



Centre for Asylum seekers, Refugees and Detainees Inc

SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS

**RE: PROPOSED YONGAH HILL IMMIGRATION DETENTION CENTRE HARDENING PROJECT
at MITCHELL AVENUE NORTHAM WESTERN AUSTRALIA**

The Centre for Asylum Seekers, Refugees and Detainees (CARAD) provides the following submission on the proposed Yongah Hill Hardening Project at Mitchell Avenue Northam WA.

CARAD is a not-for-profit organisation providing welfare and advocacy support to asylum seekers, refugees and detainees in Western Australia. CARAD's vision is for a welcoming Australia in which, firstly, every person seeking asylum in Australia is treated with full respect for their human rights in accordance with international law and, secondly, that people are given a fair opportunity to be accepted as refugees and to become independent citizens with the opportunity to fully participate and contribute to society. CARAD is fundamentally opposed to mandatory and indefinite detention of asylum seekers.

CARAD volunteers have been visiting detainees at various immigration facilities in Western Australia since 2012. We believe our long-term, regular presence at the Yongah Hill facility has given us considerable insight into the conditions at the centre and how these have changed over time.

This submission regarding the proposed Hardening Project is written with regard to the people resident at Yongah Hill who identify as asylum seekers as this is the group of people CARAD supports and advocates for. CARAD is not offering comment on people who are detained at the Yongah Hill facility for other immigration matters.

We would like to offer three comments on the process for submissions. Firstly, we have found it very difficult to find information on the proposed works on your website. We became aware of this project in December 2016 and our comments are based on the only documents we could identify which are:

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- Parliament of Australia Media Release 'Security upgrades at Yongah Hill Immigration Detention Centre to be examined' Issue date: 1 December 2016
- 'Proposed Yongah Hill Immigration Detention Centre Hardening Project at Mitchell Avenue, Northam Western Australia', Statement of Evidence Submission 1 to the
- Parliamentary Standing Committee on Public Works, Department of Immigration and Border Protection, Canberra, ACT, Nov. 2016
- Article by Nicolas Perpetch 'Yongah Hill Immigration Detention Centre due for security upgrade amid rising criminal element' Posted Mon 9 Jan 2017
- (<http://www.abc.net.au/news/2017-01-09/yongah-hill-immigration-detention-centre-due-security-upgrade/8171082>)

Secondly the period of invited submissions, from 1 December 2016 to 19 January 2017, is clearly an inconvenient time for people to respond due to the Christmas and New Year holiday, as many offices have periods of closure over this period.

Thirdly, your media release advises that works will start in March 2017. This is unrealistic if the Committee is serious about conducting 'public and in camera hearings for the inquiry early in 2017'. Either community comment is being disregarded or the start date is wrong.

With regard to the Hardening Project itself, we believe that the documents provided misrepresent the composition of the Yongah Hill population and do not take account of the fact that many vulnerable asylum seekers remain there. Continued mixing of asylum seekers with other cohorts, including people with serious criminal records, is an issue of great concern. Any assessment of the need for the Hardening works should clearly distinguish between the groups who are accommodated at Yongah Hill.

Many of the asylum seekers we visit are people who are still waiting to have their visas assessed. They are not people who have had their visas cancelled on character grounds and they are not people with security issues. They are low risk detainees but they have NOT been released into the community as stated in the media release and the Department of Immigration and Border Protection (DIBP) submission.



The DIBP submission notes that some detainees cannot be released because of 'behavioural concerns while residing in immigration detention.' It is not clear who is intended in the statement, but our visitors are aware of asylum seekers with serious mental health issues that in some cases have led to events that could be termed 'behavioural issues'. We are concerned that this statement means that asylum seekers with mental health issues may be placed in high security accommodation that is designed to prison standards. Asylum seekers with serious mental health issues should be provided with appropriate treatment and accommodation in a mental health facility, not a prison.

Therefore, in the absence of advice to the contrary, it appears that some asylum seekers are likely to find themselves in the proposed high security accommodation. The type of accommodation described in the DIBP submission, which is virtually a prison cell, is totally unsuitable for people being held for immigration reasons. If anyone has committed offences that require this level of incarceration, they should be accommodated within the prison system that is designed for this purpose. This is an entirely separate issue.

The Department has consistently maintained that immigration detention centres are purely 'administrative' and are not intended to be punitive institutions, but implanting prison architecture into the detention network directly contradicts this proposition.

In our view, developing immigration detention accommodation along the lines of corrective services models is flawed. While asylum seekers continue to be housed within the immigration detention system, there should be no moves to further develop detention centres as prisons. In our view the level of security already existing is inappropriately high and the centres are overly prison like. In our experience, asylum seekers are not trying to escape and are not a danger to the community. However, by the time they have been detained for long periods, in some case upward of five years, they are understandably desperate for the freedom their human rights entitle them to. This is an issue stemming from excessively long processing times as determined by DIBP, not of the security of the centre.

The proposed 'hardening' of the Yongah Hill detention facility would be an unnecessary and expensive exercise that could be avoided with the exploration of alternatives to detention and incarceration or changes to the processes employed by the Department.



As we understand it, the works comprise rebuilding two of the four residential compounds to provide high security accommodation and retaining the other two compounds for lower to medium risk people. The proposed works are described as referencing the 'NSW Corrective Services Industries modular buildings and modifications.' This building type is basically a high security traditional cell block constructed as a modular building that can be erected on site. The building type was introduced in NSW in 2015 to be constructed to provide additional accommodation for their prison system relatively cheaply, quickly and with flexibility.¹

There appears to have been no consideration as to whether this is suitable for a detention centre other than considerations of security. There is no evidence in the department's submission that the type of environment that this will create was considered. There is also no assessment of this against the department's own infrastructure standards that are intended to:

...provide people in administrative detention with accommodation commensurate with Australian community standards and expectations.²

Moreover, the department's submission does not demonstrate any awareness of contemporary thinking in terms of incarceration in either prisons or detention centres. There is now a considerable body of literature on the design and management of prisons and prison environments. Design can play a role in changing people's behavior and their lives. It is imperative that the Parliamentary Standing Committee request that the department consider more broadly, and in the context of their own Standards, the implications that the buildings they construct will have.

In a recently published article, 'The architecture of detention: why design matters', Elizabeth Grant argues;

¹ NSW Government Media release 05.02.2015, Modern, versatile cells to house prisoners safely, securely

² Department of Immigration and Citizenship, Standards for Design and Fitout of Immigration Detention Facilities (October 2007) p7



The principles of sensitive, humane, culturally appropriate custodial design could and should be applied to the design of detention centres to produce better outcomes and dignity for those within them – both residents and staff.³

The proposed hardening project is the very antithesis of this and it is to be hoped that the Standing Committee can ensure that this is addressed.

In conclusion, it is CARAD's view that:

- the proposed works are not appropriate for a detention centre accommodating asylum seekers as a significant, or any, proportion of the population;
- asylum seekers are not criminals and should not be treated like them or accommodated with them;
- redeveloping detention centres following building models designed for prisons, without the checks and balances employed in prisons, is dangerous and has the potential to lead to human rights abuses;
- prison style accommodation is not suitable for vulnerable people often suffering from mental health issues either as a result of previous experiences of torture or trauma, or unfortunately as a result of exposure to our immigration detention system; and
- if this type of accommodation is considered necessary for other (non-asylum seeker) cohorts within the immigration system, it is essential that all asylum seekers are removed from this accommodation and provided with places to live more appropriate to their needs and circumstances.

³ Elizabeth Grant, *The architecture of detention: why design matters*, in *Architecture Australia*, September 2016