



## Foundation House

The Victorian Foundation  
for Survivors of Torture Inc.

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Committee Secretary  
Parliamentary Standing Committee on Public Works

[pwc@aph.gov.au](mailto:pwc@aph.gov.au)

### Submission to Inquiry into Proposed Melbourne Immigration Transit Accommodation Project, Broadmeadows, Victoria

The Victorian Foundation for Survivors of Torture (also known as Foundation House) welcomes the opportunity to provide this submission to the Parliamentary Standing Committee on Public Works.

Foundation House provides services to advance the health, wellbeing and human rights of people of refugee backgrounds in Victoria who have experienced torture or other traumatic events in their country of origin or while fleeing those countries.

The main areas of our work include providing services to clients in the form of counselling and related forms of assistance. In that capacity we have over a period of years assisted numerous people who were detained at the Melbourne Immigration Transit Accommodation facility (MITA) and continue to have clients residing there. Our staff visit the facility regularly and some clients are brought to our premises. Foundation House has also provided and continues to provide assistance to clients detained in the Maribyrnong

Immigration Detention Centre.

With few exceptions our clients residing in the MITA were and are detained:

- pending the determination of their applications for a substantive Humanitarian Program visa or;
- while they are in Australia receiving medical care not able to be provided to them at the Regional Processing Centres in Nauru and Papua New Guinea.

For many years, Foundation House and others have expressed concern about co-locating in detention facilities people seeking asylum, who are generally seen to be low risk, with people whose visas were cancelled on character grounds and were assessed as higher risk. Co-location has created a circumstance for violence and threats of violence to occur.

In our view, it would be far preferable for people who are assessed as low risk to be placed in quite separate facilities to those in which people considered to be higher risk associated with the cancellation of visas on character grounds, are housed.

As explained in the submission of the Department of Immigration and Border Protection (DIBP), quite different infrastructure and procedures are required for people who present distinctly different levels of risk. Co-location significantly increases the likelihood that those operating the facility and staff will adopt uniform practices towards all those detained, treating them as if they were all of high risk and consequently imposing unduly harsh practices on people of low risk.

Having decided on financial grounds to place in the MITA people who are assessed as presenting a significantly higher risk than MITA is designed to accommodate, the

Commonwealth must ensure that the implementation of the decision does not compromise the safety of all those detained (as well as staff) or their reasonable access to health, recreation, programs and activities.

In the following sections, Foundation House describes some aspects of the proposed project about which the Committee may wish to seek clarification and assurance.

### *The placement of different cohorts at MITA*

The DIBP submission indicates that “[s]ome existing parts of MITA will continue to accommodate the lower to medium risk cohort” (page 7). Consistent with this, the submission states that the proposed new “hardened compounds...have been designed to accommodate 140 high risk detainees” (page 11).

At other points, the submission suggests that medium risk people will be accommodated in the new section e.g. “[d]etainees accommodated in the hardened accommodation will be medium to extreme risk of varying nationalities” (page 8; see also pages 9 and 10).

Foundation House would be very concerned if the project proposal contemplates the transfer of any of its clients from their present accommodation to the new section, unless they behave in a manner that manifestly requires them to be treated as high risk.

As detailed in the DIBP submission, the profile of people detained has been changing significantly and presumably this will continue: what is the contingency plan in the event that MITA receives more high risk clients than the number of places projected for this cohort in the proposal?

Under the proposal, the new section for high risk people will be only for males and females will continue to be detained in the present section. The Maribyrnong IDC has a compound for female detainees and has at times had a compound for families – where will women or families considered to be high risk be accommodated when that facility is closed?

*Impact of the proposed project on level of amenity of people who are detained*

With respect to “Level of Amenity” the DIBP submission advises that “[t]he existing protections and welfare arrangements for detainees will be maintained” (page 8). However other information in the document makes it unclear whether the current provision for people who are detained is indeed maintained or whether it is reduced, for instance:

- an existing recreation building is to be “repurposed” to create a new visits centre (page 5);
- a satellite dispensary and officers’ post will be created in an and presumably displace and existing education programs building (page 5);
- the new “higher risk” cohort who will be placed in MITA will share the existing recreation, educational and other amenities “on a rostered basis” (page 9).

This suggests that the level of amenity for lower risk people in detention will be reduced – two recreational areas are being converted to other uses and the low risk cohort will not be able to use the remaining facilities when these are being used by the higher risk cohort.

Further, the DIBP submission does not specifically describe:

- what adjustment to health, recreational and facilities shared by the two cohorts might impact on what is currently available to those who are lower risk and how they use those facilities;

- in the event of a lock down of the section in which the higher risk cohort is located, what will be the impact on the people in the lower risk cohort?

Access to activities – including having visits from family members and others – is very important to minimize the adverse effects on people of being deprived of liberty, for prolonged periods, indefinitely. Based on our observations and reports from clients, access has already been significantly reduced. Foundation House is concerned that the level of amenity and access to services will be reduced with further adverse impacts on the wellbeing of people who are detained.

The DIBP submission does not indicate whether the proposed project will impact on the current access of the lower risk population to health services currently provided by IHMS, Foundation House or others.

The DIBP submission does not indicate whether the proposed project has implications for rules relating to visitors to low risk people detained at the MITA. MIDC imposes stricter and more intrusive checks on visitors than MITA. Is it proposed that different requirements will continue to apply to people visiting individuals according to their risk status, or will all visitors be subject to the stricter requirements?

Foundation House accordingly recommends that the Parliamentary Standing Committee on Public Works asks DIBP to describe the anticipated impact of the proposed project on the access of people of lower risk to recreation, educational, health and other services and amenities, and assess the adequacy from the perspective of the welfare of the people detained.

Josef Szwarc  
Manager, Research and Policy