



Immigration Detention Advisory Group Submission No:5.....

OPCAT

Ms Gillian Gould
Committee Secretary
Joint Standing Committee on Treaties
Parliament of Australia
CANBERRA ACT 2600

RECEIVED
19 JAN 2004

BY:.....

Dear Ms Gould

Thank you for your letter of 19 December 2003 inviting me to comment on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

I have read the Optional Protocol and on this occasion, I feel it would be inappropriate to comment on the Committee's review process, as comment or submissions of this nature fall outside the terms of reference of the Immigration Detention Advisory Group (IDAG).

The IDAG's terms of reference clearly state that the Group will **advise the Minister** for Immigration and Multicultural and Indigenous Affairs on matters relating to the detention of unlawful non-citizens in Immigration Detention Facilities (IDFs). In particular, the Group **advises the Minister** on the appropriateness and adequacy of detention services provided to detainees at IDFs and the appropriateness and adequacy of detention accommodation and facilities.

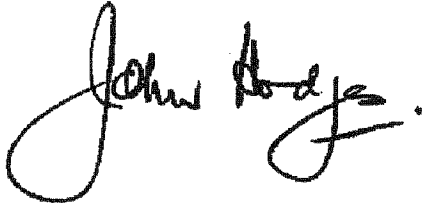
The provision of detention services is governed by legislation and is set out in the Immigration Detention Standards (IDS), which have been developed by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) in consultation with the IDAG.

The IDS underpin the provision of the detention function and the standard of care to be provided and ensure that the individual care needs of detainees are met. In particular, emphasis is placed on the sensitive treatment of the detention population which may include torture and trauma sufferers, family groups, children and the elderly, persons with a fear of authority, and persons who are seeking to engage Australia's protection obligations under the Refugee Convention. The IDAG were again consulted throughout the recent review of the IDS prior to signature of the new detention services contract and have held several meetings with the detention services provider (DSP) to discuss detention related service provision matters. The IDAG regularly review the standard of care provided within the detention environment.

Detention services are subject to both administrative and judicial review, and are subject to full parliamentary scrutiny and accountability. The immigration detention process is among the most closely scrutinised Government programs.

Thank you for the invitation to comment on the Committee's Optional Protocol review process.

Yours sincerely

A handwritten signature in black ink that reads "John Hodges". The signature is written in a cursive style with a large initial "J" and a distinct "H".

John Hodges
Chair
15 January 2004