like this one. Recently we have delivered the National Portrait Gallery, the Royal Australian Mint refurbishment, the Adelaide Federal Law Courts and, of course, the Christmas Island immigration detention centre.

We have put together a dedicated team to manage the project through to completion and we have the necessary expertise and internal business processes to ensure the project can be completed to the satisfaction of the Department of Immigration and Citizenship and to provide government with a value for money outcome. A significant effort has gone into this project to date to ensure that the proposal presented to the committee today is of a robust nature and has been rigorously assessed and reviewed. I am pleased to announce today also that there are no amendments to the statement of evidence we provided you. I do not intend to talk to the specifics of the proposal now, as these will be addressed further in the proceedings today. I would like to

hand over to my colleague, Bob Correll, to provide the opening presentation from the Department of Immigration and Citizenship.

CHAIR—Thank you, Mr Smith. Just before you do, Mr Correll, I have to read some special words into the *Hansard*. The committee does not require you to give evidence under oath, but I should advise you that these hearings are formal proceedings of the parliament. Consequently, they warrant the same respect as proceedings of the parliament itself. I remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. I know, Mr Correll, you would not do anything like that, but I am obliged to put those comments on the record. Thank you, Mr Correll.

Mr Correll—Thank you and good afternoon. Thank you, firstly, for the opportunity to deliver a short opening statement and follow on from my colleague Mr Smith's remarks. I think this morning you had the opportunity to see why we need to undertake a major redevelopment of the Villawood immigration detention centre. The clients you spoke to gave you firsthand advice of the failings of the centre. They are not alone in their condemnation. Villawood has been subject to wide-ranging criticism from respected authorities such as the Australian Human Right Commission and other interest groups and individuals. The minister is on record in Senate estimates describing the ageing infrastructure as not providing appropriate amenity for people in detention, visitors and staff. As recently as last month, the Joint Standing Committee on Migration noted in the third report that their initial observations at Villawood, and especially stage 1 'are outdated, restrictive and, in the committee's opinion, not fit to be used for immigration detention'.

The redevelopment of Villawood offers an opportunity to reflect the more compassionate, values- and risk-based detention policies and, more importantly, the fairness and integrity of our immigration system. The new Villawood immigration detention facility will be the principal referral centre for all mainland operations, providing a range of flexible accommodation options to manage clients of varying risk profiles, including the only high-security facility on the Australian mainland.

As at 1 August 2009, there were 260 people held in mainland detention centres, with 64 per cent of these people being held in Villawood Immigration Detention Centre. Meeting the requirements of this mix of people, who have varying immigration statuses, is a challenge that must continue to be managed. The redevelopment of Villawood provides an excellent opportunity for the department to design and construct a facility that responds not only to the cultural and gender sensitivities of the mix of clients that are held in detention but also to future changes in detention policy—it will provide a humane detention environment for another 50 years.

The Villawood immigration detention facility will support the integrity of the immigration program—most importantly, by enabling health, identity, and security checks to be undertaken on those who arrive unlawfully in Australia; by providing accommodation for unlawful non-citizens who present unacceptable risks to the community; and by facilitating the removal of those who repeatedly refuse to comply with their visa conditions. Broadly speaking, the project aims to replace the existing high-security accommodation which, for many years, has been subject to well deserved criticism; provide new central support facilities that are currently located in older transportable or demountable buildings that have essentially reached the end of

their economic lives; replace services such as power, stormwater, and sewerage, all of which require constant repair due to their age; and extend and refurbish the existing lower-security accommodation to provide living areas and self-catering and laundry facilities reflecting contemporary Australian standards and expectations.

In closing, I would like to thank you for providing DIAC and the Department of Finance and Deregulation the opportunity to appear here today. We appreciate the opportunity and reiterate the need for this investment to support Australia's immigration policies and meet our international and humanitarian obligations. Thank you.

CHAIR—Before we proceed to questions I need a motion from the committee that authorises media to be in attendance. It is at this point that I advise witnesses to the committee that the media are here. If you have any objection you should make that known.

Senator FORSHAW—I will move that.

CHAIR—Carried; thank you.

Moving to questions, I will start with the fact that we have the Department of Finance and Deregulation and the Department of Immigration and Citizenship cooperating. How do you practically do that? I suppose the committee needs to be assured that while we have two departments delivering this work, systems are in place to deliver this on time and on budget.

Mr Smith—We have a long history of working together on projects. On this particular project we have a memorandum of understanding that provides the governance structure which we work under. That memorandum of understanding takes us up to the end of the Public Works Committee hearing and there is a second memorandum of understanding, in draft form, which we have largely agreed the terms of. Those MOUs look at how the governance of the projects should work. They set up steering committees, which are held at a senior level within the departments, and project control group meetings, which are run at the operational level. Through those structures we ensure that both parties collaborate and work together to ensure that we get the best results. We have also recently had some collaboration meetings to ensure that collaboration channels are open between the two departments.

CHAIR—Mr Correll, do you have a comment?

Mr Correll—In a nutshell, the Department of Finance and Deregulation is managing the project and we are the client, working closely with our manager of the project.

Ms HALL—I must say that this morning was a very interesting experience, from my perspective. It put things into context. I note that there is a proposal for interim works, and then you have your long-term, major works program that is before the committee. Could you state for the committee, and for the record, how important it is for that interim work to take place and how that will complement the major works program that you are looking at conducting that will finish by 2014?

Mr Correll—First and foremost we believe that the complete redevelopment of the facility is needed, and we think that needs to proceed at as fast a pace as possible. Having said that,

working through those processes does inevitably take time and, therefore, the full redevelopment is not scheduled to be completed until 2014. We believe that there are a number of things that just cannot wait that long, that need to be done as short-term interim measures. In some cases those represent modifications of the existing facilities in a way that is relatively low cost. In other areas they represent facilities that will be utilised flexibly as part of the longer-term development concept. We believe, however, that it is critical that those interim works go forward, to ensure that there is not a protracted period before some levels of improvement can be made in the nature of services at Villawood. We do not believe that services can remain the way they are until the end of the long-term development project.

Ms HALL—What consultation have you had with your clients in the centre and with the community as a whole? I note we have a very good submission here from the Australian Human Rights Commission. Have you consulted and liaised with them about the building that you are seeking and both the interim and the long-term changes? Have you taken into account all the recommendations that they have made to the department?

Mr Correll—I will ask Ms Wilson to comment on the consultation process.

Ms Wilson—The redevelopment proposed for Villawood largely builds on the many reports provided by the Australian Human Rights Commission over many years, which talk about demolishing Villawood and rebuilding it from scratch. The reports that they have provided over recent years have provided strong support for having to build a completely new stage 1 facility and support the rebuilding of the central facilities we saw this morning. We are only at an indicative design stage. We have had consultative reference groups on the Villawood site with clients, some of whom you met this morning. In August we also had the Human Rights Commission join the clients on site to be walked through what it might look like in terms of a broad design, but we cannot do any detailed work at this stage. We have also met with the Bankstown City Council and talked about what we are hoping to build, what we think it might look like and how it will be used. But at this stage all of the designs are very indicative. We would certainly be very committed to working with them, as well as a range of stakeholders, as we take this project forward. We have not got to the point of going around and talking to the local community around Villawood. That would be further down the track, when we have something ticked through the Public Works Committee that we can go and talk to them about.

Ms HALL—What about the Human Rights Commission?

Ms Wilson—Yes, we talk to the Human Rights Commission quite a lot about the Villawood facility. They visit the Villawood facility quite regularly.

Ms HALL—I know other people have questions to ask, but if I could just ask one more at this stage. It seems to me that there has needed to be work done at Villawood for a very long period of time. We have the interim proposal and a long-term proposal before us. Why has it taken so long to address the issues that are before us today?

Mr Correll—There has been quite a long history to this redevelopment project that almost goes through the 2000 decade. The redevelopment proposal was certainly around in the early 2000s. At various points, there were some queries made about the need to consider possible greenfield sites in other locations. That led to quite a comprehensive feasibility study and

consideration of alternative sites. That consideration led to the conclusion that Villawood was the preferred site location. When the redevelopment was due to go forward, it was then caught up in the caretaker period associated with the last election, which also held it up, pending the outcome of that election. That has led us to the point we are at today. The proposal has a long history and it has had various interruptions through its course.

Ms HALL—Why was no interim program put forward before?

Mr Correll—From time to time, there has been ad hoc work undertaken of Villawood to attempt to improve conditions. That has typically included bringing in more demountables, which we saw very evident in the layout this morning. What has been consistently occurring over a period of time has been attempting to apply short-term adjustments to meet changing circumstances at Villawood and to address difficulties and issues like the dining room facilities. You saw one of the short-term developments with things like the area that is adjacent to the dining room that has been used for internet facilities. Again, that was a demountable appended onto the dining facility. So there has been a series of those short-term developments, in particular to address the deficiencies in stage 1. Whilst there have been very short-term activities undertaken to improve its appearance and make it somewhat more amenable, it fundamentally needs redoing. There were short-term works undertaken at Villawood in 2002 and 2004, and in 2006 the new residential housing facilities were put into play at Villawood which have certainly provided much improved accommodation, particularly for short-term stays of low-risk groups, including families, pending broader community placement. Essentially, we believe that what is needed is the long-term redevelopment to address the underlying deficiencies in the buildings.

Senator TROETH—If you have a staged process for bringing about the final refurbishment in 2014, what do you consider to be the most urgent priorities in terms of starting that?

Mr Correll—We think it is critical that stage 1 be addressed as the first major priority. The overall concept involves tackling stage 1 first—indeed, to attempt to have stage 1 completed by around the end of 2012. Having stage 1 located on new ground, separate to the existing accommodation, will allow flexibility to move clients into full accommodation and then move to the refurbishment aspects in the second stage, which would be expected to be completed in 2014.

Senator TROETH—So there are actually two stages?

Mr Correll—Broadly, it is these two-stage approach—yes.

Senator TROETH—If you had a wish list, would you want anything besides stage 1 to be refurbished or redone ahead of time?

Mr Correll—If I had a wish list, I would like the whole lot to be done a lot faster.

Senator TROETH—The whole lot done tomorrow.

Mr Correll—But, to be frank, there have been various recommendations to knock down and cease using stage 1. We strongly support the notion that it is grossly inadequate as a facility. We think that that must be the priority. I strongly support that priority. The interim works are geared

to trying to do things in the short term to put a bandaid on some of the problem issues and hold it pending the further redevelopment. Good examples of that are things like the visiting facilities, which we think are clearly inadequate. But there is an opportunity to do something in that area through the interim works and to have at least a holding arrangement there to improve things. And similarly with things like interviewing arrangements and the women's area as well. We think that those are all critical things that need to occur in the short term, with the long-term redevelopment priority being stage 1.

Ms Wilson—Just adding to that, Mr Correll talked about stage 1. Part of stage 1 will also be the building of the central facilities that are currently in demountables and transportables. That would all start at that early stage. As Mr Correll pointed out, that will be on the land that is not currently being used. Then we will be able to figure out which are the most appropriate client groups, depending on client numbers, to swap across while we are doing further redevelopment. But at least we will be able to remove the demountables and transportables and have permanent structures in place for those services. Unlike where stage 1 is now, the central facilities in stage 1 will be close to each other and there will be common use of those facilities at different points in time.

Senator TROETH—You mentioned any change in numbers. I know that it is difficult to estimate what is going to happen in the future, but over the last four or five years how often has the detention centre had what you might term normal numbers and how often has it approached a surge capacity?

Ms Wilson—We currently have about 124 clients in Villawood. As I pointed out to you during our visit, that is partly because we are also doing some interim works. What we are looking to do is place clients in other facilities to manage as best we can within that facility. So we have some clients being held in Maribyrnong, for example, and some in Perth IDC. Because of the announcements around the minister's new directions in detention values last year, there was quite a big move. From October 2008, we had about 250 clients in Villawood. From about September, October or November 2008, those numbers dropped off to about 125 or 130 because of the government's commitment to move lower risk clients into the community, for example. However, there were some people who thought that those numbers would completely fall. They have not. They went up to about 180 in March, April and May this year and are now starting to plateau.

Senator TROETH—At about that level?

Ms Wilson—Yes. We have a very variable population. It depends on compliance operations in the community. Every time there is compliance activity, Villawood is one of the facilities that these clients come to for management pending outcomes and whatever processing that has to take place.

Senator TROETH—Do you ever make calculations based on the square footage of the meters that you give per client? Is there any difference between what you have now and the planned spacing that would operate in the refurbishment?

Mr Correll—We developed a set of standards for accommodation in immigration detention centres in, from memory, 2008.

Ms Wilson—2007.

Mr Correll—It is those standards upon which the future design concepts for Villawood are based. These standards are not matched in anyway by the existing Villawood facilities, either in square metres or in terms of just the amenity that is provided and the nature of the design. Since their development in 2007, that has been essentially the guide that has taken us through in the further refurbishment work of all of our detention facilities.

Ms Wilson—We are moving away from areas with compounds and bunk beds, as we saw this morning. We are trying to set up a best practice of 10 square metres per client in a room. Some of the rooms we propose to build in Villawood will be larger rooms where, if we have to go into a surge capacity, we can put in two single beds and make share rooms, depending on client profile. I briefly mentioned that to you this morning when we were out at the facility. We are looking at managing risks better by managing the personal space for clients and the levels of interaction required by other clients. That was something that clients mentioned to us this morning.

Mr PRICE—Is multiple persons occupying each room something that the Human Rights Commissioner recommends?

Ms Wilson—Consistent with standards, the Human Rights Commission was consulted on that document, as was the Commonwealth.

Mr PRICE—But these are your standards, aren't they?

Ms Wilson—Yes, but that was put together after extensive consultation, and it is also based on international human rights practices. In pulling together this document we have put in everyone's views, including relevant architects and professionals in this field. It is a living document, I guess, in that we talk to a lot of people and get a lot of feedback as we are doing it, and it is certainly best practice. As Mr Correll mentioned, for the recent building of the Sydney residential housing, the Melbourne immigration transit accommodation and the Perth IDC we have used this as a benchmark document.

Mr PRICE—I turn now to Value 7, which states:

Conditions of detention will ensure the inherent dignity of the human person.

How does a lack of privacy contribute to 'the inherent dignity of the human person'?

Ms Wilson—We certainly are not building a facility where people in general will be sharing rooms with other clients as a part of the facility. Should we need to go into surge capacity, the additional space available is in shared accommodation arrangements, but at least we will not have the four or five beds in a bunk style that we have at the moment. We will have a much better managed way of placing clients.

Senator FORSHAW—What is the difference between a situation where you would have one person per room and a situation you describe as surge? Can you put some specific numbers

around it? We were also told that there is a figure for the overall number of clients that the facility will house. Is that based on one person per room, two people per room, surge or what?

Mr Correll—When we talk in terms of surge capacity for any detention facility we are talking about the capacity to, for a very short period of time, boost the accommodation available. It is not intended as a long-term capacity.

Senator FORSHAW—We understand that. What I am trying to ascertain is this: you start out with a new facility that will have, as I understand it, 24 beds in high-risk accommodation and so many beds in general, flexible accommodation, and then you can work up to a total number. Does that total number reflect the situation where every bed in the facility would be occupied, taking account of surges?

Mr Correll—No. In the redevelopment we would be looking at a total number—that is, the desirable peak level for the facility being 400 beds overall. For a very short period of time, allowing for having two beds in some rooms, we might be able to go up to a surge level, we estimate, of 728 beds. But we would not in any way advocate that that be maintained as ongoing. So 400 would be the ongoing bed number, and that would be the number we would look ensure so that those sorts of standards are met and would also fundamentally underpin detention values such as ensuring that people have privacy and are treated with dignity.

Ms HALL—In that surge number that you just gave us, how long would you be prepared to allow that to remain at the higher level?

Mr Correll—It is hard to be precise in this area, but we would be talking about a short period of weeks only. If we were in a position where we were exceeding 400 and having to go into our surge capacity, we would be immediately looking at options for relocating clients to other facilities to bring the number down to 400. It may be that, if particular events occur as a result of significant compliance work, that can create an immediate pressing need for the use of accommodation in the Sydney vicinity.

Mr SLIPPER—Could you outline the approximate proportions—I am aware that these would vary—of the sort of detainee you would have at Villawood? What proportion would be visa overstayers, what proportion would be criminals that have been released from prison and so on? I imagine you would have a very low level of boat people, if any.

Mr Correll—The processing of irregular maritime arrivals is all through Christmas Island, so there are no irregular maritime arrivals at Villawood. If we consider the overall population of Villawood at the moment is around the 130 mark, then in broad terms the number of people who have gone into Villawood following periods in a correction facility and therefore on character grounds would be in the 40 to 50 range, which is about 30 to 35 per cent. The bulk of the remainder would be visa overstayers—that is, people who have either voluntarily identified themselves or have been identified through compliance activity—and there are also, for relatively short periods of time, people who are picked up at Customs and immigration points at the airport who do not pass through the borders. So they are turned around but are not able to be turned around immediately, so they will be relocated to Villawood until a flight is available to return them home.

Mr SLIPPER—So quite a small proportion of young backpackers who have overstayed their visa?

Ms Wilson—If they are low-risk people, they would be released into the community on some sort of bridging visa arrangement that enabled them to get the documentation they needed to return home within a reasonable time frame.

Mr SLIPPER—I was surprised at how decrepit Villawood was, having inspected both Woomera and Baxter four or five years ago. You mentioned that it is going to be completed in 2014. If the work is so urgent, and it appears to me to be urgent, why will it take until 2014? Is it a question of cost?

Mr Smith—We follow a delivery process which requires us to go out to tender for this sort of work. Obviously once the tendering has been done, detailed design can take place and then delivery after that. I will ask Mr Anderson to give you some more details on the delivery process.

Mr Anderson—We have looked at the construction program and strategic master program, which is based upon a particular form of delivery methodology. It has identified a number of dates, including the appointment of the delivery team post gaining the authority of the parliament from the recommendation of this committee, and we would expect to be able to run the procurement two-pass process and complete that by March-April 2010. We would then expect the design phase of a project of this complex nature to take from April 2010 through to June 2012. So that period of design would take place and then the construction of the higher risk accommodation, the general flexible accommodation and central service facilities would take from April 2011. That is when work would start on the site, to be completed in December 2012. So it is very much a stepped process.

Mr SLIPPER—It does not seem as though you will be in time to take advantage of cost savings as a result of the current economic downturn?

Mr Anderson—We are operating on a budget at the moment for the project, and we are confident that with the allowances that have been made that we will be able to bring that project in within that budget. You would be referring to escalation. We believe that we would have allowances for escalation covered.

Mr SLIPPER—A question may have been asked in relation to this while I was out of the room, but there were concerns expressed to us, particularly in the stage 1 area, about violence and how everyone seems to be thrown in together, which presents problems. Can you assure us that when you go to the design phase of a revamped stage 1 that you will put into that design some arrangements which will prevent the current difficulties being experienced?

Ms Wilson—The new facility provides for a high-care area in particular. That was discussed this morning—that is, clients whose risk rate is high, but who are having torture and trauma problems, so that will allow us to be monitored in those facilities. Also, how we are proposing to build the higher risk area allows for a modular approach to breaking up of the higher risk groups so we can enable much more effective separation across some of those groups of clients that other clients talked about this morning. We do not have that ability at the moment.

Just to assure you, there is active risk management of stage 1 clients. You met my colleague Marisa today. She has at least one, if not more often, discussions about the placement of clients in stage 1. Unfortunately, we do not have a different facility. She seeks to achieve separation in that facility by using extra guarding resources as required. We just have no other mechanism to more appropriately manage the movement of some of those clients.

Mr SLIPPER—Were you surprised at the allegations of racial violence this morning? When you come to rejig or to finalise your plans, would you be taking what we heard this morning into account when determining an appropriate design which would reduce the possibility of ongoing racial violence?

Mr Correll—The answer to that has to be ‘yes’. In the detailed design layout, we need to ensure high degrees of flexibility in the way the design is structured. There are clearly clusters of different nationalities. We also know that—

Mr SLIPPER—That was nicely put.

Mr Correll—yes—the long-term strategy is clearly that Villawood would be the key location on mainland Australia for high-risk clients. We need to take away a lot of the penal nature of the way the accommodation is being set up. We need to ensure clear high levels of security are applied, but we need to provide flexibility so that risks can be appropriately managed and where behavioural issues emerge, that they can be appropriately managed as well within the facility. Hand in hand with that, we must adopt the continuing strong policy of trying to ensure that the tension is kept to the shortest possible period because the longer the period of detention, the more difficulties tend to be presented.

CHAIR—Mr Correll, when we were at Maribyrnong last week, the way that flexibility became practical for me was through the ability to essentially wall off a bit more of a corridor so you could then have people of a similar risk profile in one area and people with different risk profiles, but still risky for another set of reasons one would imagine, somewhat separated from each other, other than the observation rooms. Is that the model you propose to use at the redeveloped stage 1 of Villawood?

Mr Correll—The key part of the model, without at this stage specifying exactly what the design solution would be, would be to have flexibility in the way spaces can be managed and utilised. All of our experience shows that Maribyrnong is an absolute classic example of why that is critically needed, and Maribyrnong has, through its redevelopment, dramatically improved the amenity and the capacity to effectively manage different client groups, simply because of that flexibility that has been created. Whether it is the sliding door panel arrangement, as applies at Maribyrnong, or whether it is a different design solution, the key to the concept is flexibility in the accommodation.

CHAIR—Would you also ensure that, where you are changing the construction of sleeping accommodation, there would always be access to recreational common rooms? Obviously that is a struggle for Maribyrnong. Is that a design intent?

Ms Wilson—Yes, it certainly is. As you would have heard this morning when we were talking about the women’s compound in Lima, that currently has no activity space at all. If they do not

want to mingle with the men, they are stuck in that compound doing nothing for quite a number of hours. What we want to do is build a bit of a gym, a sewing room, an activities area, a place where they can learn to put on make-up or teach each other different sorts of skills. We want to have more of those recreation spaces available, including to make themselves a cup of tea or have some toast or make some two-minute noodles, which they have a low level of kitchen facility for at the moment.

CHAIR—To come back to the question of being able to accommodate appropriately people who are at risk of harming themselves, we heard this morning that currently there is not an appropriate place for a woman who is a detainee who may be at risk of self-harm or violence towards others. How will you accommodate the gender needs of potentially very highly at-risk residents?

Ms Wilson—We are planning to have facilities in the women's compound to manage high-risk clients as well. In the example you heard about this morning, we did not have a suitable facility and we were required to move the person in question to stage 1. We think that is quite disruptive. It also takes that individual away from the networks they are used to and suddenly escalates their status, particularly in this instance when you are moving them from one compound all the way down the road to another compound. So certainly our view is that we have separate spaces in each of those facilities to accommodate a range of needs flexibly, as Mr Correll mentioned.

CHAIR—This morning we heard from detainees that theft was an issue. There must be an answer to this. Why can't a detainee have a key to their own room so that if they leave the room it can be locked?

Ms Wilson—I got some more information following our discussion this morning. Some of the clients that we met in stage 1 are actually living in the new areas that have been upgraded in stage 1 and they have keys to their door so that they can lock their door when they go out. Stages 2 and 3 have not seen any redevelopment work happening, so when they are inside they can put a lock on the door so that people cannot enter except for guards, but they cannot lock it when they go out. They have a space to put special property in at the front induction area, as you saw. In some of the work we are doing, we are looking at having lockable lockers in their rooms and, as part of a redevelopment, looking at what key access can be had to the doors to rooms for the clients. We have not got any of that work in train at the moment.

CHAIR—Is it on the drawing board?

Ms Wilson—It is not a part of the interim works we propose at this stage.

CHAIR—How does it appear in this document? What sort of personal security measures are the goal for the development of immigration detention?

Ms Wilson—In the recent models of buildings we built—for example, MITA, the Brisbane transit accommodation and in Sydney—we have some flexibility to lock doors and there is some locker space available in their rooms. We need to think through what the best options for these clients are in these settings. We have used a range of different settings.

Mr Correll—For example, in the Brisbane immigration transit accommodation and also, I believe, in the Melbourne immigration transit accommodation, both of which have been much more recently constructed, we use a card. A client swipes the card to gain access into their room, rather than using the key approach. I do not want to pre-empt the design solution, but those sorts of approaches would clearly be a key part of the concept we are looking at here. Again, having an electronic swipe card gives maximum flexibility, because different circumstances can be programmed to manage different risk situations.

Ms Wilson—The design standards talk about a cupboard for secure storage. They talk about a bedroom for single occupancy, windows, a cupboard and a side table with secure storage accommodation, and a desk and reading lamp. As Mr Correll mentioned, we have looked at a number of innovative practices, so what we are keen to do is make sure we have something that works for clients in that setting.

CHAIR—Is there a security reason why a person cannot lock their own door?

Ms Wilson—The issue is about guards having access to doors. Currently there is not good light and ventilation into the rooms, so if we are worried about a client we cannot look through the window and have a discreet look. We have to open the door to get in.

CHAIR—That is not my question. My question is: if I am leaving my room, why can't I lock it? Is there a security reason? Is there a safety reason? I cannot think of what the rationale is for not being able to lock your own room when you leave it. I understand that staff would have to have access for the person's safety, but, when you depart your room, while can't you lock it?

Ms Wilson—I understand it was designed as a correctional facility where the guards controlled all the keys. It would require an effort to get keys to doors and things like that for clients who do lose things. We have not built locks into any of stage 2 and stage 3 facilities, apart from the self-locking mechanisms once you are in the room.

Mr Correll—For the future and for redevelopment like the Villawood large-scale redevelopment, I cannot see any good reasons why we would not provide that as part of the design solution. You would always want a situation where, if need be, the security personnel at the facility are able to access a room, but they would always be very easy to achieve. The notion that the individual can assure their own privacy and, for that matter, the security of their belongings is very important. We would expect that that would be part of the future design solution.

Ms Wilson—Another point is that, until recent years, we have had many people sharing a room. Now we do not and it is the first opportunity where we can give individuals some private space which does not conflict with another individual's private space.

Ms HALL—In developing the design, what design standards have you looked at? Have you looked at any overseas models? Are you going to ensure that the final product will meet world's best standards?

Mr Correll—Most certainly we would expect that the design will be absolutely consistent with those standards. Those standards have been developed cognisant of the sorts of standards

that we think are appropriate, based on Australia's circumstances but also cognisant of approaches overseas. Our people have visited detention facilities in the United Kingdom and other European locations and have looked at our designs for the future. We would be looking to draw on the best available knowledge in the area of detention layout and design. In terms of what is being considered for Villawood, it would be very much in pressing the envelope of what is the leading consideration of detention facilities. It will be drawing on the best available in the world in terms of latest thinking on effective detention services and detention facilities.

Ms HALL—I note from what has already been said and what is in the paper that we have been given—we were looking at the overview—how you are looking at high-risk accommodation and special units for people with special needs. Have you made decisions as to how those units will be set up and how they interact with other residents who live in that detention centre? And have you researched that against what happens in other jurisdictions?

Ms Wilson—A lot of what we want to do is quite state-of-the-art. In terms of providing access for the high-risk group, and in particular the high-care group, we want to make sure they have access to a range of services that everybody else has but in a way that does not intimidate or scare them. We are trying to ensure that the central facilities that we are building have equal access from the stage 1 side as from the other side of the facility, so that they have amenity. We are looking at things like the size of rooms and making sure they are not double storey but single storey so that clients at risk are not put in any more danger by the nature of what we build. We are looking at bedroom type facilities with a kitchenette and living space in case they need carers to live with them because they are at a point where they need to be carefully looked after. We want that capacity as well. To the extent that we know the sorts of things that we look at, we have good ideas but we need to link them with the design. That comes forward in the next detailed phase.

Ms HALL—There has been a little talk about visitor facilities and the need for improvement in that area. Given that each stage has different people living in it with different types of needs, will the visitor areas in each of those different areas be designed to meet those needs? How will you ensure that they look after all the issues that are involved at the same time—the security issues and other issues? I will throw this in, too: the other area that we probably have not touched on is the issue of your interview rooms and the need to have proper facilities for the people who are visiting—such as visiting specialists et cetera. How will you ensure that the right sorts of safety provisions are in place for them as well?

Ms Wilson—We certainly will have access to different visit areas to manage client groups. But what we are also proposing is to build many more multipurpose rooms. They will not be just visit rooms, but if a big family wants to come in for a birthday celebration there will be a closed space for them to do that in. If they want the imam to come and talk to a few clients privately, we will have the flexibility to do that. I guess it is going to be something completely different to what we see at stage 2 and stage 3 now, which is a big grass area in which everyone has to find their own space to do their own thing. We are trying to build a facility that provides for that flexibility and separation in different ways. Someone might be a very strong Catholic; someone else might be a very strong Moslem. We need to respect all those differences. People use quite a lot of the visit time to seek some spiritual guidance.

Mr PRICE—We're locking up Catholics, are we?

Ms Wilson—I did not say that. But there are some there who I am aware of.

Senator FORSHAW—Only lapsed ones!

Mr PRICE—Lapsed ones!

Ms HALL—Could you address the issue of visiting professionals and specialists and interview facilities. What are you—

Ms Wilson—The interview facilities?

Ms HALL—Yes.

Mr Correll—The existing facilities for all of those things in Villawood are deplorable at present. But if you look at the more recent developments, they have those. They have appropriate interview rooms that are properly set up, laid out and designed. For visits purposes, significant improvements are being made. Even with the limitations that exist with the overall size and space available at Maribyrnong, the visitors' area at Maribyrnong now is a much improved facility. There are things like birthday parties occurring in the visiting area. It is an area that is amenable to that sort of thing. It has created that. We want that sort of concept built in to the design solution for Villawood—absolutely. But you do not see that at the present stage, because, apart from some relatively recent developments, the visiting area at Villawood has been extraordinarily poor—virtually non-existent; effectively non-existent for the stage 1 area until the most recent interim efforts there. It is still very poor even in the stage 2 and stage 3 areas, which you were able to see at firsthand today.

Ms HALL—Are there any plans to include a learning activity centre in any of the stages?

Ms Wilson—We are certainly planning to build classrooms there. Again, the classrooms will be used for a range of purposes. Marissa talked to you about English language courses and daily life skills classes being run. We also ask the clients what sort of courses they would like to be run, and we will engage external providers to come in and run them. If we get five or six who are interested in doing a particular topic, we will facilitate that as well.

Mr PRICE—But you are currently only providing English language classes?

Ms Wilson—No, we provide daily living skills classes.

Mr Correll—Quickly working through a day's activity listing, it covers things like gym sessions—

Mr PRICE—No, we are talking about educational.

Mr Correll—There are computer tutoring sessions, internet sessions, music training and guitar playing lessons—I am just quickly drawing on examples from the list. There are cooking classes running as well.

Mr PRICE—Could you provide us on notice a breakdown of what is currently being provided, and how many hours?

Ms Wilson—We actually have the timetable for the week here.

Mr PRICE—Have you surveyed your clients to determine what they may wish to study?

Ms Wilson—We have regular meetings with clients in a consultative reference group. We ask them what sort of things they would like to do, and we facilitate that where there is a quorum of people who are interested in doing it. We also have volunteers who come to visit, with whom we try and link those sorts of services as well, if there is an interest, so that they can facilitate those.

Mr Correll—Can I also say that we would absolutely support the notion that activities in a detention facility, and a strong and broad range of activities, are absolutely vital. I think it is fair to say that the existing facilities at Villawood make some of that difficult, but we see it as a key priority to try and expand and develop those activities.

Senator FORSHAW—We may need to deal with this later, in the closed session. You are going to demolish stage 1 and rebuild, and stages 2 and 3 are refurbishments of accommodation. I would be interested to know whether the alternative was considered as an option of demolishing the lot and rebuilding—and, ultimately, whether or not that would be a more practical and value-for-money option. We can come to that later; the difficulty here is that it may involve looking at issues of cost. I suppose you are confident that the refurbishment of stages 2 and 3 is going to produce the desired accommodation facilities to meet these standards, rather than just knocking it all down and redoing it?

Mr Correll—Yes, we believe so.

Senator FORSHAW—Why?

Mr Correll—We believe that, at least at this point in the design concept stage—and we need to translate this into the precise and practical design solution—we can create within the existing core building structures almost a community type environment which can be much more effective for appropriate groups who are not of the high-risk category. We believe that can be done using the core of the construction. There will no doubt need to be substantial refurbishment of those buildings to have the ability to put in living spaces—or spaces that are more than just a room and a bed—for people to utilise and to have effective, externally linked spaces as well. We think that is achievable.

Senator FORSHAW—When were those buildings constructed?

Ms Wilson—Stages 2 and 3 were built in 1968, for use as migrant residential housing.

Senator FORSHAW—Which is 40-odd years. We might go into that further a bit later, but I would have some difficulty in understanding why it would not just be knocked over. If we go to the Maribyrnong example, the premise upon which Maribyrnong was refurbished was eventually to build a new centre at Broadmeadows. Whether that happens or not is another question, but that was the theory. And the Commonwealth has spent, over a number of years, a substantial

amount of money on a new facility on Christmas Island, which again has its own specific history and role. Anyway, I will come back to that.

You mentioned earlier the long history of thinking about and looking at what might be done to improve Villawood and my recollection is that the issue of asbestos arose. Can you update us on that? Was that a factor in the delay? I have some recollection that it was, and that this committee at one stage was going to visit Villawood, and then that all got cancelled because works were put on hold. I might be wrong there, but tell me about what is happening with the asbestos issue.

Mr Smith—There is certainly a lot of asbestos on the site. Obviously it has come from the early construction of buildings on the site and the demolition of those buildings, but also potentially from rubble that might have been brought on the site at various times. I think back in 2002 there was a discovery of asbestos on the surface from demolition of old buildings and that was capped with a capping layer of soil to prevent the fibres from getting into the atmosphere. All of the asbestos on the site is bonded asbestos, so it is largely inert, but it does need to be treated as a product that has potentially got some cancerous issues with it. The program that we have at the moment for this project includes removing that asbestos from the site to a designated tip facility that can handle that sort of product.

Senator FORSHAW—I have just been advised about the previous referral and then it being withdrawn back in 2006. I have been on this committee for a few years, so I was trying to remember the history. We have talked a lot about buildings; we had a look at a lot of buildings today, and clearly saw the need for them to be replaced. What about the grounds? What is envisaged there? I notice in the submissions we have there is reference to landscaping, having a landscaping plan. Are you going to have much focus upon the exterior? One of the issues raised with us by a client this morning was the state of the oval. That is just one instance.

CHAIR—There was a request for a swimming pool.

Senator FORSHAW—Was there a request for a swimming pool?

CHAIR—There was indeed.

Senator FORSHAW—There you go.

Ms Wilson—It is the first I have heard of it.

Senator FORSHAW—Well, you have it now. One of the concerns that was raised is that people are spending a lot of time inside their rooms with nothing much to do. We have a particular role here as this committee, but we are interested in all of those issues as they impact upon the ultimate facility. What are you going to be doing to make the surrounds complement the new buildings and also maybe used more for recreational activity or private space, private time et cetera?

Mr Correll—A fully integrated design concept is very much what is being thought about, and involving buildings and the landscaping and the whole environment—for example, those buildings that we were walking through earlier today, the notion of having within the centre of those and along the walkway area more of a green central area, a landscaped central area, with

then completely refurbished buildings surrounding them providing better amenities, but opening out into more of a landscaped environment—would be a key part of that. There are oval facilities within the overall design brief. The landscaping and use of mounding to provide for a much greater integration into the landscape of the buildings is all part of the design concept to create more of a concept of community than the look of a correctional facility if you like.

Senator FORSHAW—And that goes to security fencing as well?

Mr Correll—Yes, certainly from the concept stage. At this stage, what we are looking at is how we can use the positioning of the buildings themselves to be managing aspects of the security so that the need for fencing all over the place is less of a requirement because you find smarter ways to manage the security arrangement just through the overall integrated design. That is an absolute key feature of this: to have the new construction, by its very construction, forming part of the security for the whole precinct.

CHAIR—That was one of the things that struck me this morning: there were those very high wire fences seemingly everywhere, and I could not get an understanding of what was trying to be achieved. I dare say it is separation, but it just seemed to be a myriad of those very high fences that reinforce all the time the fact that you are imprisoned.

Ms Wilson—It is quite interesting: we have pulled down several layers of fences that were surrounding those fences we walked through in those runs, as they call it today, as we walked up the dirt path. In the past they have run services along the boundary fences as well, so we have had to move the services off the fence, put them somewhere else to pull the fences down that we have started to pull down. We are looking at removing as much of the fencing as we can, and we have certainly removed a lot of razor wire. We are looking at what is possible in the interim, but as long as we have all of those gates to enter and exit from, that also has a problem in terms of clients moving freely between different areas in a managed way, without a guard having to open and close everything.

Ms HALL—Are you looking at camouflaging them or making them less of a major feature of the detention centre when you do the upgrades? That was raised this morning.

Mr Wilson—Mr Correll talked about us using buildings instead of fences, and you saw some of that at Maribyrnong where we are looking at things that do not look like fences but provide sunshine and air to come into the space, so we will be looking at whatever is out there that will help us create a better space while providing some security.

Mr PRICE—I want to get back to your statement of values. I was interested in value 5:

Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time.

Can you give us a feel for the numbers or percentages of people who enter into this centre but are released back into the community?

Mr Correll—We would have to take that one on notice; I do not think we have the information at our fingertips.

Mr PRICE—I am happy for you to take it on notice. And value 6 is probably not within the ambit, but I am going to ask about it as well:

People in detention will be treated fairly and reasonably within the law.

I accept that, but to what extent are people or detainees made aware of their legal rights when they enter into detention? And I would have thought that that might have been a value as well, but it is not necessarily encompassed by value 6.

Ms Wilson—They have access to a range of advice, including their case managers. They can request to see the Human Rights Commission or the ombudsman that runs—

Mr PRICE—I saw the notice for the ombudsman.

Ms Wilson—We facilitate that. Both organisations make frequent visits to the site. If they were also keen to get legal rights, to get a legal organisation, we can facilitate that if that is what they wanted.

Mr PRICE—I accept that these things are available, but it is fair enough to say that the department probably has a little bias towards wanting people to vacate Australia, which is understandable. But is there a process through which people are advised as to what their rights are once they enter this detention centre?

Ms Wilson—As Marisa Dominello said today at the client consultative group, when clients enter they are informed about where they are in their immigration pathway. Pathway does not necessarily mean being removed. It could just be: ‘At this point in time, you have overstayed your visa. We’ve warned you twice and now you are being detained. These are the options you have.’ Each person’s story is applicable to the point they are at in the process. They are told what mechanisms they have available to progress. That is explained to clients in quite a lot of detail at that point in time. It is repeated again and again because often they forget. We have quite open access for case managers to come onto site. In fact, many of the case managers stay at Villawood with Marisa and her team so that they are there to support clients as they need to.

Mr PRICE—That is not quite answering the question. Getting back to the question that Senator Forshaw asked about the steady bed rate number being 400 and the surge being 728. why are you not building capacity for 728 people and adhering to all the values that you have proclaimed?

Mr Correll—We looked at the overall accommodation capacity we believe we need on the mainland. That is a function of considering the traditional patterns from compliance activity in terms of the numbers of people—typically, overstayers of visas would be the dominant number—and, using that information, then taking into consideration the relative risk profiles of groups and the numbers that we have experienced coming out of correctional facilities or that are projected to come out of correctional facilities in coming years. Taking all that into consideration, our view was that 400 was the right number when that was weighed up with other activities that had been undertaken in the overall rationalisation of detention facilities on the mainland—for example, since the closure of Baxter. Also, the need to ensure that there is flexibility was a critical factor. We have made provision for 90 beds from the point of view of

the highest risk, but we also want to have flexibility for use from a medium-risk point of view as well. If there is one thing we are certain of, it is that we will never get it exactly right. But what we are trying to predict is based on the overall volumes we would expect from our compliance activity on the mainland, and that is the appropriate number.

Mr PRICE—When you were planning for 800, as you were originally, was there going to be a surge capacity that would take that number up to 1,000 or 1,200?

Ms Wilson—Are you referring to the 2006 submission?

Mr PRICE—That is right. You originally planned to make provision for 800.

Mr Correll—It is true that, at that time, our overall estimates of numbers would have been higher for people in detention because that predated the government's new detention values. So we would have had a lower estimate than now.

Mr PRICE—Yes, but that is not answering the question. Was the 800 going to have a surge capacity that would take it to a higher figure? Essentially, you are providing for 400 beds in the ultimate development of this facility, with a surge capacity to 728, so I am asking about the 800. Was additional surge capacity going to be built into that?

Mr Correll—I am almost certain that that is true, but I will just need to check my colleagues' memories. I am afraid we are not clear on this at the moment.

Mr PRICE—Would you like to take the question on notice?

Mr Correll—Yes.

Mr PRICE—Again pursuing the aspect of surge capacity, I believe that the department genuinely wants to build first-class facilities for 400 people. Why would you not take an approach where you would go for some prefabricated buildings, which can still be of a very high order, to take some of the surge, before you start compromising the standards that you are advising this committee are important?

Mr Correll—We would not wish to compromise those standards in the management of detention services. Where we are talking about the use of surge capacity we would only look at that coming into play for very short periods of time, rather than the notion of bringing in, say, additional types of demountable accommodation.

Mr PRICE—I did not talk about demountables; I talked about prefabricated accommodations, which is completely different. They can already be on site, but sealed and used only when required.

Mr Correll—From our perspective, the answer would be that we would want to try to keep a level of flexibility and at the same time produce a design solution that creates an appropriate environment. If we were basically providing that type of accommodation on site to cover surge capacity—

Mr PRICE—Some of it.

Mr Correll—some of it—our expectation is that we would very rarely ever use that facility. We would see ourselves as getting into the red zone and into trouble. If we were starting to move into the surge capacity we would want to move directly out of it as quickly as we possibly could. So our solution to moving into the surge zone would be to quickly move some clients to another location in another facility in Australia, rather than other types of solutions. It would leave us in a position where we had those types of facilities sitting there largely unutilised for a long period of time.

Mr PRICE—Are you able to provide the committee with a guarantee of a minimum use of surge capacity at this facility once it has been fully redeveloped?

Mr Correll—I do not think I can give any guarantees, as such, because it is so difficult to predict what the future might hold. All I can say is that all of our planning around numbers of beds is based on the fact that 400 beds should be sufficient to meet the ongoing needs on the mainland and that we would not have to expect to have draw on the additional surge capacity, other than for very short periods of time in unusual circumstances. That might be a major issue where there were a large number of people coming to Australia, combined with a significant number of overstayers, in a short period of time. That would be the only type of circumstance where we would envisage that occurring. It would be impossible for me to guarantee that there would be no circumstances in the future that would not create the need for short-term use of surge capacity.

Mr PRICE—In the refurbishment of the accommodation, are you providing air-conditioning for your clients?

Ms Wilson—Yes, we are.

Mr PRICE—If you were to knock it down and rebuild it, would you rebuild it such that they could enjoy the equivalent conditions of good design but without the air-conditioning?

Mr Correll—I guess it always possible from a construction sense not to put air-conditioning in.

Mr PRICE—No. I meant so that it is a well-insulated new building that gives all the benefits, if you like, but without the necessity of air-conditioning.

Mr Correll—I am sure that, in the design solution, issues such as ensuring appropriate environmental standards and optimal use of power would all be key factors.

Ms Wilson—It is for heating and cooling, and so on. We just have to make sure we cover off both aspects of it. We might be able to design a building in which you could have flow-through air, ventilation and things like that. As Marissa told us, it is also 10 degrees colder in Villawood than anywhere else in Sydney. It gets colder there faster as well as hotter there faster.

Mr PRICE—Pardon my ignorance, but what does ‘compliant with BCA and DDA’ mean?

Ms Wilson—The Building Code of Australia and the Disability Discrimination Act.

Mr PRICE—Thank you. I take it you will tell us about the reduced operational costs in the in camera evidence—is that correct?

Ms Wilson—That is right.

Mr PRICE—What is a vehicle sally port? Pardon my ignorance again.

Ms Wilson—That is the door through which you went into stage 1, where we pulled the door behind you. It is so that we can unload the clients out of the van to take them through the next closed area. The sally port enables secure access to a building.

Mr PRICE—Regarding the design standards that you have developed for immigration detention centres, has the Human Rights Commissioner seen the final version and had input?

Ms Wilson—That is right, and the Commonwealth Ombudsman.

Mr PRICE—When was that finalised?

Ms Wilson—October 2007.

Mr PRICE—Was the committee given a chance to review the final standards?

Mr Correll—Yes.

Ms Wilson—There was the Public Works Committee at the time. It was largely raised in the context of a previous redevelopment, post the Palmer report and a previous discussion we had at a Public Works Committee meeting where we were asked to do them. We involved the Human Rights Commissioner and the Commonwealth Ombudsman. My team has just told me that we got very positive feedback from your committee about the design standards.

Mr PRICE—Thank you very much.

CHAIR—I have a couple of specific questions that come from submissions by other people. The Little Company of Mary Refugee Project are concerned that there is no spiritual facility—let's call it that—in proposed stage 1. Firstly, do you agree with that observation and, secondly, is there a reason why that is the case?

Ms Wilson—The place where we have religious services at the moment is where we had the meeting today. All the churches come and use that space, which is the plastic outdoor area that we use. Stage 1 clients are allowed down there to join in, depending on their risk profile. However, we do not have a separate amenity in stage 1 to run those services at this stage.

CHAIR—I understand very few do that—that is, go from stage 1 to any church or spiritual event that may be held. I can understand that that would be the case because it is so difficult to get from stage 1 to anywhere at the moment.

Ms Wilson—That is right.

CHAIR—Given the risk profile of people who will be in stage 1, as redeveloped, you expect that they will continue to go to the central—for want of a better word—church service?

Mr Correll—Again, it is difficult to be precise on this without the detailed design solution, but in terms of the broad concept design, I would expect there would be facilities in the core newly constructed facility which would provide for religious services to be conducted which would give ready access to stage 1 clients. We would expect that to be part of the design solution.

Ms Wilson—Apparently the Hillsong Church visits stage 1, and the only place they can run those sessions is in the outdoor visit area. We had a look at the green sign that had just been erected in the external area. The Hillsong Church runs services there for stage 1 clients.

CHAIR—My second question goes to the loudspeaker. I found that very invasive this morning. The Little Company of Mary would like the loudspeaker to not be used during church services, and I think that is a reasonable request. Isn't there another way to solve a communication problem in 2009 without having a loudspeaker? I really would not want anyone to know that I am going to the doctor, and I know that three people went to the doctor today.

Ms Wilson—We certainly agree with you, Senator. I think the problem is that the buildings are so dislocated and away from everywhere else, and that was seen as the best way of getting clients together. We certainly hope to look at the options available in the new setting and come up with a better way of looking after client needs.

CHAIR—Someone this morning told me that everyone has a mobile phone. Why not just ring them up?

Ms Wilson—They do have mobiles. We will discuss that with the manager on site in the meantime.

CHAIR—It is a capital works questions because you will need to invest to do something else in order to contact people. It is not a management question and I want to make that point. These sorts of considerations should be made in the design of the facility that allow for respectful systems to operate.

Mr Anderson—If I might add, senator, you are quite correct that there are various forms of personal communication that can be used with clients and we will examine those during the detailed design phase of the project. That might include the use of personal pagers, or interactive television or mobile phones, as you say. We have to make sure that the use of loudspeakers is limited to the extent only of emergency or fire warning announcements only. That would be what we would be looking to achieve for Immigration in that respect.

CHAIR—Thank you, Mr Anderson. My final question goes to recommendation 6 from the Human Rights Commission submission which states that:

The Standards for design and fitout of immigration detention facilities should be updated to reflect the Australian Government's Key Immigration Values, and should be applied to the Villawood redevelopment.

I think the Human Rights Commission is saying that we have got to a point with the standards, we now have this other document that talks about the key immigration values, and I think they are identifying that there may be some work to do for the standards to meet the values. Would you agree with that? If so, do you intend to undertake that work and in what period of time?

Mr Correll—We would obviously want to ensure that those standards reflected the values. To a very great degree the standards do reflect the values, but we are certainly not averse to looking at those standards to make sure that they do reflect the values. They certainly are very closely attuned with them but we are quite happy to do that and we would be taking that on board.

CHAIR—Given the committee's longstanding interest in the development of these design principles or standards—not from myself but from this committee which has almost instigated them and not as a part of this inquiry—I wonder if Immigration could write to us to indicate what you are intending to do about a review. I am trying not to put words in your mouth, but are you going to look at reviewing the standards in the light of the values statement?

Mr Correll—We would be quite happy to write to the committee and advise the action we are intending to take to ensure that the values are fully reflected in the standards.

CHAIR—Thank you, Mr Correll. We have gone over time so I am sorry to keep you, but it has been useful. You have taken a couple of questions on notice from Mr Price. If you could get those answers to us by 2 October that would be terrific in order for us to deal with them in our report if required. Thank you very much for your cooperation this afternoon.

Proceedings suspended from 2.59 pm to 3.11 pm

NEWELL, Ms Susan Majken, Acting Director, Human Rights Unit, Australian Human Rights Commission

CHAIR—Welcome. Thank you for your submission to the inquiry. I have to restate these words. You are not required to give evidence under oath, but I should advise you that these hearings are formal proceedings of the parliament. Consequently, they warrant the same respect as proceedings of the parliament itself. I remind witnesses that giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. I note that there are some other interested people here. If you wish to make a comment to the committee, could you please contact Thomas from the secretariat, and we will see if we have time. I would now like to invite you, Ms Newell, to make some remarks to the committee.

Ms Newell—Thank you. Yes, I think I was told that it was a community stakeholder statement session, so I prepared a statement to read out—

CHAIR—That is terrific.

Ms Newell—just highlighting some of the things from our submission. Thank you for providing the commission with an opportunity to make a submission into the inquiry into the proposed redevelopment of Villawood. I also thank you for the opportunity to speak briefly here today. I was not going to comment in any detail on the plans for the proposed redevelopment, even to reiterate some of the broader issues to do with government policy and also international law, as they are already mentioned in our submission. Rather, I thought that in this statement I would take the opportunity to address the question of the need for redevelopment of Villawood.

As we point out in our submission, the commission fully supports the comprehensive redevelopment of Villawood; in fact, this should be undertaken as a matter of priority, to ensure that conditions for immigration detainees are brought into line with internationally accepted human rights standards. The commission has repeatedly raised concerns about the conditions at Villawood, in particular the conditions in the stage 1 part of the facility. It is recommended that stage 1 be demolished as a matter of urgency and replaced with a new facility subject to there being a continuing need for such a facility.

This view is based in particular on our last three annual inspections of immigration detention facilities, which have included Villawood. In our 2008 report, we were especially concerned about Villawood stage 1, which is where those who are determined to be high risk are held. It was the most prison-like detention facility at the time and also the most dilapidated and aging of the centres that we visited during 2008. Considering that most of the detainees in stage 1 at that time were long-term detainees, some of whom had been in detention for years, the living conditions were particularly shocking.

I will not raise all of those here—some of our concerns from that report are listed in our submission—however, I thought it might be important to revisit a few of them, as they give us a bit of an idea of what not to duplicate in a redevelopment. Examples include, firstly, the high security environment of the stage 1 building—surrounded by high-wire fencing, with razor wire, as it was in those times in some parts. This was excessive and oppressive and we think it

contributed to a tense and very closed-in atmosphere in stage 1. There were cramped and dark dormitory bedrooms at that time, almost completely lacking in privacy, with very limited outside views.

Another point is that there were no grassy outdoors space for sports or recreation, in particular nowhere to play sports such as soccer. Big, open areas where people can run and play games like soccer were not provided for in the stage 1 facility. There was a bleak and inhospitable dining room, with hardly any natural light and no external windows—in fact, people did not dine in the dining room as a result. And there were inhospitable visitors facilities which had no play equipment or privacy for families at that time.

The suicide and self-harm observation rooms in stage 1 were completely inappropriate for use by detainees at risk of suicide or self-harm. They were bleak, lacking in privacy and there was not a private outside area for people to go to.

Separate to stage 1 was the grim nature of the management support unit in stage 3, which is used for separating detainees for behaviour management purposes. It is surrounded by a steel fence at the front, with a cage like structure enclosing a small gravel courtyard at the back. It is grim; it is bare; it is uncomfortable, with no recreational facilities. The only view out was through bars and wire fencing.

In stage 1 there was no dedicated space for educational activities and no library to speak of. The interview rooms in stages 1, 2 and 3—one of the rooms in stage 1, anyway—were not soundproofed and were not private. Those are the sorts of interview rooms the Human Rights Commission, the Ombudsman or people's legal representatives might meet detainees.

That is a bit of an idea of some of the issues. Many more issues have been raised in our reports. The commission is aware that some of these issues have since been or are being addressed by the department through interim works. However, the commission is still of the view that a comprehensive redevelopment is required and that the redevelopment is an opportunity to make sure that these issues and others raised in our reports are addressed.

I also wanted to emphasise a couple of points, separate to what was discussed in our submission. The first is the fundamental principle that should underlie the treatment of immigration detainees, and that is that immigration detention is administrative detention; it is not a prison or a correctional sentence. Immigration detainees are detained under the Migration Act because they do not have a valid visa; they are not detained because they are under arrest or because they are charged with a criminal offence. Even those who are detained in stage 1, under section 501 of the Migration Act, are administrative detainees. They have completed their criminal sentences and are detained because their visas have been cancelled. Therefore, the treatment of immigration detainees should be as favourable as possible and in no way less favourable than that of untried or convicted prisoners.

The other point I wished to emphasise is the importance of humane treatment, including the provision of appropriate infrastructure to support that humane treatment, to the mental health of detainees. Our inquiry into children in immigration detention in 2004 showed the devastating consequences of long-term detention in prison-like detention centres on the mental health of children and families. However, the same holds true of adult detainees, especially those who

have come from backgrounds of torture and trauma experienced in other countries. People in detention are vulnerable to mental distress.

Some of the issues we have raised in the past, such as the need for recreational and educational activities, the need for private accommodation, the need for external views from rooms and living areas and the need for less oppressive and more hospitable environments may not seem especially significant issues to non-detainees who visit for a day or two; however, if you are detained for indefinite and potentially long periods of time, these issues become very important to one's mental health. Management of detainee mental health is helped immeasurably by humane treatment, which includes human and people centred infrastructure.

In summary, we welcome the proposed redevelopment and we urge the government to place respect for the inherent dignity of the human person at the core of the design and fit-out of the new facility. Thank you for the opportunity to speak.

CHAIR—Thank you, Ms Newell. Picking up on Senator Forshaw's earlier question, did the Human Rights Commission look at the option of moving to a greenfield site? Did you have a view about whether or not a complete rebuild on another site was preferable or something that we should consider more strongly?

Ms Newell—It is fair to say that we did not look at the wide expanse of what could happen in Sydney or whether or not we would propose putting a detention centre somewhere else. We have just looked at what was there and have come to the conclusion that what has been there in stage 1 is inappropriate. We then made recommendations about how we can move forward on that. We do not express an opinion about whether it should be there or somewhere else.

Ms HALL—What level of consultation was there between the department and the Human Rights Commission in relation to the design of both the short-term and long-term changes or refurbishments at Villawood?

Ms Newell—Do you mean this particular proposal that is on—

Ms HALL—Yes. Were you consulted in relation to the design of the facility that is going to be built by 2014? Were you consulted in relation to the short-term changes?

Ms Newell—We have had some conversations with the department—not in great detail, I have to say, and not about the finer details of that proposal. But we have had some conversations about their plans. It has really been more about informing us of their plans and keeping us informed about them. There has not been a formal consultation process where they have said: 'This is the proposal that we have and you can make comments on that proposal in a formal written sense.' But we have been notified of plans for redevelopment. In terms of the interim works, we have been notified at various stages about their plans for Villawood. That has usually been in conjunction with our plans to go and visit the Villawood detention centre to conduct an inspection. We would be informed during that process of the plans that the department had for the interim works.

Ms HALL—So you are familiar with the redevelopment plans and you are familiar with the interim plans.

Ms Newell—Only to the extent of what is in the department’s submission and through some designs that were shown to us recently at a session that was held at Villawood for community stakeholders.

Ms HALL—Would you like to comment on those plans?

Ms Newell—I do not think that I will, actually, because we have not gone through the plans with a fine tooth comb and ticked off or not ticked off the things in it. We are interested in some of the detail, and those plans are not detailed. In our submission we did not go through and comment in detail on each and every bit of those plans, either, other than to say that we welcome the redevelopment and the putting aside of stage 1 to build a new facility for high-risk detainees.

Ms HALL—The proposals for the stage 1 development include: looking at providing high-risk accommodation; providing female detainees who are considered high risk with separate living quarters, rather than putting them with other female detainees; changing the way that the high-care and observation suites will be constructed; looking at the flexibility of accommodation; providing kitchenettes where people can prepare some food as opposed to having their food prepared for them at all times; and changing the visitor areas. Are these in a general sense in line with recommendations that the Human Rights Commission would make?

Ms Newell—Some of the ones that you have just mentioned spring to mind—for example, the visitors facility. Based on our criticisms in the past of visitors facilities, I can say that we would welcome a visitors centre that provided an indoor and outdoor capacity for visiting. At the moment, in stages 2 and 3 there is only the outdoor area for visitors. That has been raised with us in the past as being a problem for people who have their families coming to visit them. The visitors facilities in stage 1 were inhospitable and inappropriate for families. Based on that, we would be supportive of visitors facilities that were much more hospitable and private and that provided an outdoor and indoor area so that it is better when people have their families come and visit them in detention. There are some issues that you mentioned that we would be supportive of, such as the requirement that men and women be held separately so that you do not have to be held in a facility with people of the opposite gender.

Ms HALL—What type of accommodation arrangements should be made for detainees who have mental illness? Do you think what you have learnt to date of the proposed changes will accommodate their needs? We heard about other issues this morning, such as racial tensions. What are the special requirements that you would see should be in place? What are the rolled gold standards that should be looked at there?

Ms Newell—With respect to detainees with mental health issues, the commission, over a long period of time, has made a variety of recommendations to do with how to improve the mental health of detainees. One of the things that we have raised repeatedly is that long-term and indefinite detention is one of the key connections to why people might have difficult mental health issues in detention. In addition, people who do have mental health issues in detention might also be the sorts of people who should not be in a detention facility and an alternative should be sought for them. One of the issues that we have raised in the past is about SASH observation, for example. At Villawood there has been an issue with observation rooms in stage 1. As I mentioned previously, we found those observation rooms to be inappropriate. There are no observation rooms in stages 2 and 3 that are appropriate, so people are sent to stage 1 for

observation, which is perceived as punitive amongst detainees, rather than being observed because of the possibility that you might self-harm. That is inappropriate and it is something that we have raised before. We have also recommended that, as much as possible, people should be observed in their own environment and in their own rooms rather than being transferred to a separate observational facility. Sometimes that might be necessary, but it definitely should be a room that is set up with that in mind rather than it being somewhere that is seen as punitive or that is for behavioural management purposes. That is something that we have raised before. I am just talking about infrastructure issues rather than the general management of mental health of detainees in detention.

Ms HALL—What sorts of privacy requirements should be addressed in the upgrade and the new facilities?

Ms Newell—Do you mean in people's rooms? There are a whole range of areas where you might think about privacy. I have already mentioned one of them to do with interview rooms and making sure they are sound proofed and making sure that people cannot necessarily see you coming and going into those rooms or cannot look in and see who you are talking to—those sorts of things. That is an issue that we have raised before. As much as possible, we should be providing privacy for people in their own rooms as well. The gold standard probably would be to provide each person with their own room, particularly people who are going to be there for a certain period of time. As much as possible we would like to be able to provide those standards. It is not specified in international human rights standards whether somebody should have their own room or not; it is the principle of privacy that is emphasised.

However, for people to be able to have their own privacy does have an impact on people's mental health if they are there for a long time and they have to share with somebody who they may or may not get on with in certain periods during that detention. Then I suppose there are also issues of privacy. The creating of an environment where you can go to different places in the living or recreational arrangements and where you are not crowded together in a very small space but there are opportunities for you to go off and spend some time alone or to find some privacy.

Ms HALL—I have another issue I would like you to comment on. When we were at Villawood we noted that the health facilities are a collection of demountable buildings that have been cobbled together, which is probably a fair to describe them. What sort of requirements in the building and facilities do you think are needed to meet the health needs of the detainees at Villawood?

Ms Newell—We have not made a recommendation about whether or not it should be a permanent structure, or a demountable or those sorts of things other than looking at whether or not there is the basic services that need to be provided rather than the buildings that they are provided in. I cannot really make a comment about that.

Ms HALL—The eating areas?

Ms Newell—We also have not commented on the eating areas. We have been through the eating and kitchen areas and have looked at various upgradings and modernisations that have happened to those areas before. There have been attempts to make the kitchen area a modern

facility and also to make the dining area a more pleasant place to be in. We have paid a little bit of attention as to whether or not the kitchen facilities are able to provide for halal cooking as well, which can require different fridges and those sorts of things. We have made a few comments about that in the past but we have not commented on whether or not it should be in the demountable, or in another part of the facility. That is the proposal in the design, as I understand it, that it is better from a design sense to have that in a central area where different people can be accommodated at different times. I think that is more an operational type of consideration rather than whether or not it meets a human rights standard or not.

Ms HALL—From your comments I gathered that you think the redevelopment, both the interim and the long-term, are imperative. In the interim development, what do you think is the most pressing need to be addressed?

Ms Newell—I do not really have a priority. Some of the issues I have just mentioned about Villawood and in our 2008 report that we thought were important were the visitors' facilities in stage 1; the observation rooms; the dormitory itself being used and being cramped and leaking and inhospitable; and the management support unit in stage 3.

Ms HALL—Interview rooms?

Ms Newell—The interview rooms in stage 2 and 3 were lacking soundproofing. There was only one room in stage 1 that we found to be not very good in terms of sound.

Ms HALL—Thank you.

CHAIR—In recommendation 6 in your report—and this is the question I asked the previous witnesses—you seem to be saying that the standards that have been adopted by immigration need to be upgraded or updated to reflect the statement of values that has recently been put out. Is that an urgent thing we need to do? Are there significant elements that has to change in the standards to reflect the values statement?

Ms Newell—No, I do not think it is an urgent thing. We just noted that things have moved on, now in terms of the sorts of priorities that the government has enunciated in the new values, and that is not reflected in the introduction, at least. So I think it needs to be looked at and examined as to whether or not some of those new directions might impact on the sorts of things that you might look at. In some of those standards. No, I do not think it is an urgent thing. We welcome the standards. It is a great improvement to have those standards, with very practical performance criteria et cetera laid out.

One query which comes to my mind in looking at the standards—and this is not specific to the redevelopment, so perhaps it is a separate issue—is how those standards might apply to immigration, residential housing and to ITAs as well. This is relevant in the context of the value not to have children in immigration detention centres, but it is also relevant in the context of where they are then detained. It does say in the standards that the principles apply for the ITAs and the IRHs, but the standards are designed for IDCs. So I suppose our query is: to what extent are there design standards for the IRHs and the ITAs as places where children and families might be held? If there are, then there might be some extra requirements in design and fit-out that are not reflected at the moment in the standards, which are clearly more for adults and not

necessarily tailored for children. So we have a query about the coverage of it and whether that needs to be made more explicit and whether there are other standards that need to be developed for IRHs and ITAs. There are just a few things like that that might arise if you decide to look at what the intentions of some of those values are.

CHAIR—When the standards were being developed back in October 2007, what was the consultation process? Was there information sharing or an iterative conversation?

Ms Newell—I am going to have to get back to you about that, if you would like me to trace the paper trail on that. We definitely received a copy of the standards with a letter that asked if we wanted to make a comment.

CHAIR—So you were invited to make comments at that point?

Ms Newell—Yes, but I was not actually in the unit that would have been responsible for that at that time, so I think I should go and check that process before I make a statement here about that.

CHAIR—If you could that would be good.

Ms Newell—I can do that.

CHAIR—But by the same token I really do not want you to go and spend a week going through your correspondence files with Immigration either.

Ms Newell—Yes. It is worth saying—and we have done so in our submission—that we welcome the fact that these standards have been developed at all and we think they are reasonably useful and practical as well.

CHAIR—As you say, it provides a benchmark in the community for us as the public works committee to assess a proposed redevelopment or the building of a facility. It tells you where to start. You might be able to get better than that, but it at least tells you where to start.

Ms Newell—We support them being used as well, as opposed to being a standard that does not actually get used at the design stage.

CHAIR—So you have observed that they are being used?

Ms Newell—I have not gone through and checked each and every one against the redevelopment. To do so is probably not a task for me. I just want to make the point really that we think they should be. Something that I noted in the submission is that the Christmas Island facility does not seem to be identically matching the standard that is outlined on security. Maybe that is a timing issue.

Senator FORSHAW—This is not specific to this inquiry today, but last Friday we visited the Maribyrnong detention centre, which of course has been refurbished and upgraded. Have you any comment to make about those facilities? Has anyone from the HRC visited them and do you have a view about the work there? When that project was starting out a couple of years ago, we

looked at the existing facilities and it was clear that, like Villawood, it needed a lot of work. I am interested in your observations about that place.

Ms Newell—We visited Maribyrnong each year for the last three years. I think I went to Maribyrnong one of those times, but I did not go personally last year, for example. Our view about the redevelopment at Maribyrnong was very positive, in contrast to our view about some of the other facilities at that time. We could see a marked difference in the way the design had contributed to a different atmosphere in the centre. One of the things I can think of in particular is the use of outside space. The living areas, for some groups, anyway, have views out into private outside spaces. There are a variety of spaces. They have managed to cleverly have the sense of outside life coming into what is a relatively confined, closed and small area.

Senator FORSHAW—That project was an upgrade of an existing facility, whereas what is happening here is effectively a replacement, even though it involves both demolition and refurbishment. One of the features at Maribyrnong, from memory, is that the accommodation is all on one level. That is interesting because I suppose it is the most recent ‘before and after’ example that the committee has had a look at.

CHAIR—Thank you, Ms Newell, for your submission and for appearing here today.

Ms Newell—Thank you very much.

Evidence was then taken in camera—

Committee adjourned at 4.27 pm