



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON PUBLIC WORKS

**Reference: Maribyrnong Immigration Detention Centre - Additional accommodation and related works**

WEDNESDAY, 23 FEBRUARY 2005

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**JOINT STATUTORY COMMITTEE ON  
PUBLIC WORKS**

**Wednesday, 23 February 2005**

**Members:** Mrs Moylan (*Chair*), Mr Brendan O'Connor (*Deputy Chair*), Senators Ferguson, Forshaw and Troeth and Mr Forrest, Mr Jenkins, Mr Ripoll and Mr Wakelin

**Members in attendance:** Senators Ferguson, Forshaw and Troeth and Mr Forrest, Mr Jenkins, Mrs Moylan and Mr Brendan O'Connor

**Terms of reference for the inquiry:**

To inquire into and report on:

Maribyrnong Immigration Detention Centre—Additional accommodation and related works.

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**Committee met at 11.56 a.m.**

**CHAIR**—I declare open this public hearing into the provision of facilities for Maribyrnong Immigration Detention Centre additional accommodation and related works, Maribyrnong, Victoria. This project was referred to the Public Works Committee on 9 December 2004, for consideration and report to parliament. In accordance with subsection 17(3) of the Public Works Committee Act 1969:

- (3) In considering and reporting on a public work, the Committee shall have regard to -
- (a) the stated purpose of the work and its suitability for that purpose;
  - (b) the necessity for, or the advisability of, carrying out the work;
  - (c) the most effective use that can be made, in the carrying out of the work, of the moneys to be expended on the work;
  - (d) where the work purports to be of a revenue-producing character, the amount of revenue that it may reasonably be expected to produce; and
  - (e) the present and prospective public value of the work.

The committee earlier received a briefing from the Department of Immigration and Multicultural and Indigenous Affairs, and we have inspected the site of the proposed works. The committee will now hear evidence from the Department of Immigration and Multicultural and Indigenous Affairs, the Maribyrnong City Council, the Ecumenical Migration Centre, the Asylum Seeker Resource Centre and the Western Region Ethnic Communities Council.

[11.58 a.m.]

**DAVIS, Mr Steve, First Assistant Secretary, Unauthorised Arrivals and Detention Division, Department of Immigration and Multicultural and Indigenous Affairs**

**DOHERTY, Mr David, Assistant Secretary, Detention Contract and Infrastructure Branch, Department of Immigration and Multicultural and Indigenous Affairs**

**LAVERS, Mr Warwick, Director, Infrastructure Projects Section, Department of Immigration and Multicultural and Indigenous Affairs**

**McKIRDY, Miss Lynn, Manager, Detention Services and Travel, Melbourne Office, Department of Immigration and Multicultural and Indigenous Affairs**

**CHAIR**—The committee welcomes representatives of the Department of Immigration and Multicultural and Indigenous Affairs. The committee has received a statement of evidence and five supplementary submissions from the Department of Immigration and Multicultural and Indigenous Affairs. These will be made available in a volume of submissions for the inquiry. They are also available on the committee's web site. Does the department wish to propose any further amendments to its original submission?

**Mr Davis**—No.

**CHAIR**—I now invite you to make a short opening statement, and then we will proceed to questions.

**Mr Davis**—Thank you. I would first like to indicate that I understand the minister has written to the committee indicating a degree of urgency or priority for the works. I would like to thank the committee for considering that priority and allowing us to have some priority. I would also like to thank the secretariat for their assistance in preparing for today's hearing. I would like to make a brief statement outlining some of the fundamental reasons behind what we are proposing and how we have come to this position. We would then be happy, of course, to take questions.

The government has considered and agreed on a long-term detention strategy for detention facilities across Australia. Within that long-term strategy, the government envisages that a new facility will be built in the future in the Melbourne area. A preferred site at Broadmeadows has been reserved by the government for a future facility. In the context of that, the department recognises that it will be some time—five years or perhaps more—before we have a new facility available. Therefore, the government has agreed that some interim adjustments or redevelopment of the Maribyrnong site would facilitate better service delivery there, which would improve the welfare of the detainees in the environment in which we hold detainees.

The residents of the Maribyrnong site come from a number of sources. They are there because of government policy and legislation. The predominant occupancy of the site—I will provide a bit more detail on exact numbers a bit further on—is by overstayers or people who have breached their visa conditions and have no authorised right to remain in Australia. The



department holds them in the Maribyrnong facility pending their removal from Australia. We also have a small number of people who have been refused entry at international airports. At the moment four people who have arrived unlawfully in Australia at airports are held at the Maribyrnong facility. We also have people who have a criminal history or record and, either through a cancellation of their visa or for criminal reasons, have no further right to remain in Australia. We have around eight of those people in the facility at the moment. Unauthorised boat arrivals are also held in detention facilities across Australia. Maribyrnong does not have large numbers of those and never has had large numbers of those. At the moment, we have one person who we classify as an unauthorised boat arrival at the facility.

Around 50 per cent of the Maribyrnong Immigration Detention Centre residents are there for less than two weeks and a further 20 per cent are there for less than four weeks. The overwhelming use of the facility is one of short stay, where we seek to move people through the facility and either out of Australia or through resolution, if they get a visa, or some other release mechanism. Essentially, the capacity of the facility is around 76. The detention centre has been at capacity or very near to it for a long time—as in ‘many years’. The department has been concerned for some time about trying to deal with that issue. The strategy of increasing the capacity, which is part of this proposal, is not the only strategy the department has adopted to try to deal with this matter. We have also sought to use transfers to other facilities, particularly the Baxter immigration detention facility, for those who may be in our care for a longer period due to appeal processes or other reasons. But there are personal circumstances for detainees which limit our capacity to move all detainees who are with us for a longer period to that facility, including medical concerns in some cases. The other strategy that has been used in the past is that we also transfer people to the Villawood detention centre. That has similar limitations and constraints as moving people to Baxter has.

The facility at Maribyrnong does not normally have large numbers of families or of children in particular. The department has particular strategies for trying to have mothers and their children accommodated in residential housing projects. Currently the facility at Port Augusta, which is associated with the Baxter facility, is the only residential housing project which has actually opened. We also have residential housing projects at both Woomera and Port Hedland which are available to the department if the numbers require them. The government has also agreed, in its long-term strategy, to construct a new residential housing project on the Villawood site, associated with the Villawood centre. That process is under way and close to a tender process for building the houses. The capacity of that site is expected to be around 40 people. The government has also indicated an intention to establish a small residential housing project in Perth next financial year, so that is something that is also on our planning horizon.

As for the latest numbers that I have, as at 16 February, which is last Wednesday, we had 43 adult males, 14 adult females and 12 children in the Maribyrnong facility. As I indicated earlier, the figure of 12 children is unusual. Normally the numbers of children are from zero to three, but at the moment we have several families there. A couple of those families are due to be removed from Australia within the coming week or so and it is the intention that one of those families will be transferred to the Port Augusta residential housing project. There are six children in that family. That will occur over the next couple of weeks as a break in schooling allows.

As for the mixture of people we hold in the facility, it is true to say that we have had an increase in the number of people who perhaps have criminal backgrounds or backgrounds of

former drug use—so backgrounds of that nature—in the facility. The number is more than we had five years ago. One of the policies of state governments several years ago was not to hold as many people in correctional facilities as they previously did. One of the challenges that has been presented to the department is to manage people who we may perhaps otherwise have preferred in some circumstances to hold in a prison. Having said that, I note it is not true to say that the state government is not helpful to us. Indeed some people are still held in prisons in very small numbers—around three at the moment. They have very serious criminal backgrounds. The state government has agreed with us that it is inappropriate for us to be holding them within our facilities, so there is cooperation there, but the numbers we hold in state prisons have gone down considerably over the last three years.

The scope that we are trying to achieve with these works is really to provide us with more flexibility to separate the different groups within the facility. We have some concerns about the family and the female area of the facility being essentially one area and having a limited capacity to separate those caseloads at times when there may be personal or other interactions which we find difficult to manage. Also, within the male area of the facility there is really only one adult area. Again, there is a limited capacity to separate people. What we are seeking to achieve is to increase the capacity of the facility. The design concept that we have indicates around 50 additional positions from the 76 there. That is based on our architectural advice and considerations as to how many we think could be reasonably accommodated within the available size of the site and facility. It is true to say that we envisage the capacity of the new facility to be built in Melbourne being somewhat larger than the 126 positions that we envisage for this facility. The exact size is yet to be determined. While providing for some separation of the different groups, we are also seeking to be able to better manage those people and meet the needs of those people. We are also seeking to improve the recreation and amenity of and the general capacity for detainees to engage in activities under the service provider's regime of activity education and things of that nature.

We are seeking to improve our primary response medical capacity in the refurbishment. Reception and visitor facilities are going to be improved and expanded to some degree. We are going to better provide for disabled detainees, and we will improve things like privacy. There will also be to some degree an upgrade of our security system, so that we will be better able to manage the numbers. That includes covering the extended area and some adjustments of a more minor nature to the existing security system.

Just going back to the nature of the case load we have within the facility, we have a very mixed case load, with 15 to 20 different nationalities within the facility. That obviously creates its own tensions and interactions that need to be managed. The predominant nationality in terms of numbers as at 10 February—which is the date I have figures for—is Malaysian, followed by Chinese, Vietnamese and Tongan. Then there is a whole mixture of South East Asian as well as Pacific nationalities, which are the predominant nationalities we have within the facility.

We have a mixture also of religious needs. As at 10 February, we had 18 Catholics, 18 Buddhists, 12 other Christian, 12 with no religion and then a mixture of Muslims, Jews, Hindus et cetera. Religious beliefs are also something which our service provider and the facilities need to support. People need to be able to practise their religions freely. We have a mixture of ages in the facility. As at 10 February, from the figures I mentioned before, we had 13 people under 17, 19 between 18 and 28, 18 between 29 and 39 and no-one over 65.

The other interesting statistic which we have compiled as part of our presentation to you is that the length of time people are staying in Maribyrnong has actually been coming down over the last five years, and this is something I feel the parliament should be proud of. Going back to 1999-2000, the average stay in Maribyrnong—and this can be distorted by individuals who stay a very long time—was over 60 days. The average in 2003-04, the last financial year, was 29 days. That has been halved in about four years. That is something we are focused on as a department: to ensure that people are moving through processes, whether that is removal from Australia or resolution of their status, rather than spending an extended period within the Maribyrnong facility. There may be adjustments. Some of that may reflect some transfers or things that are going on in other facilities.

I feel from the material I have in front of me that I have plenty I could say more about. But perhaps I am better off just leaving it at that and answering any questions the committee may have for us.

**Senator FERGUSON**—I only have two or three questions because you have given us a fairly comprehensive overview of what takes place. Do you know the total numbers of people who have passed through Maribyrnong detention centre in a 12-month period?

**Mr Davis**—We will try.

**Mr FORREST**—The document you are scouting through: does the committee have that?

**Mr Davis**—No, it does not. It is the reference notes that I am using for advising the committee. This is something I am happy to provide if that would be useful to you. In 2003-04, there were 1,051. Going back to 1999-2000, which is the other year I quoted, there were 647. So the number of people going through the facility has certainly increased over that period. There is a steady upward pattern to that.

**Senator FERGUSON**—What was that again?

**Mr Davis**—There were 1,051 in 2003-04. Back in 1999-2000, there were 647.

**Senator FERGUSON**—Do you know how many of those are people we could loosely put in the category of asylum seeker?

**Mr Davis**—I do not have those figures here, but I think what we have at the centre at the moment is probably fairly typical of those who seek asylum. At the moment we have three people at the centre seeking asylum who are in some sort of primary process or an appeal process—three of the 77 that were there on 10 February. One of those is an unauthorised boat arrival who is in an appeal type process and the other two are in primary process—going through final checks and other things—and are likely to be released fairly soon.

From time to time there are other people within the rest of the case load who seek asylum. Many former criminals, for example, seek asylum. Each case is considered on its merits, but many of those people are rejected and do not receive asylum. There are various reasons why that occurs, but one of the reasons is when clearly people are seeking to delay their removal from Australia. Each case is considered on its merits, and of course those people are entitled to, and

do, appeal to courts and other processes that delay their removal. It is true that most of the people in Maribyrnong do not seek asylum.

**Senator FERGUSON**—From the figures you have got—I think you said 2003-04 is the latest of the figures—you have told us that the number of people who passed through Maribyrnong over that year was 1,051. Do you know how many of those 1,051 stayed in Maribyrnong for more than four weeks?

**Mr Davis**—I do not have that information here, but I am sure we can see if we could run some sort of report to provide that.

**Senator FERGUSON**—If you have that turnover it would be a significantly low number, wouldn't it?

**Mr BRENDAN O'CONNOR**—It would have to be 70 per cent.

**Senator FERGUSON**—You said that 70 per cent of the turnover all the time is in less than four weeks.

**Mr BRENDAN O'CONNOR**—If you say that there is 50 per cent in less than two weeks and 20 per cent in less than four weeks, I assume that means there is 70 per cent in less than four weeks all up.

**Mr Davis**—Yes.

**Mr BRENDAN O'CONNOR**—If you were counting that from the 2003-04 data, does that mean that 70 per cent of the 1,051 have spent less than four weeks there? That is not to say that they are not detained elsewhere.

**Mr Davis**—Yes, that is right. Given the way we have calculated the statistics, I believe that to be the case.

**Senator FERGUSON**—Would you be able to provide us with the numbers of people in that year who stayed for longer than four weeks?

**Mr Davis**—Yes. To do that we would have to run reports from the system, but we will do that.

**Senator FERGUSON**—The reason I ask that is that we have had a number of other submissions, many of which, of course, are not related to the role of the public works committee, which is to look at and investigate the value of the expenditure that is put before us and whether or not taxpayers are getting good value for the money that is being expended. However, amongst those submissions we have had some where people have been talking about the policy of the government rather than this particular building. I noticed that in its submission the Asylum Seeker Resource Centre said it is not uncommon for an asylum seeker to reside in Maribyrnong detention centre for over six months. From what you have said to us, I presume that if that is the case it would only be one or two people, or very few people, who are there more than six months. Have you got anybody there now who has been there for more than six months?

**Miss McKirdy**—Quite possibly. I would not like to say yes or no without checking.

**Mr Davis**—But it is likely to be a very small number.

**Senator FERGUSON**—Is it fair to categorise the work that is being done under this project to update and enlarge your facility as being to provide for the category of unlawful arrivals in Australia who have arrived by air, overstayed visas or come into Australia illegally by some other means but not necessarily as a result of trying to seek refugee status or asylum?

**Mr Davis**—That is true. There is the category of former criminals as well.

**Senator FORSHAW**—When you say ‘criminals’ do you mean people who have committed a criminal offence and been convicted here in Australia?

**Mr Davis**—Yes

**Senator FORSHAW**—Do you also include people who have some criminal record overseas or are awaiting extradition?

**Mr Davis**—When I refer to criminals, I am talking about people who have been convicted of a criminal offence in Australia and served time in a prison in Australia.

**Senator FORSHAW**—So they have actually served their time in Australia?

**Mr Davis**—And they are being deported through a cancellation of their visa, following their sentence, for character or other reasons.

**Senator FERGUSON**—This is a question for Miss McKirdy, as you are involved in the management of Maribyrnong: this morning there was a statement about the importance of allowing Maribyrnong detention centre’s recreational areas to be used much better than they are now. Are you satisfied, in your own mind, that the proposals that you have put before us will give adequate facilities? By adequate I mean facilities for women and children who might be in the centre and the males in the centre to each have adequate recreational facilities.

**Miss McKirdy**—I think there is.

**Senator FERGUSON**—In the proposal?

**Miss McKirdy**—Yes.

**Mr FORREST**—It could always be better.

**Senator FERGUSON**—Yes.

**Mr Davis**—Can I add to Miss McKirdy’s response. One of the things we have also sought to do is address the issues that detainees themselves have been raising about the facility over quite a period of time. There is a fortnightly detainee representative committee that meets with centre

management and DIMIA. Many of the issues they have raised are addressed in what we are seeking here. I think it is true to say that in this proposal we are trying to address issues that detainees themselves have raised about accommodation as well as amenity and other issues.

**CHAIR**—In the submission you made to us, you say that the development will take place in a staged fashion. The new administration area will be the early benefit, followed by accommodation zones, a new visits area and a refurbished administration area. In our private briefing I think it is fair to say that you stated the main reasons were to increase the capacity, provide separation between the groups where it is inappropriate to have them mixing and provide improvements, which all go to the heart of reasonable and better accommodation and more comfortable living for detainees. I just wonder therefore why the new administration building is the first building to be built in the staged program.

**Mr Davis**—I might ask my colleagues to comment on the staging and how that works but certainly, as I said, that is the focus of it. It is also true to say that the service provider and our people there have raised administrative issues which would be better resolved by separating the administrative area. Also, part of it is about freeing up the space that we need to adjust for the purpose of a better flow of people through the facilities. For detail on the staging of the works I might hand over to my colleague.

**Mr FORREST**—It is actually the second stage because the visitors centre is the first stage.

**CHAIR**—Not according to page 14 of the report.

**Mr FORREST**—It is not in our submission, but you told us this morning—

**Mr Davis**—That was the gatehouse.

**Mr Lavers**—The visitor reception area is separate to the main project head. That is occurring right now. That is a separate funding arrangement. But the actual—

**CHAIR**—That is outside this particular submission that is before us.

**Mr FORREST**—I want to know why.

**CHAIR**—Can we come back to that because it is a separate issue. I would just like to understand why the admin building takes priority over other issues which would go to the heart of comfort and better living conditions for detainees.

**Mr Lavers**—The admin building is located in a vacant car park area and can be constructed with absolutely minimal disruption to the rest of the centre. Getting the admin building in first means that we free up some of the internal space. There is an immediate benefit to the operations of the centre by doing that first. It also means that we can continue the operation of the centre while actually getting in and doing those refurbishment aspects in the existing building. Our objective is to try and get those early benefits. That is why we are doing it first. By doing it first it means that it is going to be better for the detainees and the operation.

**CHAIR**—How do you propose during the construction phase to manage to keep a reasonable separation between the various groups in the centre? That is obviously quite important in terms of safety, particularly that of women and children.

**Mr Davis**—That goes to the issue of our service provider and how they operate. The service provider—

**Mr BRENDAN O’CONNOR**—Who is that again?

**Mr Davis**—GSL Australia. A core part of the immigration detention standards—which the service provider tendered and won the contract for—was a focus on the safety and welfare of individual detainees. Part of the core requirement of them is to provide adequate staffing to achieve that. It is true to say that the infrastructure at Maribyrnong as it was when they tendered—and certainly the pricing and the staffing approach they have adopted—seeks to guarantee to us the safety and welfare of individuals. In some ways the separation and expansion issue all come together. The separation issue and giving flexibility to separate through infrastructure will hopefully give us some efficiency as we reprice the service provider’s approach to the way they manage the centre.

**CHAIR**—I would like to bring this back to the question and also ask: how successful have GSL been in ensuring the safety and security of individuals held in the centre and what have the problems been? The heart of my question is how will that be managed during a fairly disruptive phase of construction on the site? How successfully is it managed now? What is the level of incidence occurring now in terms of breaches of safety and security of women and children in particular?

**Miss McKirdy**—I would not say that there are instances of breaches; I would say it is a very intensive process where we keep a fairly high percentage of officers with the detainees at all times to make sure it does not occur.

**CHAIR**—But does it occur?

**Mr BRENDAN O’CONNOR**—Does it ever occur?

**Miss McKirdy**—I am trying hard to think; I would have to go back. I cannot think of any particular instances.

**CHAIR**—Perhaps you could provide that particular information to the committee.

**Miss McKirdy**—Nothing comes to mind.

**CHAIR**—The next question is how will the safety and security be managed during the construction phase?

**Mr Davis**—There are two issues. One is the ongoing process that GSL already have, and as we move forward in the construction phases we will pay GSL to provide additional staff as needed to ensure the ongoing operations to protect detainee welfare. The other issue concerns construction workers that, for whatever reason, need to go into detainee occupied areas—

whether we have what we call static guards or escorts for people undertaking maintenance or other work. So that is something that we will pay and provide for separately, in terms of ensuring that GSL adequately staff the facility to its normal level, and any additional level needed to ensure that we do not have such incidents.

I will add to Miss McKirdy's comments that I am aware from informal discussions with her that there have been two or three occasions over the last year or so where perhaps a detainee has had to be separated from the main group for a period to ensure their own well-being. But the strategy always adopted both in this facility and all other facilities is to seek to reintegrate such people into the main population after that has occurred. Certainly, our psychologists, counsellors, medical people as needed and the detention service providers participate in that process in terms of talking things through with detainees in seeking to achieve resolution of such disputes.

**CHAIR**—To understand where we are coming from as a committee, one of the important aspects of the development that we have to be assured of is the suitability of the facility for the use to which it is to be put. That is clearly one of the key issues in such a detention centre. You might also, when you come back to us with the level of breaches of security and safety of individuals, let us know how the reporting is determined. Who reports to whom? How do we know what is actually happening?

**Miss McKirdy**—Which is exactly what I was going to say. There are breaches and then there is identifying things before they become breaches. Certainly, we are very active in identifying what may become a problem and taking actions and steps before it actually occurs. In a much broader sense, there are a lot of times when it has been identified that we are going to have to take—

**CHAIR**—I think basically we want to have reasonable assurance that this building—this refurbishment and added buildings—will do what it is intended to do and that, during the construction phase, there will be a high level of maintenance of the security and safety of residents.

**Mr BRENDAN O'CONNOR**—Before I move on to some other matters: would there be extra costs associated with GSL performing its responsibilities during the construction phase?

**Mr Davis**—I would expect that there will be some, predominantly in the areas I just described—potentially additional escorts or other staffing to provide for workers and others to go through. Obviously, in terms of how the construction is performed, that will be an issue, but I would expect there will be some. Also, once we are a bit more through the detailed design work, we will require GSL to submit to us a new pricing proposal to operate the expanded and different facility.

**Mr BRENDAN O'CONNOR**—I do not want to go into any details of the budget, but that cost has not been budgeted for?

**Mr Davis**—It has been. That will be covered through the normal operating budget that I hold.

**Mr BRENDAN O'CONNOR**—If we could see that, that would be good. Page 4 of your submission indicates:



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The design is to provide detention infrastructure that is humane, non punitive and sensitive to the needs of people held under administrative detention.

Before I get into some of the details of the actual proposal, I just want to ask what seems to me an obvious question: how is it that, without increasing the actual space inside and outside the centre and by increasing the potential detainees to 50, you are able to make the environment more sensitive and more humane?

**Mr Davis**—I might get my colleagues to add to this, but my initial response is that I believe there are spaces within the facility now that are, if you like, almost wasted in terms of their use. I think the female courtyard, which really has little or no functional use at the moment, is an example. Also, the green space is large. It is true that we are seeking to use some of that in adding accommodation units, but one of the focuses is to enhance the recreation and amenity available to all detainees within both the remaining green space and the other activity and recreation areas within the facility. That in my view needs focus in terms of lifting the whole environment. The detention service provider already has a range of programs and other things that go on. We are seeking here to achieve an enhancement and improvement in the quality of those. That doesn't mean that I think the current programs are inadequate; it just means that, if we can be more creative and improve on those, then that is a good thing for the detainees.

**Mr BRENDAN O'CONNOR**—I understand that 76 is the notional capacity, but there have been occasions on which the capacity has exceeded 76.

**Mr Davis**—There have been.

**Mr BRENDAN O'CONNOR**—How often is it in excess of 76?

**Miss McKirdy**—I know this off by heart. There were 21 days in January, 17 days in December and 17 days in November when it—

**Mr BRENDAN O'CONNOR**—What about giving me the last 12 months, rather than the last three months?

**Miss McKirdy**—I cannot give you the full 12 months off the top of my head.

**Mr BRENDAN O'CONNOR**—So you are saying that on the majority of days over the last three months there have been in excess of 76. What has been the average?

**Miss McKirdy**—The average for November was 73; it was 73 for December—

**Mr BRENDAN O'CONNOR**—That is the average, but I am more interested—and there are times when it will fall below 76—in the number of days when it would be in excess of the current capacity over, say, the last 12 months.

**Mr Davis**—We believe the 76 figure that we use is the capacity for a medium-term period. We do have a nominal capacity of 80 for surge periods. Unfortunately, what we are really saying is that, over the last three months, we have been going into that surge area. I do not know if we have gone over 80 at any point, but we can provide some information.

**Mr BRENDAN O'CONNOR**—That is what I want to know now. We will move it to 80. On how many days in the last 12 months have you had more than 76 and more than 80 people? That is what we need to know. I am just trying to get a figure for what is going on in terms of the current problems you are having. My other concern is that adding a notional 50 extra people increases the population of the detainees by 65 per cent. I understand about the misuse of space, space not being used effectively and so on, but my concern is to what extent the number of potential detainees is growing compared with the increase in space for residential use, recreational use and so on. From what I understand—and I am happy to say this—there seems to be some potential improvements and all the rest of it. However, in terms of sheer space, while ultimately there will be a reduction in outside space—although arguably it will be better used—and there is going to be some increase in inside space, that is not proportionate to the growth in the number of detainees. From that I conclude—I am sorry to give a speech here but I am trying to get to the nub of it—that there is going to be an overall reduction in space for detainees per capita. Is that true?

**Mr Lavers**—No, I do not think so. I am just trying to think through the implications of your question.

**Mr BRENDAN O'CONNOR**—The question is this: will the space grow by 65 per cent, because that is the growth potential of the number of detainees?

**Mr Lavers**—The space will increase to an appropriate amount. I think that it would increase by a relative percentage. I have not actually crunched those numbers.

**CHAIR**—Would you be able to provide that separately in the interest of moving things along? There is no point in speculating if we do not have that information.

**Mr Davis**—Yes.

**Mr BRENDAN O'CONNOR**—When you say appropriate, do you know if it is anywhere near 65 per cent, or is it 10 per cent? You say 'appropriate'—what does that mean?

**Mr Lavers**—We did not look at the actual numbers to build up that performance capability; we looked at the behaviour, the activities and the requirements of the centre to build up the design of it, so we were working with a series of principles and processes rather than slavishly following some sort of formula to build up the extended building.

**Mr BRENDAN O'CONNOR**—I accept what the chair is saying, but you will easily be able to give the committee the actual area space.

**Mr Lavers**—We can provide the existing accommodation area of the building and also measure the new extended building.

**Mr BRENDAN O'CONNOR**—I am not suggesting that is the only measurement of having decent accommodation; I am just raising an issue because I am concerned about the 50 extra.

**CHAIR**—Can I assist here: does the Building Code of Australia make provision for minimum living areas for such types of accommodation?

**Mr Lavers**—It makes various references to a number of codes that cover this. There is a balance of codes that have to be applied. That is why we have a specialist building code consultant, who has made those assessments and has certified that it meets the Building Code of Australia.

**CHAIR**—I guess what my deputy chair is driving at is: will residents have the same space per head of population in the centre as they have now? I think it is quite important that we understand that there is a reasonable degree of amenity.

**Mr Lavers**—Generally, the level of amenity will improve and the amount of space in the accommodation areas will improve. We have attempted to expand the visitors area, education space, dining space and living space to meet to additional numbers.

**Mr BRENDAN O'CONNOR**—I appreciate the problems. You have got no black holes in there; you cannot create space. The point I am about to raise has been raised before but I did not understand fully the answers. In relation to the design that is going to bring about better separation and provide for families—in some instances women and children—can you go through again what you think the current deficiencies are in terms of quality of life, given the context we are in, and the protection of minors and women, in particular? What will the design do to mitigate those potential threats to people's security?

**Mr Davis**—At the moment within the facility there really is only one major separation and that is adult males from adult females and families within the same area. Within the adult female and family area I guess we do have concerns about female detainees who may have a background of prostitution or something of that nature mixing in an environment with families including impressionable children of various ages and both sexes. We do have concerns about people who may have a background of drug use or something of that nature which may lead to influences. Within the adult male area we are seeking to manage this as best we can, but I guess there would be concerns with some former criminals. I do not want to label these people; they are all individuals. But it is true to say that some people who have criminal or prison backgrounds seek to impose their influence or influence the behaviour of other detainees in a way that could compromise the good order and safety of the facility. Those sorts of issues are difficult issues. They are issues that the service provider has to deal with every day. I guess in terms of at least having the flexibility to separate groups, those are the sorts of issues that we feel we can better manage.

This does not mean that we lock people away separately from everyone else at all times or anything of that nature. What it means for us is that, by separating families in particular from the single adult females, for example, some of those influences or other things that may happen whilst living together become lower key issues. Certainly part of the separation also allows staging of things like use of the green space and the recreation areas if necessary. But I envisage that there will be times where basically all the doors are open and everyone is out there together as well. So, for me, it is a matter of having the flexibility to separate when we feel there is something that needs to be managed or needs to be avoided as opposed to necessarily imposing separation just for the sake of it. That is not the intent.

**Mr FORREST**—I would like to go back to my interjection earlier when we were talking about the real scope of the project. I just want to be satisfied as to why the reception centre,

which will cost a sizeable amount and adds another 10 per cent or so onto the total amount of expenditure, is not included with the total project put to the Public Works Committee. Why has it been approved separately?

**Mr Doherty**—We conceived the concept of a visitors' centre well before the government considered the long-term detention strategy in last year's budget. We have had a visitor processing issue at Maribynong for many years. Probably towards the end of 2003 we came up with the idea of a visitors' centre that allowed for the better processing of visitors through the facility. Regardless of the job before the parliamentary works committee, we had already determined that that was a need. Indeed, we have recently completed a visitor centre at Villawood doing exactly the same thing. These centres allow for us to process visitors in an efficient way—that is, get them through and into the centre for security arrangements, X-ray machines and that sort of stuff—and ensure that they can get in quickly, and that contraband and so on is eliminated to the greatest extent possible. This visitors' centre was settled as a project and approved by the DIMIA executive well before the government dealt with the long-term detention strategy.

**Mr FORREST**—Will it be a separate contractor?

**Mr Doherty**—It is a separate contractor. The contract has been let. The works actually began a week or so ago.

**Mr FORREST**—There is obviously a significant investment of security going to that, with X-ray equipment and so forth, yet the project we are being asked to approve has also got a sizeable amount in it for security. I would have thought that that is the coalface, that that is where the security investment would be made. The project has another sizeable amount. Where is it going to be spent?

**Mr Doherty**—The security issues about the visitors centre go to two things: there is, as you rightly point out, X-ray machinery and that sort of thing and there is a connection back to the central control room also that makes up the cost of the visitors centre. From the control room you can open doors, see camera views and that sort of thing.

**Mr Davis**—I guess a good part of the security for the project in front of us is also expanding the cameras or other things as needed to the new accommodation areas. That does not mean we are going to have any more rooms than we have now with cameras inside them. It is true that we do have two rooms in Maribyrnong now which, for observation reasons, have cameras; likewise in the redevelopment we are intending to do the same with the same number of rooms. And it is true that we do need to perhaps install additional security cameras on some of the additional works and the outside courtyards and things that are created. This is going to create some more blind spots if we do not modify the camera arrangements.

**Mr FORREST**—Is there a renewed concern about security to have all that investment?

**Mr Lavers**—Our brief to the project managers is to maintain the existing level of security or improve it if possible. We have got improvements because the more functional layout does help with security because we have separated the administrative area and the control room from the

rest of the centre. That is a major advantage in terms of logical design. The investment in equipment is really just building onto the existing systems.

**Mr FORREST**—Okay, that is on the record. Quite a few times your submission talks about an increased reason for visiting Maribyrnong for health reasons, but surely people do not come to Maribyrnong for health treatment; it is because there is a specialist in the Melbourne metropolitan area they need access to.

**Mr Davis**—That is right. A number of those short-term accesses to specialists, including people from Nauru, often come to Melbourne for specialist medical treatment for a short period and then return to Nauru through those processes. It is also been true that we have brought people from other facilities to Maribyrnong and we have placed them in the community in Melbourne as well because of the specialist medical treatment that is available here in Melbourne.

**Mr FORREST**—What are the arrangements for those people in seeing those specialists?

**Mr Davis**—Those people need to maintain the legal status of being in immigration detention, so if someone is attending a hospital or seeing a doctor and so on they will be escorted or taken there. Usually, I would have thought that GSL would take them there, but if an ambulance were required then it would be called and officers would accompany them. Officers do this sort of thing. Detainees are coming in and out of hospitals and places like that all the time—dentist and other places—and the detention service provider is experienced in trying to maintain detention in the sense of being there and having a presence whilst being discreet and trying to work with hospital and other officials to ensure that they do not intrude on private aspects of medical treatment. That is difficult to balance sometimes, but it is true to say that in most cases we do work cooperatively with health authorities to ensure that people return remain legally in detention in the sense of the service provider having an escort or static guard in those locations who is trying to be discreet and allowing the medical staff to get on with whatever the issue is for the detainee concerned.

**Mr FORREST**—How many of the people currently in accommodation there have that status? What has been the trend?

**Mr Davis**—At the moment, there are none in hospital.

**Miss McKirdy**—But there are quite a few outpatients and the like.

**Mr Davis**—Are there any in Maribyrnong? The question as I interpret it is: are there any in Maribyrnong at the moment specifically there for medical treatment?

**Miss McKirdy**—No.

**Mr FORREST**—Could you provide us with some trend information and the reason why you put it in your submission, because other than one small medical room I did not see much facility there to assist those sorts of people.

**Mr Davis**—It is not so much provision of medical treatment within the facility; the issue is one of medical treatment in the Melbourne area in the hospitals which have specialists who support us. There are a whole range of people who come to Melbourne for treatment and they need to be held somewhere. Maribyrnong might be the place they are held for a short period or, in some cases, as I have said, they might be held in a motel or in the community, where the medical treatment may be extended for a period.

**Miss McKirdy**—A good example is someone who had to come and see an eye specialist for a very specific eye disease, and there were only two specialists, both in Melbourne, so they came to Melbourne. They did not need to be hospitalised or anything like that, but they certainly needed to stay within immigration detention. So they came to the centre and were taken outside on a regular basis for their medical appointments. The medical staff in the centre followed the instructions of the doctor on how that person was to be treated.

**Mr FORREST**—Presumably, they would come from other detention centres around Australia?

**Mr Davis**—Yes, normally they would come from other detention centres. There were some people—quite a few in fact—that came from Nauru for specialist medical treatment and went back again.

**Mr FORREST**—I am interested in this issue of health—the welfare of the people accommodated in these facilities. People get minor colds and abrasions and all sorts of things. How are they managed in the present facility? From what you have showed me the medical centre is pretty cramped. What is the proposal for those people to get access to medical support—not because they have come for that but because they are here?

**Mr Davis**—We have on-site nursing support, and Miss McKirdy might have more detail about that. We have full-time nurses as well as psychologists. We have daily general practitioner clinics where people can be referred to any sort of specialist, just like you and me in the community. There is a visiting psychiatrist who visits all the facilities on a rotation basis—that is, six to eight weeks or something of that nature. But, in between those periods, the general practitioners can of course access state health or private services in Melbourne if needed for any of those sorts of concerns.

**CHAIR**—Can I make a point here, if I may. It was obvious that the current health centre and other services needed refurbishment. Our interest now is in how you are going to improve that, if you could fairly succinctly outline that for us. It was quite clear that the psychologist is currently located right at the door opening into the visitors' centre. It was very clear that the health services centre is very cramped.

**Mr FORREST**—It does not show any detail on the plans, though.

**Mr Lavers**—The medical room will be relocated across the corridor and doubled in size with a brand-new fit-out. It will become far more functional. The psychologists will be accommodated where the medical room is, basically, or in the room adjoining it, so they will have their own discrete area and it will be completely separate from the visits area.

**CHAIR**—I hope that clarified things a bit. You may not have been in the room because it was too small for us all to be in at the one time, but it was explained to us that the current arrangements were unsatisfactory and that better, improved arrangements were going to be made for those services.

**Mr Davis**—I have one comment on that. We are seeking to improve the facilities to provide for those services. In January we had an independent expert panel member, whom we contract separately, to review the medical services provided in Maribyrnong, and the report he has provided us, based on what GSL are providing in their subcontract, is a very positive and strong one saying they are doing what we require of them under the contract in terms of immigration detention standards in very difficult circumstances with the facilities we have.

**Senator FORSHAW**—You have just answered in part the question I was going to ask. In terms of the design of the upgraded and additional facilities, and appreciating that this is not a new development, what sort of consultation did you have with experts in health services or other areas of keeping people in detention other than just saying, ‘We have got the building code and a quantity surveyor’? Can you outline that a bit more?

**Mr Davis**—Mr Lavers can add the experience of the architects in the design issues, but certainly we have people who we use on a regular basis who have long experience in institutional environments.

**Senator FORSHAW**—That may not be a plus.

**Mr Davis**—I understand. We do receive and take that sort of advice to facilitate not just infrastructure but also the delivery of services that best meet the needs of the detainees. That is what we seek to do and that is who has reviewed health services. On the design issue, I am better off if Mr Lavers answers.

**Mr Lavers**—Some of the issues are really quite straightforward. When it came to the medical area we talked to the nurse who was there. She said, ‘This is tight; this is not working very well.’ We discussed it with her and decided to double the size. Some of it is that simple and it is looking at you right in the face. It was the same thing with the psychologists room. That has been relocated. That was representations from GSL. Many of the design features have come from the detainees themselves. Miss McKirdy and Mr Decis regularly have consultative meetings and from those consultative meetings we have had some very good suggestions. We have taken those on board as part of the design.

**Mr Davis**—As well as the experience of our architects and other advisers.

**Mr Lavers**—Certainly, I could speak more on that.

**Senator TROETH**—In your main submission you mention that there is a heritage overlay to the surrounding area but that it will not impact on the expansion project. Can you explain what the heritage overlay is? Why do you anticipate that it will not impact on the project?

**Mr Lavers**—I understand that the heritage overlay is basically a master plan that is used by the Maribyrnong council and local government. I am not entirely sure who the author is. I read

that and it does not call up any part of the Maribyrnong Immigration Detention Centre as being significant for heritage protection.

**Senator TROETH**—What does that heritage overlay encompass? What is the description of it?

**Mr Lavers**—My understanding is that it is an overview plan and basically it shows that we are not part of it. It is that simple.

**Mr Davis**—It is an overlay of the area.

**Mr Lavers**—Yes.

**Senator TROETH**—I do not want to labour the point, but if there is a heritage overlay there is a reason for it. I wondered what the reason for the overlay is.

**CHAIR**—Perhaps we will have a chance to speak to the Maribyrnong council about that.

**Mr JENKINS**—I am sorry that after all this time I have to go back to the start. In the submission the project objectives read:

The expansion of the MIDC is to achieve additional accommodation that provides improved amenity and demonstrates a clear regard for the personal needs and dignity of the residents.

The design is to provide detention infrastructure that is humane, non punitive and sensitive to the needs of people held under administrative detention.

Once you have to administer administrative detention, a number of the things that you are going to do would improve the lot of detainees. My sticking point from the start is to achieve additional accommodation. That has been placed at 50 positions. It has been placed in the context that this is an interim measure before perhaps Broadmeadows goes forward, which will have an even greater number of places. I am really interested in the science that is behind the 50 and the need for Broadmeadows and the greater number of places. Is there anything about the trends that are going on? Are there elements of the present government's immigration policy that are not being as successful as claimed—that they are reducing the number of overstayers and those seeking asylum? What is magical about the 50 over the first interim period leading to an additional number required at Broadmeadows?

**Mr Doherty**—We talked earlier about the government looking at the long-term detention strategy in the last budget. In the construction of the long-term detention strategy we looked at what the drivers were for the number of overstayers in Australia, and it essentially boils down to overseas visitors to Australia. The forecasts of increase in overseas visitors are in the order of a growth of five per cent per annum from this year onwards. That in itself is obviously providing a bigger pool of people who may overstay, but the department has a range of strategies across the processing of visitors and the admission of visitors. For example, we have airport liaison officers in overseas airports feeding Australia. Their job is to make sure that the people who are visiting Australia show all the evidence of being bona fide visitors and that their intention is to come and enjoy their stay in Australia and then go home. We have systems and things in place at our



overseas posts to minimise the proportion of people who are overstaying. I think we can provide some statistics to you showing that overstayer rates are in fact declining over time.

Nonetheless, if you are dealing with a five per cent per annum growth in overseas traffic, it is simply going to drive up the number of people who may overstay their visas in Australia. The demonstration of that in Melbourne, as we talked about earlier, is that we keep breaching the 76 level in Maribyrnong at the present time. When we go out on organised arrangements, we sometimes pick up significant numbers of overstayers. That is not to say that everybody we pick up ends up Maribyrnong. We try to make sure that we look at the extent to which we can issue bridging visas to people on the assumption that they will make arrangements to go and abide by those arrangements. The only people who are admitted to Maribyrnong after compliance arrangements are people we believe will not abide by bridging visas. That is essentially the driving force behind the numbers. The increase of 50 is simply based on architectural advice as to what we could do with the site and what the maximum capacity for the site could increase to in the current location of the buildings.

**Mr Davis**—I would like to add a couple of points to that. One is, and I think I made it earlier, that we have sought to use other detention facilities to hold people as well. It is true to say that we have probably sent people interstate to Baxter or Villawood who we may have preferred to accommodate here in Melbourne. But the limitation in size and the capacity issues have meant that there have been times where we have simply had to transfer people interstate. The other thing, adding to Mr Doherty's comments, is that, in terms of statistics around the number of people detained or who ultimately end up in a detention centre, the latest numbers I have seen for the current financial year to date are just under 30 per cent of adult males who are detained go into a detention centre as opposed to getting a bridging visa or some other arrangement. It is just under 20 per cent for women and it is around eight per cent for children. So there is a deliberate attempt by the department to only use detention when there is a view that we have to do it. The overall majority of people who are found to have breached their visa conditions or overstayed their visa never end up in a detention facility.

**Mr JENKINS**—Mr Davies and Mr Doherty, I hope you do not feel I am too disrespectful, but you have not really reassured me. What you have given me is a story that I still cannot get my head around. While I agree that, besides all those other elements, things can be improved by the works to be done, I still cannot get my head around the 50 or the need for Broadmeadows. I stress Broadmeadows because we acknowledge that the type of delivery system used here at Maribyrnong might be different if Broadmeadows were not part of the overall strategy. I am uneasy now because I still cannot get my head around the idea that there will be a need for increased numbers at Broadmeadows. That is obviously my problem and not yours, although if other members of the committee have the same problem it then becomes yours.

**CHAIR**—Mr Jenkins, the question that we asked right at the beginning was: could we have an overview of what is happening so that we can see that the money being expended here is necessary within the context of detention centres throughout the country. That may become clearer when we get that additional information.

**Mr JENKINS**—I have a question about portable and transportable buildings. Often they conjure up a lower level of building in people's minds than I think might be envisaged. There would be concern in the community if we told people that we were going to accommodate

people in a portable building. What would be your response to the type of building that we are looking at for Maribyrnong?

**Mr Davis**—Mr Lavers can add to my answer in terms of the design and design issues, but one observation I would make for the information of the committee is that when we put in an additional 40 beds into the Villawood stage 1 facility—and the Villawood stage 1 facility prior to that was two very large dormitories, so not quite what Maribyrnong is; it is probably more open and, if you like, there is privacy—it is certainly true that the detainees of that stage much prefer what we have put in during the last year or so over what there was before. There is a clear preference and a desire amongst the detainees to get out of the dormitory style accommodation and into that facility. That has helped guide some of our thinking about why this approach is one that can successfully work within the nature of what we are after.

**Mr Lavers**—As part of the early design stage, we visited Villawood and we took the architects and project managers with us to look at that example. Also the architects took us to see the Dillwynia low-security women's prison that was recently completed in New South Wales, which seeks to achieve a light, bright residential appearance. Basically, the scale of the materials is that of residential non-confrontationalist. It is trying to surround people with the familiar scale of building elements with a good relationship between indoors and outdoors. They are some of the guiding principles that the architects have taken on board during the course of the design.

In applying those principles, we asked how it can be manufactured off-site not to look like a construction shed but to look like some of these best practice examples. By and large this is what they have achieved. The roofs on the demountable buildings will probably be constructed on site. They have a normal pitch on them so they do not look like a bunch of boxes put together; they actually look like a proper building that sits on site and blends in with the existing architecture. I have mentioned that the accommodation units are the prefabricated, premanufactured units that clip together quickly. The interior, or the actual living areas, will be manufactured out of limited prefabrication but basically erected on site. These will be lifted up so that we can get natural light flowing into the area. Stepping down next to the actual accommodation units will be a lower ceiling at a domestic level. In those group areas, where people will be watching TV or whatever it might be, the ceiling liner will be lifted and put on an angle so that you can get the flow of natural light coming through it.

So, once again, the architects are trying to pick up on those best practice principles and apply them to prefabricated units. We have discussed with the planning department of the Maribyrnong City Council the external appearance of the building. They are seeking to put a number of decorative elements on it so as to create a pattern. I have some preliminary concept drawings that we have been working on that show in more detail the type of pattern and appearance of the exterior of the building.

**CHAIR**—It might be helpful if we could have those.

**Mr Lavers**—We can certainly show you those, but they are very much working drawings at present.

**CHAIR**—That is fine.

**Mr BRENDAN O'CONNOR**—I have two questions that only require yes/no answers. One is: is it your understanding, Mr Davis, that when the Broadmeadows centre opens, assuming that it does open, this centre will close?

**Mr Davis**—That is my expectation and understanding.

**Mr BRENDAN O'CONNOR**—The other question is another matter that is not entirely related but to do with the self-catering proposal. Did that proposal emanate from the desire of detainees, or did it come from elsewhere? What do you see that as doing for them, Miss McKirdy?

**Miss McKirdy**—Self catering?

**Mr Davis**—Yes, it emanated from the detainees.

**Miss McKirdy**—And we have been saying that people are there for a short stay. They are not after long English courses or anything like that, but they want things to do. A good communal thing to do is to cook together, to prepare a meal. They all have different specialties and there are up to 20 nationalities there at any time. It is a great activity that involves a wide range of people and that they really enjoy. We would like to put in facilities that allow that to occur.

**Mr Davis**—We are seeking to do some similar things at Baxter and other places—barbecues and facilities where the detainees can essentially do it for themselves. That is a philosophy that has been emerging in recent times, and we are trying to do it here.

**Miss McKirdy**—At Maribyrnong, cooking your own barbecues and things like that are preferred activities.

**CHAIR**—I have one final question that can also be answered with a yes or no. On page 1 of your submission No.2 you highlighted:

... the need to consult with experts working with asylum seekers, such as JAS, when developing and implementing systems for managing unauthorised arrivals.

Has DIMIA consulted with such welfare agencies to ensure the best possible outcomes for people in detention?

**Mr Davis**—I am not sure of your exact reference. I can recall one meeting with people from A Just Australia on asylum seeker matters. But there are certainly consultation processes with a number of NGOs and people in a range of forums.

**CHAIR**—To circumvent this, so we do not get further away from our time constraints today, could you please provide to the committee a list of those organisations which you have consulted with?

**Mr Davis**—Sure.

**CHAIR**—Thank you. And how many times you have consulted with them.

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**Mr Davis**—Sure.

**CHAIR**—Thank you very much. I thank the department.

[1.14 p.m.]

**MacDONALD, Councillor Michelle, Mayor, Maribyrnong City Council**

**MATTEO, Mr Nick, Manager, Community Planning and Advocacy, Maribyrnong City Council**

**O'LEARY, Mr John, Community Development Officer, Maribyrnong City Council**

**CHAIR**—Welcome and thank you for agreeing to meet with us. The committee has received a submission from the Maribyrnong City Council. The submission will be made available in a volume of submissions for the inquiry and it is also available on the committee's web site. Do you wish to propose any amendments to your original submission?

**Councillor MacDonald**—We have a more detailed submission. We did not have sufficient time to do a proper community consultation before the preliminary submission so we got something in based upon previous council policy. Since then, we have had a community forum and so we have a more extensive submission to give to you today.

**CHAIR**—Thank you. You have obviously given us quite a detailed submission and additions to that. I now ask you to make a brief opening statement, because of constraints of time, and then we will proceed to questions.

**Councillor MacDonald**—I thank the joint committee for this opportunity to present Maribyrnong City Council's submission. Our submission presents the input from council staff, community based organisations and members of the community—about 70 citizens—who attended a public forum at the town hall last Thursday, 17 February. As the key local authority, council have an interest in the proposed works, obviously, from a planning perspective and also from a human rights and social justice perspective. We do understand that the human rights stuff does not fall within your terms of reference, so I will stick within the terms of reference as best I can. I will say, however, that council as a local planning authority have grave concerns about this proposed expansion.

Also, as a provider of community services to the detainees, we have some grave concerns about the lack of consultation with council and the time frame such as the submission's deadline being over the holiday period, when key organisations were closed and council was in abeyance. That is also why we had to put in a preliminary submission and why we have just given you a more extensive one now. Obviously, given that the detention of immigrants and asylum seekers is a very important community issue and one that causes great angst in the community, I think it was essential to have the most open and transparent consultative process possible.

Broadly, council's view, based on documents and data that DIMIA have provided so far, is that they have not made a suitable case to justify the additional accommodation proposed. There has not been a necessary analysis of trends, impact assessments and other comparative information for them to make a salient case for that expansion. We are also gravely concerned that, in presentations to our public forum last week, DIMIA told the community present that there would

be changes to those plans when this expansion goes to tender and so we are unsure as to what we are actually talking about because those may change, the rooms may get bigger, they may get smaller. Who knows what may happen. As a local planning authority, that fills me with the greatest amount of dread, so there is no way we could support the proposed expansion.

With regard to that process issue, I also think the Commonwealth government has a moral responsibility to act as a good community citizen and that these proposed works should really be the subject of a shadow-planning process to allow for objections from the public and refugee advocate groups. There are examples of this that are precedents—for example, the redevelopment of the Footscray police station, which is currently going through a shadow-planning process. The state government do not need to do that, but they are going through that process so that they can properly consult with the community and it is all open and transparent. Maribyrnong council itself, rather than approve its own aquatic centre and its own chamber, sent it off to an independent committee appointed by the state government. It is important to go over and above your legal obligations sometimes in order to get the best outcome for the community and for stakeholders. Again, is this detention centre interim or not? We do not know. Again, we have grave concerns. We are a local planning authority.

I have a map here of where the detention centre is. Council for many years now has run a number of planning scheme amendments to redevelop the site known as the Hampstead Road precinct. The yellow and orange bits are the entire precinct. I will talk to this map and then I will pass it around. The detention centre is the white bit in the middle. The yellow and orange bits are currently Victoria University student accommodation, an old Telstra site and an old Smorgon site. So at the moment those areas coexist peacefully in the current land planning scheme. However, what has been planned for this site—and there have been a number of major planning amendments over the last 12 months—is to make the entire area around the detention centre into high-quality housing. So we are going to have what are currently student accommodation and some disused old industrial sites as high-quality housing. This is a threshold site, and if this detention centre is not temporary there are some real problems of land use. So now we are going to have a detention centre in the middle of a high-quality residential and mixed use commercial zone.

I will mention to the department some points about a heritage overlay. There is one small heritage overlay on the adjacent site which is some old defence land—a defence building that is currently on the Victoria University student accommodation site. It is worthy of note that this area is undergoing significant change. When the Maribyrnong detention centre was first built a lot of this area was surrounded by active defence land. In the next 10 years pretty much all of that defence land will become residential land. So what you have got is a detention centre now in the middle of major residential development. The development is very attractive to people as a residential option. It is seven kilometres from the CBD. It stands to reason that it has always been council's plan to develop this site. There has been extensive community consultation, yet not once did DIMIA say to council, 'Here is our vision.' They have not commented on their vision for this area. Council has severe concerns about what this will mean for the future development of the Hampstead Road precinct.

**Mr FORREST**—What is the status of the current scheme? It has now gazetted what you have just described?

**Councillor MacDonald**—Yes. There have been planning amendments. There is currently community consultation happening. There is a plan out for the development of the orange section. The VU section will probably not be taking part—my understanding is that in the next five to 10 years that will be developed. The orange section is housing and mixed use development. The green dots specify the number of storeys that housing could be. Housing goes right back—

**Senator FORSHAW**—Is all that information contained on this document? We do not want to get a document that does not—

**Councillor MacDonald**—Yes, there is a key at the bottom. There are some very serious issues for council around land use, the future of our city and the future amenity of our residents. I will circulate the map now.

**Senator FORSHAW**—I move that the committee accepts the document.

**Mr BRENDAN O'CONNOR**—I second that.

**CHAIR**—The committee agrees to accept the document.

**Councillor MacDonald**—Also, the council considers the detainees to be members of our community and as such we provide support services for the detainees. Council is a provider of a maternal and child health nurse and a mobile library service and we also assist children in detention going to local schools. You would think that as a social support service provider to the detention centre we would have been consulted when an extra 50 people were going in there and that DIMIA would have worked in consultation with us about the provision of those services. It is disappointing and shocking that that has not been the case. Additional people at the detention centre mean an additional burden on us and we believe that is an example of federal government cost shifting. We would have liked in these proposed works a line item to reimburse council some of the money that we spend supporting detainees of the federal government.

There has also been no comparative cost-benefit analysis of detention versus other successful community based management models for refugees and asylum seekers. I really think that it is incumbent on all levels of government to provide clear, comprehensive and well-researched evidence to support expenditure of public moneys. If the information that I have got from DIMIA had come to my council, I could not in all conscience have put money towards it. I think these things have got to be much more vigorous, and the fact that those plans could change I find, as a local planning authority, very disturbing.

I am mindful that it does not fall within your terms of reference to discuss the human rights issues here. The public forum that we had was very enthusiastic and very passionate about those human rights issues—

**CHAIR**—We understand that.

**Councillor MacDonald**—so, although it does not fall within the terms of reference here, I would ask that—

**Mr BRENDAN O'CONNOR**—It is incidental, because the government purpose is—as it says in its own submission—to make things better and more humane. Therefore, if it does not actually fulfil its purpose then it is an issue for us.

**Councillor MacDonald**—Okay. As a way forward maybe you will be able to pass on our submission to the Immigration Detention Advisory Group and maybe they are some issues that they may pick up as well.

**Mr FORREST**—Are you able to make some sort of summary of the public meeting issues in a form that the committee could receive?

**Councillor MacDonald**—I think we have done that in our current submission.

**Mr Matteo**—That is in the supplementary information.

**CHAIR**—Before I call on members to ask questions I want to make it very clear that, as I discussed with Mayor MacDonald over the phone, the Public Works Committee has a charter under the Public Works Act 1969 to consider proposed works as expeditiously as possible. To this end advertisements are placed in major local newspapers, and key stakeholders as nominated by the referring agencies are specifically invited to make submissions. So we wrote to all relevant authorities and members of parliament—state and federal. Further, the inquiry is advertised on the committee and the House of Representatives web site and through the electronic publications of the parliament. Under the act the committee has an obligation to advertise and consider each work as soon as practicable after its referral. This was a work that originally was not going to be referred to the Public Works Committee and, with consultation, was referred. That happened just before parliament rose, and we began that procedure as the act requires us to do. So I want to just make absolutely clear that there was nothing sinister in these advertisements going in over the Christmas break period. It was purely to meet our obligations under the Public Works Act to start proceedings as quickly as possible after a work is referred to the parliament.

**Senator FORSHAW**—There might be a reasonable case to put in respect of the public in that—and I say this with respect—I am not sure that a council is necessarily able to use that same excuse. Other than maybe for a few public holidays councils do continue to operate and process—

**CHAIR**—Am I able to respond to that? I would not want to have anybody think that the Public Works Committee was engaging in any kind of conspiracy to stop public comment on it. Far from that, we insisted that the work come before the Public Works Committee.

**Councillor MacDonald**—The issue was not so much as a council; the issue was consulting with our community, who were on holiday at that time.

**CHAIR**—There was another point I wanted to check on, because the Public Works Committee is always concerned—and almost every inquiry we have done we have asked the agencies to ensure it—that there is an appropriate consultation process. That includes consulting with neighbours, councils and other appropriate bodies. As I understand it, Mayor MacDonald,



in your submission you said that there has been no consultation by DIMIA with the council. In the department's letter to us after your submission, they say:

DIMIA recognises the importance of consulting the Maribyrnong City Council on the project. DIMIA representatives met with Mr Panagakos and Mr Matteo—

who is here today—

of the Maribyrnong City Council on 15 September 2004 to discuss the project. DIMIA wrote to the then Mayor of the Maribyrnong City Council, Cr Joseph Cutri on 31 August 2004. DIMIA also wrote to the Maribyrnong City Council on 14 October 2004.

It offered to fully brief the council. Could you respond to that, and have you taken up that offer of a full brief to the council?

**Councillor MacDonald**—I think Mr Matteo could, given that he was at those meetings. My understanding is that we were told there might have been something going on. One planner was briefed. There was then a federal election and nothing else happened. The next we knew of it, the Public Works Committee deadlines were upon us. I think the way DIMIA has presented that information is a bit misleading. I am also advised that we evidently initiated that meeting.

**CHAIR**—Would you care to comment on that, Mr Matteo?

**Mr Matteo**—Strictly speaking, that is correct, technically. However, at the September meeting in 2004 we indicated our concerns about the proposal and also about the policy and human rights issue.

**CHAIR**—As you can understand, the policy issue is not one the department can unilaterally change.

**Mr Matteo**—We understood that.

**CHAIR**—So we have to come back to the planning, suitability and so on.

**Mr Matteo**—We also asked if we could get some advice around the policy and human rights issues to go with the planning. That was not forthcoming. The only time we knew after the September meeting about the planned go-ahead of this was the advertisement in the paper.

**Mr BRENDAN O'CONNOR**—I want to get this clear. The department asserts to us that they contacted you, in writing—and this may have been on your initiative—on 14 October, after the election, and offered to fully brief the council. Is that a recollection of yours?

**Mr Matteo**—It may have been, but it certainly did not come down the line from the mayor's office. But I guess our concern is that, given our concerns at the time, there was not a follow-up phone call. We had been in contact with departmental officers around that, so we felt there should be a follow-up.

**CHAIR**—I understand also from their letter that senior managers of the department were to meet with the council and community representatives on 28 January at a public meeting. You have now had that. They were sending representatives to that meeting. They also said that they felt the interaction had been cordial to date and they are committed to continuing the consultation process.

**Mr Matteo**—I can comment on that. Certainly that was a meeting that we convened as a courtesy to inform the department that we were planning a public meeting and to involve the DIMIA officers in the pre-planning of that to ensure that they were not ambushed. We made sure that the public meeting was a positive meeting all round. It was not necessarily part of the consultation process.

**Mr BRENDAN O'CONNOR**—Obviously, those issues of consultation are important. I am trying to go through your supplementary submission. As to the extent and the nature of the consultation, what were you given in broad terms? Obviously you are aware of, potentially, 50 extra detainees being housed there. What other information were you in receipt of? What are the advantages and disadvantages? Clearly, you have focused on some concerns about consultation on some other things. I do not support the government's policy, but I am not here to discuss that. I am here to discuss whether money can be spent to improve the lot of the people detained. I want to know whether there are some benefits arising out of it, as well as any disadvantages.

**Councillor MacDonald**—My concern is: how can I answer that question, when I do not know what we are actually talking about? DIMIA have already told a public meeting that those plans will change. Are we talking about the plans—which I assume you have all seen as well—that DIMIA presented to the public meeting in Maribyrnong? Are we talking about those plans? DIMIA told us that, once the expansion goes to tender, those rooms could get smaller or could get bigger. We had people at that meeting asking: 'What about lighting?' 'Are there doors on the rooms?' Sure, DIMIA were very reassuring about those things. But then they said those plans could change once it goes to tender. As a local planning authority—

**Mr BRENDAN O'CONNOR**—I do not want to interrupt you, Councillor, but we have just had DIMIA give evidence under oath and we are going to have them come back, so we will ask them that question about what fundamental changes there might be in the offing. We, as a parliamentary committee, would be concerned that we were getting evidence that was deficient. Assuming, for the moment, that there are no changes, are there any advantages that you may see? I understand the disadvantages. I have raised in evidence already concerns that I have, as a member of this committee, about the potential loss of space per capita. Also, we have expressed concerns about the recreational areas, possible loss of areas outside and so on. You are not alone, at least, in raising those concerns. But I am really asking whether the council can see any potential benefits as well in putting money into an area which is clearly deficient in terms of services, accommodation and so on?

**Councillor MacDonald**—I find it really hard to answer those questions, when we do not know whether it is a temporary facility. Going back to spending \$7 million on, supposedly, a temporary facility, I see there is no money yet in a budget for the Broadmeadows facility. So I am caught in this paradox—and I do not mean to be purposely obtuse—and I have trouble talking about 'what ifs'.

**Mr BRENDAN O'CONNOR**—We are in the same boat, we listen to what governments are suggesting and the proposal is that the Broadmeadows Centre would be constructed in 2010-11. The assertion made today by the department is that they understand that, once that opens, Maribyrnong closes. On the evidence we have received it will be six years, not six weeks or six months. In the interim period of six years do we spend any money on that detention centre? Clearly, the government believes so. We are just seeing whether it will be spent in a way that will mitigate problems associated with being detained.

**Councillor MacDonald**—I think the amenity of that centre definitely has to be improved. Looking at the plans, I do not believe that it will alleviate those problems. Mr Matteo may have a different view.

**Mr Matteo**—I think there are two parts. Certainly in terms of investment for amenity, DIMIA have made the case for the changing needs, to ensure prayer space, the separation, and I think the principles are fine. But we believe that the case for the additional accommodation has not been made and will militate against any amenity improvements that they will undertake. That is it in a nutshell.

**Mr FORREST**—I just ask again and confirm my interjection to you about the status of the town planning scheme that you have provided. It still says, 'draft indicative development plan.' What is its proper status? Is it now the state government approved planning scheme or not?

**Councillor MacDonald**—No, that still has to come to council as a final.

**Mr FORREST**—I am not asking about the detail of it; I am asking about its proper status.

**Councillor MacDonald**—The orange bit on the plan, going along Hampstead Road and up here, is going to become an AV Jennings development. That is currently in the planning stages. They have been planning amendments to change the zoning to allow it to become residential. So that has all happened. At the moment though they are really sorting out the nuts and bolts of how the roadways are going to go. It is very strangely shaped. So the issues around where traffic goes and that sort of stuff are still being ironed out. We are still meeting with residents.

**Senator FORSHAW**— Who owns that land?

**Councillor MacDonald**—AV Jennings.

**Mr FORREST**—What I am getting at is: this has got to go through its own consultative proposal.

**Councillor MacDonald**—Yes.

**Mr FORREST**—There could be objections. Presumably some of the industrial landholders along the main street would probably object, so the status of this plan is by no means legal yet.

**Councillor MacDonald**—No. It still has to come to council but it has been endorsed as a plan by council as part of the process of the planning scheme amendments. All these people are in partnership. They agree on this plan for this precinct. It has come to council as a plan for an

entire precinct. Every other owner of land there, including Victoria University, AV Jennings and the owner of the old Telstra site, have given their views about the vision of this area, except for DIMIA. Everyone else is in agreement. There may be the odd disagreement with a resident about how many cars should go down a road or something but, in terms of a vision for this site, DIMIA is the only stakeholder who has consistently refused to comment, not commented or ignored the whole thing. Everyone has been working in partnership around this.

**Mr FORREST**—So all the orange area is Jennings owned land too?

**Councillor MacDonald**—Yes.

**Mr FORREST**—Obviously they are leasing to the industrial people who are in the buildings?

**Councillor MacDonald**—It is my understanding that that is a Jennings housing development.

**Mr FORREST**—Just to ask Mr O'Connor's question a little differently, but sticking with strict town planning parlance, if you like, given that there are fairly high-density proposals all around it anyway, is there any particular town planning issue with regard to what you have seen so far with the use of the site in terms of amenity, density of people, car parking and so forth? The committee is in an awkward position. We have to know if council has a philosophical objection or whether it is a technical town planning objection to maybe the density of the development that is proposed for the detention centre. Which one of you is the town planner?

**Councillor MacDonald**—None of us are town planners but before I came here I spoke to a town planner who has been working on this site. I got her to put her planner's eye across this. I said to her: 'If a detention centre were to be staying as a permanent facility, what would we say? If we were the planning authority and it came to us, what would our opinion be?' She said that, as a temporary facility, given that currently you still have student accommodation and you still have some vacant industrial commercial land, in pure planning terms it is okay temporarily. If it were to be permanent, severe issues come up about that land use—about being in a mixed residential/commercial development, about the amenity of the people around it and about growth concerns. This site is a site on the threshold of change. This is going to be completely transformed. We have thousands of families living here. I do not think it is the best situation to be in from a planning perspective—to have a detention centre in the middle of a prime residential development.

**Mr FORREST**—That is like shifting the goalposts though.

**Councillor MacDonald**—DIMIA were given the opportunity to contribute to this. We did not do it secretly. It has involved years and years of work. They chose to opt out of the process. We do not love approving a housing development with a detention centre in the middle. It gives me no joy.

**Senator FORSHAW**—I am from Sydney. This looks to me a bit like what you might call a local environment plan, LEP, in New South Wales local government law, in a subdivision or whatever. Is this subject to approval by the state government?

**Mr Matteo**—Yes. It has to be gazetted as a process.

**Senator FORSHAW**—But it has gone through council as a concept?

**Mr Matteo**—That is correct.

**Councillor MacDonald**—As a precinct plan, yes.

**Senator FORSHAW**—You mentioned earlier that some of the land is defence land.

**Councillor MacDonald**—Very little of it is defence land. I think that maybe some of it used to be. None of it is currently defence land. I know that the heritage overlay that DIMIA referred to before was a couple of buildings of the VUT student accommodation, which is up in the top right-hand corner. The defence land really comes in across Williamson Road. Waterford Green is all old defence land. There are bits, but it is not significant.

**Senator FORSHAW**—Is there any defence housing within that?

**Councillor MacDonald**—No.

**Senator FORSHAW**—A large part of the issue here is that we have this facility that we have seen this morning and, I will be blunt, someone said it is deficient; I thought some parts of it were pretty bad. I could be more direct, but I will leave it at that. Putting aside the issue of the additional people that may be accommodated there, has the council given any consideration—and I do not mean just councillors but council officers, the people who are employed by the council to look at building standards and accommodation standards and the fact that you are providing services to people who are staying there—to the current state of the facility and would you have any objection to it being improved? That, to me at least, is the first issue.

**Councillor MacDonald**—I think that is what Mr Matteo answered before. Do you want to repeat that answer, Nick?

**Mr Matteo**—We would certainly support improved amenities for the current detainees.

**Councillor MacDonald**—But we do not know that these plans are going to do that.

**Mr Matteo**—Based on the scope of works.

**Senator FORSHAW**—I know it is Commonwealth property, but has your council, given that you have been dealing with and interacting with the facility for quite a number of years through the provision of services and so on, actually put things to the department to express your concerns about the standard of the accommodation or whatever? It is the normal sort of thing that councils might do.

**Mr Matteo**—Absolutely. Attempts to go and visit the site have been denied up to this point. Therefore we have not even had a chance to go on site to have a look at it in total. We have had some service providers on site. We have not had the opportunity to have an overview of the site itself.

**Senator FORSHAW**—That is both councillors and council officers? You are all council officers, are you?

**Councillor MacDonald**—No. I am a councillor.

**Senator FORSHAW**—So that is both members of the council and council officers?

**Mr Matteo**—Yes. Requests have been denied so far.

**Senator FORSHAW**—Thank you. That is all from me.

**Mr JENKINS**—I preface my remarks now having read the final submission, lest anybody think that I was a stooge of the council, and I independently came to the questions about the need to prove capacity and agreeing about some of the amenity. I doubt whether Mr O'Connor will believe me, but he has to. When you say that the department was approached years and years ago about the precinct plan, when exactly did this all start? I want to get a handle on the attempts made by council to put this precinct plan in place and ask around all the owners.

**Councillor MacDonald**—I was elected to council in March 2003 and it was way down the track at that point. It was at least five years down the track, I would say. I am not sure that Mr Matteo would have been involved in this.

**Mr Matteo**—We could find out for you.

**Councillor MacDonald**—We could find out for you, yes. I would say that, from here back, it was at least five years.

**Mr JENKINS**—I am especially interested in the approaches made about the use of the detention centre and whether the department had any comment about what was going on around that. I am interested in the levels of consultation. Have I got it straight that you have service providers that deal with the detainees and their families not only off site but also on site?

**Mr Matteo**—There has been some occasion I think when our maternal and children's health nurse has been on site. There has also been the delivery service of the library.

**Mr JENKINS**—Has there been an element of consultation about that day-to-day relationship with council, or is that more on a case-by-case basis? For instance, there was a comment made in the submission about considering the detainees part of the community. Is it because of the kids going to the school or something like that that they become part of the community?

**Councillor MacDonald**—I might just expand on that point. That was the cause of a lot of angst within the council. There is a diversity of detainees in there. Which ones do we help; which ones do we not help? The way forward for us on that was that quite a few of these detainees, once they are out, do actually settle in the city of Maribyrnong. So to us it is worth that investment of time and money connecting people to our community so that, when they do get out, they have access to those services and they are already linked. Although it is a human rights thing and it is not strictly relevant in your terms of reference here, we are one of the most multiculturally diverse areas in Australia; having this detention centre within our community, we

felt obliged to do something about that. That meant helping those detainees—to alleviate some of their distress, to assist them in connecting to our community.

**Mr O’Leary**—Mr Jenkins asked about council’s involvement with the detainees. In the western region, council has traditionally been involved in working with a whole range of different communities. We are part of what is known as a western region ethnic settlement planning group, which is made up of about 15 different agencies in the area. Also, traditionally there was the Inner Western Migrant Resource Centre. That was closed by the federal government fairly recently, in the last two years. People there were actively involved in working with the detainees. Since the closure of that organisation, it has been very difficult, one could say, for a number of service providers to work with the detainees inside Maribyrnong detention centre.

**Mr JENKINS**—Chair, I was really only pursuing that to get an understanding of the day-to-day consultation and whether that then flows onto the consultation that may or may not have been possible.

**CHAIR**—As we are now finished with questions, I thank the witnesses very much.

[1.56 p.m.]

**GRECO, Ms Sarina, Manager, Ecumenical Migration Centre, Brotherhood of St Laurence**

**HANNAN, Ms Ainslie, Coordinator, Ecumenical Migration Centre, Brotherhood of St Laurence**

**ACTING CHAIR (Mr Brendan O'Connor)**—Welcome and thank you for meeting with us today. Do you have any comments to make on the capacity in which you appear?

**Ms Greco**—We are today representing the Justice for Asylum Seekers network.

**ACTING CHAIR**—The committee has received a submission from the centre. This submission will be made available in a volume of submissions for the inquiry. It is also available on the committee's web site. Does the Ecumenical Migration Centre wish to propose any amendments to its submission?

**Ms Greco**—No, not at this stage.

**ACTING CHAIR**—Then I invite you to make a brief opening statement, after which we will proceed to questions.

**Ms Greco**—In considering the proposed works to the Maribyrnong detention centre, we ask the committee to consider, and bring to the attention of both houses of parliament, the proposals we have set out in *The better way*, which I think you have, for an improved system of managing people currently held in immigration detention. We ask the committee to consider our proposal in relation to the stated purpose of the work, if the purpose of immigration detention is that people be available to the department for the purpose of removal, and therefore the suitability of the work for that purpose—that is, the case for detention for administrative purposes. We also ask the committee to consider our proposal in relation to the necessity for or advisability of carrying out the interim work without consideration of the need for detention of the significant numbers of persons who may pose no risk to the community.

We ask the committee to consider the most effective use of the moneys when the current detention system is not only costly to the public purse but imposes a human and social cost to the community that we find unacceptable and unwanted. Finally, we ask the committee to consider the present and prospective value of the work, when a reputable, detailed and fully costed—that is, cheaper—alternative proposal that can reduce the number of people held in detention without diminishing the compliance rates has yet to be trialled. The cost research is readily available, and we have provided a copy of this as well. That was undertaken by an independent economist on behalf of Justice for Asylum Seekers.

The Brotherhood of St Laurence today represents the coalition of welfare agencies and community organisations in Victoria, which combines our expertise in working with compliance cases and welfare provision under the umbrella of Justice for Asylum Seekers. We believe that



no further public moneys should be spent on immigration detention centres when the activities that are carried out in these facilities warrant serious review and urgent reform.

We bring to your attention that the newly built Baxter detention centre, touted as having state-of-the-art facilities, has in fact produced the same serious problems, despite the facilities, because immigration detention systems warrant urgent review. The ongoing human, social and financial cost to the community of mandatory non-reviewable detention remains unacceptable. We believe that immigration detention, especially for children and families, must remain a last resort.

For more than three years a viable, effective and fully costed proposal has been before the department of immigration and the Immigration Detention Advisory Group from the well-known welfare agencies working as Justice for Asylum Seekers. Our proposal is summarised in the brochure *The better way*, and we have provided the source documents that we developed or commissioned which set out our detailed system for the improved management of people who are currently being held in immigration detention systems, together with the costing.

The features of our proposal include early assessment of people to work out whether they pose a risk to the community and whether there is a risk of them absconding if they are placed in low-security housing options or released on their own undertaking with reasonable compliance measures. Our proposal includes case management by a social worker from a national welfare agency to work with people and families to ensure they understand Australia's immigration system and to prepare them for all possible outcomes without the need for detention to achieve compliance. We have three accommodation options that we are recommending that house people according to their security assessment and care needs. These drastically reduce the need for detention and allow for a monitored release program.

Aspects of our proposal are already being trialled and there has been no absconding of asylum seekers in the cases that we have researched. Our proposal in no way seeks to diminish the government's immigration processes or its border security responsibilities. In fact, security is a feature of our system. In light of the seriousness of the issues surrounding the costs involved in building and maintaining immigration detention centres in Australia, we ask the committee to give serious consideration to the system that we propose to bring the current system into line with accepted good practice in compliance systems used around the nation already and to reduce the reliance on detention, with the chronic problems it produces.

Our fully costed proposal offers significant gains for the government. First of all, it will reduce the numbers of people needing to be held in immigration detention centres by employing alternative commonly used measures which will ensure compliance with DIMIA's administrative requirements without the need to detain people who pose no risk to the community—for example, people who may have breached the conditions of their visa but have not committed any crime or been sentenced, and people who have already served a sentence and now pose no risk to the community. Sensible compliance measures are routinely used elsewhere in government systems. Employing these practices judiciously and tailoring them for the current detainee profile can avoid the need for unnecessary and costly detention and therefore reduce the numbers that need to be catered for.

**CHAIR**—Can I interrupt, because we do have some constraints. You have put in a very detailed submission, which we greatly appreciate. It is clear that a lot of thought and some very good information is contained in it. But today we are having to deal with what is already a policy and is outside the scope of the committee. Can we ask you to complete your brief speech to your submission, and then we can ask questions.

**Ms Greco**—I am just about finished. The point I am making is that our proposal goes to the heart of the need for catering for increased numbers, and we believe that public moneys ought not to be spent until the system has been investigated and properly trialled.

**CHAIR**—Before you arrived the committee asked for an overview of the whole of the department's approach and projections of needs into the future, so that will be forthcoming to the committee.

**Ms Greco**—Very good. Let me finish by saying we believe that systems like the justice system, where people are placed on court orders in the community, for example, are seen as desirable alternatives to detention and are an accepted practice in the community. DIMIA can learn much from the administrative arrangements routinely used in other departments and often carried out by welfare agencies with government departments. We believe our proposal will increase the rate of voluntary repatriation of asylum seekers who are not found to be refugees, by the introduction of a caseworker system, which will help people accept the government decision, plan actively for their future movement and assist them to leave the country without the need for detention.

Finally, our proposal, we believe, will reduce the management problems that arise when vulnerable people who pose no risk to the community are held in detention settings that fail to integrate compliance with measures for care arrangements. To finish, we believe that the \$7 million proposed for the extension of the Maribyrnong detention centre for these short-term interim arrangements for a facility cannot be justified when alternative arrangements could achieve the same immigration outcomes and should be trialled and implemented with some urgency.

**CHAIR**—Thank you very much. As I said, the committee appreciated the very detailed submission that you made and the thought that has gone into the submission that you put before the committee. I would like to ask one question. We have to accept the fact that we are dealing with an existing policy. That being the case, and having read DIMIA's evidence on the proposed new facilities, do you believe that the conditions for detainees will improve as a result of the proposed work to the Maribyrnong centre?

**Ms Greco**—We believe arrangements for separating families and providing better facilities that respect their needs will improve the conditions, but our submission goes to the heart of the matter in another way.

**CHAIR**—Do you want to add something, Ms Hannan?

**Ms Hannan**—I do want to add something. We can look at who is being detained and whether it will improve their likelihood. I was listening to the department's submission before. I understand, in reading their submission, that there is a potential to expand Maribyrnong to 130

places. There is overcrowding at the moment of approximately 13 places. By doubling the size of the facility, you are not actually expanding the land mass in any way. I was listening to the evidence about the medical spaces: 'Well, it is going to be double the size,' but you have potentially got double the population, so I am not convinced of that.

My background is in counselling and policy. I am also concerned about the psychologist's room and how that is going to work. There is one psychologist there on staff, I understand—I could be corrected. Also, from reading the brief for this I understand that the psychiatrist has a rotation whereby they come to the centre every eight weeks. So I think we need to think about how much of that is of benefit if the population is multiplied out. At the core of this is the question: 'Who is in that facility at the moment and will the increased amenity of that facility actually assist those people, whether it be in compliance or care?' You can potentially argue on compliance, but, if it is about a reluctance to return, if people live in uncertainty and in desperation, they are obviously not going to comply as well.

If you look at the population of people and whether the facility will assist them, and you do the figures, as at January 2005, of the current 83 people, 17 per cent are under 17 years of age and 25 per cent of people are under 28 years of age, which we argue are young people. So a total of 42 per cent of the population are under 28 years of age. You need to look at the increased amenity and how that will actually help those people. Because in the increased amenity are things like schooling. People know that primary and secondary school children go to school—for example, outside in the Maribyrnong area—which is a good system. What we know from members of the asylum seeker network and JAS is that people do go to school, but what happens is they are under constant surveillance at school. The children cannot actually go and play at people's houses unless they are under surveillance. So whether more measures of surveillance and increased amenity will actually assist the care of these people really needs to be questioned.

**Mr BRENDAN O'CONNOR**—Your considerations are much broader than our scope. I concur with the chair that you have obviously put together a submission which is well thought out, and much of which I agree with personally, but the fact is that we have to see whether the expenditure fulfils a purpose that has been asserted by the Commonwealth. You have answered the question I was going to ask. I make that statement because it is a very difficult situation but this is not an inquiry about the immigration policy of Australia. If it was, we would have a far greater scope to go through some of the issues that you have raised. I thank you for the documents you provided. I have seen very similar ones but they have been very helpful in matters incidental to the matter we are discussing today.

**Mr JENKINS**—I hope you get the gist of this question. Even under the proposals that you are putting forward, there would be a period for assessment or—and I hate to use the jargon—the need for administration or something like that. It gets to the point where that would have to be done somewhere under some condition before people were then matched with other alternatives. Do you envisage that there has to be some form of centre where that administration can be carried out before assessment?

**Ms Greco**—We certainly do for unauthorised or irregular arrivals that need to be held, for assessments made on health care and identity et cetera. If we look at some of the population, we see that assessments for people who have already served a prison sentence, for example, can happen before release if that is their pathway. It does not have to happen in an immigration

detention centre. It just needs access to people who are in a position to do the assessments. If some of the detainees are Sri Lankan asylum seekers who have breached the conditions of their visa because they have needed to work and they do not have work rights, there are other places that such assessments can happen. Our argument is: do you need an extended facility to do what could be a routine procedure? I agree that you need somewhere to do it, but it does not necessarily have to be in an immigration detention centre. That need not be the pathway for some groups. But I do agree that a reception centre is a good idea for people who arrive in an irregular manner.

**CHAIR**—Further to that, the department gave evidence to the committee earlier that there has been a difficulty with state governments—and that is the case here, I understand—in that they will not always take people with a criminal background or conviction and that they only take a very small percentage in the worst of those cases, where the crimes are very serious. How do you think that that aspect of it could be better managed if they have some criminal record or criminal conviction and the state government refuses to admit them into the prison system? Would you like to briefly make a comment on that?

**Ms Greco**—For me, the issue is whether or not people have served the sentence imposed. If they are ex-prisoners, that changes the situation in my mind because they have already served their sentence and therefore ought not continue to be punished. But, in my understanding, the reluctance of the state government to cooperate with that arrangement is about a different matter—that is, the repatriation of people who may well have been raised in Australia to a country that is not familiar to them anymore. I would not necessarily see it as related to the same issue.

**Mr FORREST**—Most of my questions have already been answered. The committee is in an awkward position, as Mr O'Connor explained. Some of us individually are as well. It is okay to speak in the generic, but, if there is a specific problem with this site, it would be helpful to have specific examples of what has happened there. I am not sure whether your organisation is an advocacy group in the detail or trying to get a change in broader policy but, if you have some specific details about the inadequacies of Maribyrnong, that would be useful for the committee to make sure that whatever we are doing now ensures things like that do not happen again.

**Senator FORSHAW**—I was going to ask you the same question, so I will just add to it now and you can answer them together. You have already mentioned that you believe that some of the things that are to be done are an improvement. I understand your broad proposition, which is the centre should probably exist but with a different method or whatever, and I think you mentioned, Ms Hannan, the situation with the visiting psychiatrist. I understand those points. But I think what Mr Forrest is asking, which I would like to know too, is: are there specific things that you do not think are being dealt with in this proposal that should be dealt with if we are focusing purely on improving the situation, the amenities or whatever, for the people who are there and who are going to be detained under the current policy.

**Ms Greco**—If we consider families being kept in immigration detention centres, there are serious issues with families and parents losing control of their role in an institutional setting that is unlike how they normally deal with their relationships, roles and responsibilities. If there are to be improvements to the facilities for families, it is not a big leap to the kind of hostel arrangement that is one of the options we propose. So why wouldn't it resemble the original

Maribyrnong hostel arrangements, where there was no need to have guards and security personnel instead of people that are linked to normal daily activities or needs of a family—to help them collect welfare or turn up for appointments, for example. Again, we question the need to spend money on facilities when other community based accommodation could be used for much better outcomes. For us, there is no advantage to the kinds of improvements suggested when other arrangements could be made if there was a willingness to make some minimal changes to the Migration Act and regulations. It is not a big leap. We believe there is some merit in trying to convince the committee to put this argument forward. It is not a big leap to make some changes to regulations when, in our view, if detention is for the purpose of making sure that people are available for removal when the department needs them, that can be achieved very easily within a range of other settings. It is achieved every day in other settings not to do with immigration detention.

**Ms Hannan**—I am slightly familiar with the plans. I do not know them in great detail, but I have a couple of comments about what I understand of them. The reality is that because of the current immigration requirements, and it is accepted that that is what they are, families with children are sometimes taken in the middle of the night. We know this from people who visit the Maribyrnong detention centre and deal with the distress of the families and children. If we know that they are taken in the middle of the night—and I give you the worst example of young children—we need to ensure that in the plans there are significant or sufficient interview rooms for those families. We need to ensure that if there are other members of the extended family in their existing home, say in Doncaster or somewhere else, there is some space for them to go to. If, for example, there is a permanent resident who is a grandmother or a significant carer of the children, there needs to be space in that facility for her if the interview is going to happen there.

Concerning the previous question, looking at the other welfare models, the Department of Human Services would not do an interview in an institution but would do it somewhere else, and the department is a better place than an institution to do it. To go to the question of hostel style accommodation, I do not think the plans really address it. They are more about a detention facility and high security. It looks like hostel accommodation, in the end, will be cheaper. Our costing says the cost is approximately—it was done in 2003-04, admittedly—\$110 a day. It is cheaper in terms of public moneys. It is perhaps more suitable. There is more flexibility in it. The issues are about what sort of approach you have within the planning and how social welfare is achieved in that approach.

**Mr FORREST**—I have read your submission. It has been circulating for some time. Are you submitting that to other parliamentary committees with more jurisdiction on the policy position about detention? If you are not, I would encourage you to submit it beyond this Public Works Committee.

**Ms Greco**—Thank you. We appreciate any advice about where those discussions ought to take place. Up until now they have taken place with the Immigration Detention Advisory Committee and with the department of immigration officials, including Steve Davis and his advisers.

**Senator FORSHAW**—One of the things that we have been told is that there will be some reduction in the area that is available for recreation—the outdoor area. There is another area but we were told that it is hardly used or it is not very functional and they are going to try to improve

it even though it may be smaller. Do you have any comment about the current facilities and the proposed changes to recreational and outdoor activities? This is my first visit to this place. It is small. It looks confined. There seems to be a reasonable amount of open space but I am not sure how practical it is. Do you know what is being proposed in this development? What should we do about open spaces?

**Ms Hannan**—I understand that it is a relatively small open space. Looking at the demographic profile of those currently in detention, we see that 25 per cent of the population is in the 18- to 28-year-old group. I personally think they need a bigger facility in terms of space and recreation. If you look at the old Fairlea prison, for example—

**Senator FORSHAW**—It is the type of recreation facility that is available, too. You could talk about all sorts of things: tennis courts, swimming pools. I am not suggesting that they be proposed but I am trying to get a feel for what people might think should be here. We are going to spend this money. What should we be getting into that centre to provide that facility?

**Ms Hannan**—I think we need less high security facilities where there is less surveillance. In the old Fairlea prison system they had a space where members of the community could visit as groups and teams to play soccer interactively. I believe that would help the wellbeing of the people in detention.

**Senator FORSHAW**—A bit more like Villawood.

**CHAIR**—Thank you.

[2.23 p.m.]

**CURR, Ms Pamela Mary, Campaign Coordinator, Asylum Seeker Resource Centre**

**KARAPANAGIOTIDIS, Mr Kon, Chief Executive Officer, Asylum Seeker Resource Centre**

**CHAIR**—Welcome. The committee has received a submission from the Asylum Seeker Resource Centre. This submission will be made available in a volume of submissions for the inquiry. It is also available on the committee's web site. Do you wish to propose any amendments to the submission?

**Mr Karapanagiotidis**—No, thank you.

**CHAIR**—I invite you to make a brief statement to the committee, and then we will go to questions.

**Mr Karapanagiotidis**—I will begin by giving a very brief overview of our organisation so you can understand its connection to this proposal. The Asylum Seeker Resource Centre is the largest agency in Australia caring for asylum seekers who are here. We currently work with over 2,000 such asylum seekers. We are a registered charity, a non-government funded organisation mainly run by volunteers. Over the last four years we have provided free legal representation to over 200 asylum seekers that at one time or another have been in Maribyrnong detention centre. At the current time we care for approximately 300 or so people who over the last couple of years have resided within the Maribyrnong detention centre and have since been either been granted asylum or released into the community on a bridging visa. This involves everything from legal assistance, medical care, food, counselling and casework, so we can speak with some expertise. We have had a very strong active involvement over the last four years working hands-on with the people in there. Many of our people have visited that centre dozens upon dozens of times.

I will share a very brief overview of why we object to this expansion. The critical question is: does this planned expansion meet its stated purpose? Clearly it does not. It has been couched in the terms of being about promoting the wellbeing, dignity, rights and humanity of the asylum seekers who will reside within the Maribyrnong Immigration Detention Centre—and all other non asylum seekers. But the critical thing is: how is that going to be achieved when a development adding an extra 50 people to the centre is only going to further exacerbate the profound problems that exist right now in terms of infrastructure, policies and facilities? Of course we do not oppose improving the amenities within the centre; it would be an understatement to say that they are disgraceful, at the very least. They are poor facilities that fail to meet basic needs. But that is not what is the issue or question here. It is not about do those amenities need to be improved; it is adding 50 more people to that system and creating amenities separate from the existing ones. Is that going to promote those core goals and purposes that DIMIA states? Clearly it is not.

This detention centre already has critical problems with its amenities and the practical implications of those for asylum seekers. We have a facility that has poor mental health services,

medical services and access for visitors; a reduction in visitor hours; poor access to social recreational space, phones and proper meals; and poor access to any social or support programs there. This is like adding fuel to a fire, throwing 50 more people into a facility that cannot even do the most basic things properly and adequately to the most basic standards of decency, fairness, humanity and all the things purported by the department of immigration.

When you are looking at developing additional amenities to the existing ones but offering no tangible, practical ways of addressing the current amenities, it is like you are skirting around the problem and building around it. It is like saying: 'Let's ignore what's working or not working. Let's just add more people to it.' You have already heard about all the practical things around the alternatives that exist. We can speak of that practically because we support a lot of these people in the community. It is really troubling that there has been no consultation with the asylum seeker organisations actually working with the people. We chair what is called the Network of Asylum Seeker Agencies, which represents about 20 of the peak organisations that are out there working with people. They have not spoken to one of us. It disturbs me that they have not spoken to any of the families that visit their family members in the centre about how these expansions will affect them. What chills me the most is that they have not taken the time—or I do not see it in the report, anyway—to ask the people who reside in there. It makes you question how serious and genuine they are about that. When you are criticising them they can say: 'Are you criticising improving these services? Are you criticising improving these facilities? How could you oppose that?' Of course we do not. They are expanding it and adding to it when they cannot even get the basics of this right. Pamela will briefly summarise.

**Ms Curr**—I would like to give you a few examples of the way things run. I have experience over the last four years of being a visitor to Maribyrnong and of being asked for assistance at various times. Currently the bedrooms are 2½ by 2½ metres, with two double bunks. That space is for four people. Often there is a mattress put on the floor, so you have five human beings sleeping in this tiny space. Looking at the new plans you will see the bed drawings. I have the benefit of having had a private briefing and also of being at the public meeting last week, so I asked these questions of the DIMIA public works committee. Those beds on the drawings actually represent double bunks, so when you see the two little rectangles in those rooms you are looking at four human beings sleeping in that space. The current bedrooms do not have doors. The lights are on all night in the corridors. People are restless, worried, distressed and walking up and down, and other people cannot sleep. If they put a blanket over the door the guards come and pull it down. This is the practical living. I have spoken to men there who have told me that in Maribyrnong, unlike Port Hedland and the other places where they have been—because a lot of them have been everywhere—you cannot even find a place to weep on your own. There is no private space.

If you look at the medical facilities, which a previous witness spoke about, you see that they are doubling the facility but they are also doubling the number of people. If you look at the open space, you see that they are decreasing what is currently a totally abysmal open space in this centre. Throughout 2002-03 I spent 18 months with a group of people advocating with DIMIA to allow people access to the open space. The detainees who were in the centre at that time did not go outside for fresh air unless they were lucky enough to leave the centre for a dental appointment. That was the only way they got into the outside air. The reason that the open space is not used very often is because people are not allowed out there unless a guard goes with them. When we finally broke through the 18 months of no access, the provision was that two guards



would accompany one person for a period of 20 minutes. It is not exactly a friendly trip into the open. I know that the situation has changed a little bit now, but the rules are arbitrary and change frequently. As for visitor access, currently 25 people are allowed in the visitors area. That includes the visatee and the visitor. It is not many people when you consider that there are 76 people in the centre.

**CHAIR**—Can I just query that. During the inspection we had of the centre this morning we were told that that area accommodated up to 50 people.

**Ms Curr**—That is interesting. That number has perhaps been enlarged for your visit or there have been some changes. But I can tell you that there has been a lot of argument about the visits, because they have changed the rules. Now a visatee is only allowed two persons. There is no group visiting. I know that they are taking the lockers and the guards section out of that area to expand it. But if you think about it and if you compare the space, they could probably bring it up to maybe 50 including the visatees and the visitors, but if you are doubling the centre you are not going to enlarge it.

**CHAIR**—I think that was my understanding. We will ask a question to make sure.

**Ms Curr**—I have asked at the two briefings how many visitors would be accommodated in the enlarged space and I have not yet got an answer. That matter is not resolved.

**Mr BRENDAN O'CONNOR**—What is your understanding in terms of access and the time available?

**Ms Curr**—That is a major problem—

**Mr BRENDAN O'CONNOR**—Tell me what you think it is.

**Ms Curr**—They have cut out all night-time visiting hours, so people who work—

**Mr Karapanagiotidis**—You used to be able to visit up until 9 p.m. Now it ends at 7 p.m. It has had a profound impact—

**Mr BRENDAN O'CONNOR**—It used to be 9 a.m. until 9 p.m.?

**Mr Karapanagiotidis**—No. It works throughout the day but I think that at 6.30 until 9 o'clock—

**Mr BRENDAN O'CONNOR**—6.30 a.m. to 9 p.m.?

**Ms Curr**—No, 9 a.m. till 11 a.m., and then you used to have 1 p.m. till 5 p.m. and then 7 p.m. till 9 p.m. That has been changed to be—

**Mr Karapanagiotidis**—Now it ends at 7 p.m. It has been broken into two blocks, but it stops at 7 p.m.

**Mr BRENDAN O'CONNOR**—We were told that it was 9 a.m. till 7 p.m. with a break between 12. and 1 p.m.

**Senator TROETH**—So some hours have been added on to the daytime allocation?

**Ms Curr**—Yes, but the problem is—

**Mr Karapanagiotidis**—People work.

**Ms Curr**—that many people are working. There are many people who have family members working who cannot get there. So visiting space is a major problem particularly when people are distressed. It is actually a mental health issue. If a family member and/or friends are visiting, they can keep the person calm and provide support. Otherwise, people become very distressed. Our experience is that they become depressed and suicidal.

**Mr Karapanagiotidis**—Put it all together—and this troubles us the most—and it is already hard enough to get someone medical care. You will often have to lobby for a month, if not longer, for someone we consider to be a suicide risk to get a proper follow-up and assessment. We have volunteers who take in bandages because they see someone with an infection and the nurse will not treat it in the timely manner it requires. We struggle to get people to call through on one of the phones to speak to someone or to get one of our specialists in to do an assessment, because they say there are not enough rooms at the moment. If they cannot provide basic access and proper facilities now with the number they have, how are they going to do that with 50 more people in there? That is what I would like to know. How are they going to accommodate the extra visitors? How are they going to accommodate the extra medical care, access to lawyers, access to specialists, access to support, when they cannot do it with the population that they have right now? What is 50 more going to do to that place?

**Mr BRENDAN O'CONNOR**—You say that you are a centre that represents asylum seekers. What proportion—

**Mr Karapanagiotidis**—It fluctuates. Are you talking about the proportion of asylum seekers within the detention centre?

**Mr BRENDAN O'CONNOR**—Exactly. Obviously a large proportion are not asylum seekers.

**Mr Karapanagiotidis**—It is a smaller population than it used to be. Three or four years ago, at a given time it would hover between 30 and 50 per cent of the population. At the moment—and it fluctuates all the time because many have been moved to Baxter and some have been released—between 15 and 25 per cent would be a fair estimate of the number of people within our detention centre that might be asylum seekers. But there are a lot of variables that make that fluctuate, sometimes on a weekly basis. That would be a fair estimate at the moment.

**CHAIR**—On the point of it taking so long to get a psychological assessment and treatment or sometimes to get medical treatment—and I will ask the department if you are not able to answer this—do you know whether those services are part of the contractors' responsibility or are a

direct responsibility of the department? In other words, I am asking whether perhaps the contractor can make more money and cut some corners.

**Mr Karapanagiotidis**—A bit of both is happening. The reason we can speak so much about this issue around health is that one of our roles is to provide alternatives to detention. So we provide community care plans for people. In the last four years we would have submitted somewhere around 200 such plans to the department on behalf of people we thought could not be cared for in detention because they were a suicide risk or because of poor health. That involves asking the department to appoint its own specialist to make an assessment as to whether or not our concerns are well founded.

**CHAIR**—Are you telling me that these services are contracted out?

**Mr Karapanagiotidis**—These services are now contracted out to GSL.

**CHAIR**—So GSL manage that.

**Mr Karapanagiotidis**—Yes, but when it comes to assessing whether or not someone can be cared for, it is the obligation of the department to appoint someone. There have been times when going through that process when it has taken me up to six months to get a specialist to get a report done. I have God knows how many dozens of files where this has happened. On average it would be one to two months before I could even get a person properly assessed. I think the access to medical care and mental health services people have in there has been deeply exaggerated. The reason we know this is that we are dealing with these people, we are representing these people and we are speaking to these people every day. They are not getting the basic care that they need right now. That is what disturbs me.

The people that are in there now cannot get the most basic things like expedient proper care, proper mental health assessment and proper assessment of whether or not they can be cared for. There have been instances where I have provided three or four independent psychiatric reports to the DIMIA officers there and to the detention centre saying, 'We believe this person to be a suicide risk,' and it has taken two to three months, on numerous occasions, before they have actually had a proper assessment done. Imagine how much longer we are going to have to wait to get people properly assessed with 50 more in there. This is what happens in reality.

**Ms Curr**—While we are talking about the medical facilities, it is perhaps a good idea to comment on our experience of advocating on behalf of people brought down from Nauru. Recently, a young man was brought down with a lump in his neck. He was operated on and he was not told whether or not it was cancerous. This young man was in tears because he believed that he had cancer. It was three weeks before one of our advocates was able to get an answer from the doctor and was able to give this information to this young man. People are frequently taken outside to see consultants, and some of the consultants refuse to give their names and refuse to give medical information. We say to the person, 'You are entitled to ask the doctor to write down his name and his diagnosis,' and the consultant will say: 'That is not my business. I give the information to the immigration department.' Then we have asked the immigration department to pass the information to the person who has been medically examined and they have refused to do so. When you are talking about medical facilities you need to know that often

advocacy takes place in order for people to find out something simple like their diagnosis and what is going to happen to them.

**CHAIR**—It is interesting, but we are moving a bit out of the scope. I think it is important that we ensure that there are adequate medical services within the detention centre and there is adequate space to run appropriate services.

**Ms Curr**—There is one extra point. The department of immigration and the minister have said that they have endeavoured to remove children and families from detention. I would ask why they are expressly building so-called family facilities. That seems to me in direct breach of their current philosophy, which is to remove children from detention. In Sydney and in Perth, they are currently building so-called family friendly facilities. I do have issues with the housing projects because of the high security. But they are actually providing those facilities. Why in Victoria are they building so-called motel style units in these portables for families? When I asked at the briefings if those units were going to have cooking facilities or the ability to heat water I was told that, no, the kitchen facilities would be outside. There would be a group facility. If you look at the drawings, you will see the space. It is a space to make a cup of coffee in. It is not a space for two or three families to cook a family meal.

If the Australian government is spending \$7 million to achieve its purpose, you have to look at the figures: \$140,000 per bunk bed does not seem to me to be very good expenditure of money. That is what we are talking about. You brought up the issue about the portable facilities. It was explained to us that these were high-quality units to be built off site so that they did not interfere with the operations of the centre. But have a good look at them. They are portables, and we still do not know how big those bedrooms are and how many rooms are involved. I have asked, ‘What building code are you using?’ I was told that, basically, the federal government can do what they like. Look at the facilities. Would you allow it for aged care? No way. Would you allow it for disability services? You would not allow those facilities to be built for anyone—even prisoners in the penitentiary system. There would be an uproar. They do not exactly get Hilton facilities, but they would not be allowed to be accommodated in what we are talking about here.

**Mr FORREST**—Hello, Kon. We have met before. It would be much more helpful if you could provide us with case studies, to protect names, of the horrifying examples you have given us. My experience with the department is that they have an answer for everything and they are in denial when these assertions and allegations are made about people not having their rights protected. I would offer to you the opportunity to provide to the committee something identifiable we could ask the department to respond to, such as case studies. Where there is smoke, there is fire. This is not mischief. There is something very seriously wrong when people have to wait that long for a cancer diagnosis. So I would ask and encourage you to put some case studies in front of us, with some identification so that at least the department will know what cases are being referred to.

**Mr Karapanagiotidis**—We could put together a briefing with maybe half-a-dozen case studies for the committee if that would be of use to you.

**Mr FORREST**—I am concerned about the density, too. We are going to have to live with a Maribyrnong facility—

**Mr Karapanagiotidis**—I understand that.

**Mr FORREST**—but you must have some idea of what would be the capacity.

**Mr Karapanagiotidis**—I think you would be looking more realistically at a number around 40 or 50, if you had major works to that building to try to bring it up to any sort of basic standard. If you are going to spend the \$7 million, spend it on fixing the facility that exists. Spend it on creating some basic, dignified living facilities. Spend it on a proper kitchen, some proper recreational space, proper facilities for people to visit and proper facilities for people to go to the toilet. Spend the money on ensuring there is a basic, dignified, humane environment. When they talk about it in that way and yet they are not prepared to fix the existing disgraceful facilities, how can we take that as being genuine? That is where the money should go—not on just a nice coat of paint or a nice design outside the building but on basic living facilities for a human being, not an animal. That is where the money should go. There are so many great places to start: fix those facilities, fix those living quarters. I do not know whether they showed you the isolation rooms.

**CHAIR**—Yes, we saw one.

**Mr Karapanagiotidis**—I have one man who spent 40 days in one of those—continuously. When you look at those sorts of facilities, you ask yourself: ‘If you are going to put a highly distressed, traumatised person in that space, it should not look like that, should it?’ That is where that money should be going—to providing basic, humane, dignified facilities. I understand that the terms of reference are not about whether we are going to have this centre or not. But, if we are going to have it, let them make sure that at least the most basic things about what is fair and what is decent occur in there.

**CHAIR**—It is my understanding that some of the money is going towards improving the existing facilities and, certainly, improving the isolation rooms.

**Mr Karapanagiotidis**—It is just window-dressing; it is superficial. There is nothing in that proposal that demonstrates that the major infrastructural problems are going to be addressed or sorted out, whether it is room sizes or the number of people in those rooms. There is nothing in there about that. We are just meant to trust that they are going to do the right thing, like they have with that centre so far! Let us stick to the terms of reference. What are they going to do about the amenities that they provide now? Their solution is just to continue to add to them and build more and add more people.

I know what that is going to do, because I will be the one taking the calls from the people who cannot get medical care and cannot get a specialist in there, and the lawyers being knocked back because they are told, ‘There’s no room for you.’ And I will be the one taking calls from people saying: ‘There’s nowhere for me to go. There’s no space, there’s no privacy and there’s no confidentiality,’ and ‘My family came to visit me but they couldn’t get in.’ We will get those calls, because we get them now, every single day. They will continue to get much worse. There is a human cost and impact. We would bend over backwards and do anything if we thought it would make it better for the people in there. Putting money into those amenities would, but adding 50 more people would not.

**Mr JENKINS**—Do you work with all the people in the centre?

**Mr Karapanagiotidis**—Our focus is primarily on asylum seekers, but we do take on cases where people have got nowhere else to turn. We will help them out, whether it is with advice or, sometimes, taking them on. This is the same as in the community, where we take on non-refugee cases where people have got nowhere else to turn. We do that.

**Mr JENKINS**—To what extent does the amount of time the detainee is in the centre affect the response?

**Ms Curr**—I think you will find that has been well documented in the research done in New South Wales by Dr Zachary Steele that details the experience of a three-stage process where people can maintain a certain degree of mental health and hope for between three and six months. After that, there is deterioration. I do not have the evidence in front of me.

**Mr Karapanagiotidis**—The average stay period of asylum seekers that we have worked with who have been in Maribyrnong would be typically between three and six months, but probably about a quarter have spent between six to 12 months there, and probably about 10 per cent have spent one to three years there. I have seen the proposal. They talk about ‘short term stays’, but I can think of a handful of people who we are acting for at the moment who have spent two or three years there.

The short-term stay, particularly for asylum seekers, just does not bear reality and truth, unless they give up and say, ‘Send me back.’ It is rare to have an asylum seeker stay in Maribyrnong for less than three months, unless they are transferred to the Baxter detention centre. Otherwise, a standard waiting period of three to six months would be a bare minimum that an asylum seeker would reside within the Maribyrnong detention centre.

**Mr JENKINS**—To use the terminology used by previous witnesses: if there are ‘reception centre’ style cases, can they be in the same set-up as these longer term detainees?

**Mr Karapanagiotidis**—One of the things that concerns me is that people who end up in long-term detention are the ones who should be in alternative community arrangements. I am talking particularly about women and children; I am talking about families. They are the ones that often end up in there the longest. That is the obscenity of it all, that it is actually the families who are typically in for the long term.

I know young children who have ended up developing heroin addictions because they have been put in with mixed populations of people who have come out of hard-core prisons. I have seen the tragedy of mixing families with this population. That is a whole other issue, of course, but it would be fair to say, sure, there are some short-term stayers, like the backpacker who overstays his visa. He is from Britain, they get him his passport renewed and he is off within a week or two—but the most vulnerable members of the population, usually asylum seekers, are not short-term stayers there. By adding 50 more people you are going to severely undermine the access to facilities and amenities of such people.

**Mr JENKINS**—Your contention is that the infrastructure needs are different and greater.

**Mr Karapanagiotidis**—Yes, definitely.

**CHAIR**—Thank you very much.

[2.50 p.m.]

**BARTOLOMEI, Mrs Colleen, Member, Committee of Management, Western Region Ethnic Communities Council**

**CHAIR**—Mrs Bartolomei, on behalf of the committee, I welcome you and thank you for your submission. The committee has received a submission from the Western Region Ethnic Communities Council. The submission will be made available in a volume of submissions for the inquiry. It is also available on the committee's web site. Do you wish to propose any amendments to the submission you have made to the committee?

**Mrs Bartolomei**—No.

**CHAIR**—I now invite you to make a brief statement in support of your written submission.

**Mrs Bartolomei**—Can I preface this by saying that I am not a professional public speaker, nor am I a campaigner, nor a politician. What you have here is simply the voice of the public. You have heard about them; this is one of them here. I am bringing to you comments that we made when we first heard about this proposal at our meeting on 1 February. We hastily put together the submission. I then made some more notes in consultation with other members of the committee, which is made up of ethnic communities in the west, including representation from the Indian, Sudanese, Horn of Africa, Central African, Chinese and Vietnamese communities—there are about 16 or 17 different representatives on our committee. I added some notes after attending the public meeting on 17 February. Most of the things I have here are things that have already been either brought up by you in the form of questions or have been stated by other people.

I will run through it very briefly and very quickly. It is not couched in very eloquent terms, and you may find that interesting. The Western Region Ethnic Communities Council has some general concerns about detention but does not dispute the Commonwealth's responsibility to ensure the integrity of Australia's borders and to effectively manage and control the movement of people to and from Australia. However, we believe that this control should conform to international law. WRECC is not convinced that detention is the best method for accommodating people whose immigration status is in dispute. Rather than commit \$7 million to a hasty expansion of this detention centre, WRECC believes that the current situation calls for the Commonwealth's overall approach to detention to be first reviewed.

We have concerns with the consultation process. At a time when a number of questions have again arisen about the management of detention centres in Australia, the extremely short time line allowed for community comment and consultation with regard to this significant proposed expansion at Maribyrnong is an issue of concern. Insufficient opportunity for informed community comment and consultation has been allowed, particularly in view of the large number of Maribyrnong residents from culturally and linguistically diverse backgrounds. The plans displayed at the public meeting on the 17th did not show the specific measurements of the expanded visitors' area, the bedroom wing or the open-space areas. We were informed that the bedrooms would be larger than the 2.5- by 2.5-metre rooms but that the specific measurements



could possibly be changed once the project went out to tender. That has already been commented on.

It does not seem to us that enough detail has been provided at this stage. It is difficult to comment meaningfully on the basis of such scant detail, which, we are told, is likely to change anyway. Not much was said about conditions in the centre for detainees while the expansion works are undertaken. We are told only that the use of transportable modular elements will minimise disruption to operations and that the hoardings and barricades will be erected as required. With the giant palisade outside and hoardings and barricades inside, we cannot help thinking that stress levels of detainees will be exacerbated.

We have concerns about the actual necessity for the works. In its evidence to the committee, DIMIA makes a number of statements in support of this proposal, but recreation fields have not been fully justified nor do alternative solutions to some issues appear to have been investigated. There is insufficient evidence provided that there is an ongoing need for more accommodation at Maribyrnong. Much of the proposal relates to works required because of the proposed increase in the number of detainees to be accommodated at the centre and involves work on administration, processing, visiting and security areas. The number of unauthorised boat arrivals has dramatically diminished. The majority of detainees are visa overstayers. Can it be presumed that a predicted increase in the number of short-term visitor arrivals automatically signifies a set percentage of visa overstayers? We would like to see more evidence to support such a presumption.

If the background of detainees is changing, with a growing number having criminal or illicit drug backgrounds, the suitability of accommodating these people in an area that is experiencing a boom in residential housing might need to be reassessed. I was interested to hear Maribyrnong council's comments on that. It was given to us in writing on 17 February that DIMIA expected that the developer and Maribyrnong City Council would fully inform prospective residents that there are no plans to close the immigration detention centre. I wondered why Maribyrnong City Council had no comments to make on that. The initial plans that we read did suggest that this was an interim facility, but at that meeting too doubt was cast upon the Broadmeadows facility. We were assured that there were absolutely no plans to ever close down the Maribyrnong centre.

The exploration of alternative site options was discounted completely in the initial statement. But now, with the doubt having been cast on the Broadmeadows development—and it was very heavily cast at that meeting on 17 February—we suggest that more research should be undertaken. We further suggest that no more development may be necessary if the immigration policy is reviewed, as it seems it may well be in view of the disquiet expressed currently at our detention policies. In any case, the housing of detainees with criminal or illicit drug backgrounds in the same facility as asylum seekers and visa overstayers seems undesirable to say the least. We are concerned that no alternative accommodation options were considered for families and low-risk detainees, nor was the possibility of preparing those serving jail sentences for deportation prior to the end of their sentences so they could be moved directly to airports without spending time in a detention centre. If those detainees who present no risk to the community or themselves were housed in alternative accommodation and only those considered high risk were contained in the Maribyrnong centre then, rather than an expansion, an upgrade of facilities would doubtless suffice.

The department has a duty of care to staff and detainees. There is no dispute that improved conditions at the detention centre would be a plus. But the notion of increasing the number of detainees to 130 is disturbing. The site is not large and the addition of a new administration building and an extra wing of bedrooms would further encroach on the open space available. Possibly the proposed development would be a way to improve accommodation and amenities for the existing number of detainees at Maribyrnong. It is stated that the majority or 70 per cent of detainees stay at the centre for less than four weeks. Improved administrative processes may be able to increase throughput and further cut time spent at the centre, thus further diminishing the need for the expansion. There is no evidence presented that this option has been explored.

We query the need for the proposed expansion and we are concerned at the lack of detail provided and the shortness of time for meaningful consultation with the community. I understand that there has been a lot more evidence presented than we were able to discover by first reading that submission, but I trust that the parliamentary standing committee will scrutinise this very carefully and will endeavour to ensure the best outcome for the Maribyrnong community, detainees and the taxpayers of Australia.

**CHAIR**—Thank you very much.

**Mrs Bartolomei**—I cannot imagine that you should want to question me, because I came here with questions that I do not have answers to.

**CHAIR**—I will ask the committee members if they have questions. I do not have any. You have given a very clear picture of your organisation's submission. Thank you for that.

**Mr BRENDAN O'CONNOR**—I just want to thank you for attending and contributing to the debate.

**Mr FORREST**—I am asking this question of all of the submitters: can you provide me with something more specific about this site? We can talk about it generically, because we are unhappy with the whole policy position on asylum seekers, but we need to know about the specifics of this site so that we can make sure things get fixed.

**Mrs Bartolomei**—As a group of lay people, we did not have access to measurements or designs or any of those things. It is literally the feeling of the people on the street.

**Mr FORREST**—Presumably you are part of a social support group though; you have contact with the detainees?

**Mrs Bartolomei**—Yes, we have contacts.

**Mr FORREST**—Can you give us examples of, in your view, poor treatment? Are there any specific complaints about the way the place is operated? That is what I am looking for. Otherwise it is just allegation; we need something to get our hands on to make sure it gets fixed.

**Mrs Bartolomei**—Our concern was simply to discuss what our feelings were when we first read this proposal.

**CHAIR**—I am not sure whether you were here, but I explained that our committee has a duty under the act to expedite the work of the Public Works Committee. Anyway, we are grateful for your submission.

**Mr BRENDAN O’CONNOR**—We do not control the agenda either.

**CHAIR**—No, we do not.

**Mr FORREST**—Can I just say that the lack of any questions is no reflection on our appreciation of your submission.

**Mr JENKINS**—No, you cannot say that; you have got to have questions. My question is: have you ever thought of writing speeches for parliamentarians? You did very well.

**Mrs Bartolomei**—Thank you very much.

[3.03 p.m.]

**DAVIS, Mr Steve, First Assistant Secretary, Unauthorised Arrivals and Detention Division, Department of Immigration and Multicultural and Indigenous Affairs**

**DOHERTY, Mr David, Assistant Secretary, Detention Contract and Infrastructure Branch, Department of Immigration and Multicultural and Indigenous Affairs**

**LAVERS, Mr Warwick, Director, Infrastructure Projects Section, Department of Immigration and Multicultural and Indigenous Affairs**

**McKIRDY, Miss Lynn, Manager, Detention Services and Travel, Melbourne Office, Department of Immigration and Multicultural and Indigenous Affairs**

**CHAIR**—Welcome back. I remind you that you are still under oath.

**Mr FORREST**—Before we start, I have got a whole stack of questions and we have not got a lot of time. I would like to recommend that we ask the department to come to another meeting so we can pursue this matter. We just do not have the time today.

**CHAIR**—There is another option. I am sure the department has been carefully taking note of the questions that have arisen. Perhaps the department could respond to the committee in writing and then the committee could ask further questions subject to those responses.

**Mr Davis**—We will do that with pleasure if that is the best way to deal with it.

**CHAIR**—The committee members now want to spend a short time asking you questions.

**Mr BRENDAN O'CONNOR**—Before we do that, I want to briefly pick up on John's position. If we find we do not have time and the written answers to our questions are not perfect then it would be—given some of the allegations and assertions made today—useful to have them before us again, but preferably in Canberra. That may constrain who can appear, but there are some really significant issues that have been raised today.

**CHAIR**—One of them, which I have already raised with the assistant secretary, is to perhaps get from you more detailed plans of the building and the external areas, with sizes and dimensions on them. I have to say that one of the concerning aspects all along has been the size of the space for additional people, the size of the facility overall and its capacity to reasonably accommodate such a large number of people. I asked a question about the building codes and any protocols for space. We know that even when we do office fit-outs there are legal requirements to have a certain space per employee, so we must surely be able to be given some assurance that we are meeting some reasonable standard in terms of the size of accommodation per person in the facility. I would like those assurances and indications of what codes apply. As Mr Lavers indicated, there are several codes. What codes are you working to, and will they be applied appropriately in terms of reasonable comfort for people living in the centre?

**Mr FORREST**—We do not want to be told, ‘We are complying with the Australian building code.’

**Mr Davis**—No, you want some detail. I understand that.

**Mr FORREST**—This goes beyond that. You can stack people into a smaller space than this, but we want to know what sort of world standard or benchmark standard applies.

**CHAIR**—It would be useful for us to have some indication of how that sits, for example, against a prison system’s accommodation size, because that would perhaps be the nearest you would get.

**Mr Davis**—It has been indicated to us over the years that we are probably closer to a hospital than a prison, but nevertheless we will look at that issue and compare perhaps to both or provide material on that—

**CHAIR**—Perhaps you could give us a comparison of both.

**Mr Davis**—Could I just comment briefly—we would not like to leave the committee with an impression that we have sought to provide conceptual drawings which will subsequently be adjusted or moved, as has been suggested. The approach that we have adopted is to do some conceptual work at a more detailed level, to facilitate the provision of material to the committee. Certainly our intention is to take on board the recommendations of the committee to see what adjustments or changes are needed within that, but in the detailed design work it is certainly our intention—and it is and always has been in all of the things that we build—to comply with the building codes, as appropriate. My understanding, and Mr Lavers may correct me, is that there is no specific building code for detention centres. There are some for prisons, hospitals and other things.

**CHAIR**—We can draw on other material.

**Mr Davis**—Yes, and indeed we do draw on those. I think that is what Mr Lavers was trying to express. Some of the suggestions which may be interpreted as us trying to provide material and then subsequently change it—that is not our intent.

**CHAIR**—I think the committee is well aware that with these projects you sometimes have to finesse the plan afterwards—

**Mr Davis**—That is right.

**CHAIR**—if it improves the overall plan and design and the facility and amenity, but of course we would not be happy to see major changes made after design concepts were put before us.

**Mr Davis**—In that context, would now be an appropriate time to table a request for us to do some of that more detailed work on a concurrent documentation basis? A request to the committee, as I understand, does occur from time to time.

**CHAIR**—You cannot do that until the committee adjourns.

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**Mr Davis**—I am sorry. I apologise.

**CHAIR**—That is okay.

**Mr BRENDAN O'CONNOR**—There have been a number of assertions made by witnesses, and indeed I raised the question myself, about the problem associated with increasing the population—not doubling it but increasing it by 65 per cent. I think that would be a more accurate proportion. Do you consider that the department has properly had regard for the population growth, given what has been asserted today by a number of groups? Clearly that is one of the stand-out criticisms of the proposal—that you are not looking to improve amenities for existing detainees but you are going to compound the problem of congestion by this potential growth in the numbers of detainees.

**Mr Davis**—Perhaps the best way for me answer is to say that the department has recognised or considers that there are a number of things that point to the fact that we need to increase capacity. There are a number of factors that I will go into shortly. That is why as part of the long-term strategy we have proposed a facility which will be even larger than what we have envisaged here. The exact size of that—whether it is to be for 200, 250 or 300 detainees—has not yet been settled. Those are the sorts of questions which government still wants to consider in some years' time, as part of confirming the Broadmeadows site or deciding what it wants to move forward with.

There are two key things I would point to as indicating why an increase in capacity is needed by the department to fulfil the requirements that government has asked us to fulfil. First is the overcapacity we have had for a sustained period. The centre has been at those sorts of levels for years—not just months but years. It has been at or near 76, or even over that. The second thing that I would point to is the need, particularly in recent times but perhaps going back a bit, to transfer people to other facilities—Baxter, Villawood and elsewhere—because of the work that the compliance areas of the Victorian office actually undertake within the state of Victoria. They are the two key factors which illustrate to us that the department is strained on Maribyrnong and on the capacity issue. In our area we do not do the compliance; we sort of inherit what they do. The way we dealt with that within our area, to explore that issue, was—through the architectural work, building codes and over a period of months leading up to the government's decision—to give the government some indication of what we felt was feasible within the area available.

**Mr BRENDAN O'CONNOR**—That has not convinced me. It seems to me there are two strains or stress points, if you like. One is the department's stress because of the possible increased demand for a centre and the other is the Maribyrnong centre. I understand the problem for you as a department to find more places to ensure that you have a capacity to cater for the demand. But I am not entirely convinced that, regardless of whatever improvements are being made in relation to some of the provisions at the centre, it is going to be more of a feature than the population density that is in fact going to occur. I understand you might have departmental strain but is it not going to create greater strain on the centre to increase the detainee population by that much?

This is the assertion we have got some problems with: 'One of the fundamental problems we have in Maribyrnong is the congestion—the lack of this or that, the problems with the way that detainees socialise and congregate and so on, the fact that we cannot compartmentalise as well as

we would like to, that we cannot do this and that we cannot do that. So we are going to use some design features and bring about some best practice, but, by the way, we are also going to add a 65 per cent increase, potentially, in the number of detainees in the same area.' Now, you can do an enormous amount of things redesigning an area to cater for certain things, and I do appreciate the effort that has been put in. But it still seems, at least on the face of it, a very difficult task to leave the current stresses of the centre—through design—but then increase the actual population. In your previous evidence you mentioned that for much of the time—certainly over the last three months and for probably two-thirds of the time—you have had in excess of 76 and 80 detainees, but what is this figure of 130 all about? What is the evidence that points to 130? I am not suggesting you may not need that in the future, but is it not also possible that, if you spend \$7 million here and actually create a worse situation, that may allow government to argue that we do not need a purpose-built centre for Broadmeadows?

**Mr Davis**—That point has been made to us. I guess the answer would be, from my perspective and the way the government has made its decisions, that the government has stated an intention to build a new facility and has provisionally allocated money to do so. We have made it clear, and the government has agreed, that we should do something on an interim basis rather than a permanent basis—and with an intention and expectation that, once we have that facility, this will close. I honestly do not think I have a better answer than that. The mixture of doing something on an interim basis plus building a new facility is the strategy the government has agreed or proposed that we follow. That is what we are following.

**Mr BRENDAN O'CONNOR**—You say in your submission that the purpose is to create a more humane, non-punitive, sensitive environment. I have to say, certainly as one committee member, I have yet to be convinced that it is possible. There is plenty of goodwill, and I am sure there is ingenuity on so many people's parts to try to bring that about, and it seems to me that it might be justifiable if it was a question of an increase of just 10 per cent and a redesign. But I am still not convinced an increase of 65 per cent is even possible. The purpose behind the expenditure is actually not going to be fulfilled, because it cannot be fulfilled. That is the difficulty I have. It stood out. I accept that we are not here to discuss the policy of the government. I sympathise with much of what was said today, but it is actually not particularly pertinent. However, one thing stood out when I read your submission—I did not need to read anyone else's—and that was the issue of the 50 extra places. When I read through all the designs—and I am no expert on design—I read about the 50 extra places and then I went around today and realised that you have still got exactly the same amount of space and you are trying to increase the population by that much. I do not know how that can be fulfilled.

**Mr Davis**—The other comment I would make—and it does not fully answer your question—is that, if we did not increase the capacity of the centre, the other strategy available to the department is, predominantly, to move people to other facilities, whether those be in South Australia or at Villawood. We do recognise there is a human element to moving people interstate and potentially taking people away from their families and from the communities they have lived in. A lot of these people have lived in a community or have links to a community. At the end of the day, these things become a trade-off between the different elements of the policy.

**CHAIR**—I had similar concerns when I read the briefing too. I think we have all asked questions today about the ratio of people. When I saw the medical centre today—the medical nursing post—it raised some obvious questions about a very crowded, unpleasant situation. If

you then have 50 more people, even if you double the size you are back to square one again virtually.

**Mr Davis**—There is an issue also about flow through but, yes, I understand the point.

**CHAIR**—I do understand the difficulty you face as a department in trying to accommodate people's needs in terms of continuing to have access to family and community they have lived with—and around—for some time and the importance of having visitors and a support base. You have an unenviable task in juggling all of these competing needs. I just wonder whether you might answer the point that was put by the ecumenical migration centre: why aren't prisoners who we know are going to be deported processed before they exit the prison system? That would take some of the pressure off a facility such as Maribyrnong.

**Mr Davis**—Overwhelmingly they are. Perhaps Miss McKirdy could add to that. I think I indicated earlier that 80 to 90 per cent of prisoners are processed directly from the prison out of Australia, but there are particular challenges associated with prisoners. Those go to access to travel documents, appeal processes and other things. They sometimes delay the capacity of the department to do that. Do you want to add briefly to that, Miss McKirdy?

**Miss McKirdy**—From the first moment we are aware that someone falls within either one of the acts, we begin the process. However, there are quite a number of things in the system that conspire to stop us being able to have not only the decision delivered et cetera but all the appeals mechanisms done.

**CHAIR**—Can you outline for us clearly the issues that stop you from doing that?

**Miss McKirdy**—Firstly, a lot of people spend a considerable amount of time in remand before they are sentenced. They do not fall within the act until they are formally sentenced, but, by the time they are sentenced, they could have been in remand for 18 months and their sentence could be two years, for argument's sake.

**CHAIR**—How long would it take you normally to process somebody who is in the prison system?

**Miss McKirdy**—It is probably a matter of weeks to do our paperwork. However, to process through all the appeals mechanisms that fall out of our cancellation, it depends on what course they take—whether they go to the AAT, the Federal Court or the High Court. All of these processes take their own amounts of time, which take us beyond the prison sentence and leave us with the issue of what to do with the person.

**CHAIR**—You are telling us that there are lots of variables.

**Miss McKirdy**—That is right. They are under no obligation to lodge other applications immediately or while they are in prison. They can leave it to the last week, which leaves us again saying, 'Okay. The sentence is finished and we will process this as quickly as we can, but it is going to go beyond the criminal custody date, and we have to deal with that.' A lot of those sorts of issues come into play, as well as the fact that some governments will not issue travel documents until all appeal avenues have been exhausted. So we cannot move again.



**CHAIR**—Perhaps I could ask also, as one of the people that spoke to the Prime Minister about having a policy of releasing women and children wherever that is possible and knowing that the minister went into the House and read a ministerial statement to that effect, can you tell us why we are still seeing families detained at Maribyrnong in particular?

**Miss McKirdy**—They do come from our compliance activities and the decisions are made by compliance. I will say that it is never a first choice to place families in detention. We look at all the options available to us first. Sometimes, even with the best will in the world, you still reach a point where you have no option.

**CHAIR**—Can you give the committee some idea as to the circumstances, without breaching any confidences?

**Miss McKirdy**—I will talk about somebody who is not in detention now, because that makes it much harder for anybody to identify them. We had a case of a person whose visa was cancelled and whose two children were left in the care of a guardian in the community. The arrangements seemed to be quite good at the time. We spoke to the mother and went through it all with her: that was the way she wanted it done and it was great. But after a couple of weeks problems arose with the person that she had left the children with, in that the person was not taking care of them properly and there were concerns for their welfare.

**CHAIR**—I guess we are asking a question which may be outside your ability to answer: why was the mother put into detention to begin with? The policy was clearly to keep mothers and children together.

**Miss McKirdy**—It was a character cancellation. There is no real option in those cases. But we did not want to do anything to the children. In that instance it became a matter of their welfare being best served by keeping them with their mother at the centre.

**CHAIR**—What kinds of situations would arise that would result in a character cancellation?

**Miss McKirdy**—Where there are serious criminal offences.

**Mr JENKINS**—I have a lot of questions. I will wait to see the department's answers before I ask the next lot of questions. The department has heard the evidence and taken on board a lot of the comments. I just think there needs to be a bit of fleshing out in response to some of the things that have been raised. The only comment I would make is that I think we acknowledge that the site is challenging. Perhaps we can get a bit of history about the site, because now, having thought about it and seen it in relation to what the council are doing, I know that it is an oddly shaped site. There is a long laneway to the entrance. I suspect that if you were doing a greenfield site you would be doing things totally differently.

**Mr Davis**—Very differently.

**Mr JENKINS**—But you are not, and perhaps we need to go to a question and answer session about those things and how you have considered those problems. You may think you are going over ground that you have discussed with us, but I think we need to get our heads around it. I concur with a lot of the comments that have been made by my colleagues on the committee

about trying to work out the best fit between what you are setting out to achieve and whether the comments that have been made and what we have seen and heard mean that is achievable.

**CHAIR**—We will probably recall you in Canberra, when parliament resumes—or whenever. Before closing I would like to thank all witnesses who appeared before our committee today and I would like to thank the department for assisting our inspection this morning.

Resolved (on motion by **Mr O'Connor**, seconded by **Mrs Moylan**):

That, pursuant to the power conferred by section 2(2) of the Parliamentary Papers Act 1908, this committee authorises publication of the evidence given before it and submissions presented at public hearing this day.

**Committee adjourned at 3.26 p.m.**