

Issues and Conclusions

The Need for the Work

3.1 Given the decrease in unauthorised boat arrivals since 2001, Committee members sought to ascertain whether expenditure on the proposed 800-bed IRPC facility was, in fact, justifiable.

3.2 Witnesses for the proponent agency explained that:

“The location of a permanent immigration reception and processing centre on Christmas Island is a decision of government and is consistent with the government’s policy on the management of unauthorised boat arrivals through offshore places both within Australia – on Christmas Island – and in other countries”.¹

3.3 A representative of DIMIA stated that, as there is no way to predict either the frequency or magnitude of unauthorised boat arrivals, the facility fulfilled the government’s wish to be ready for boat arrivals, adding that:

“It is a matter of not being complacent”.²

1 Appendix D, Official Transcript of Evidence, p. 3

2 ib id

Location

- 3.4 In view of the logistical difficulties and additional expense associated with the construction and maintenance of a major facility on Christmas Island, the Committee was interested to learn whether any alternative locations had been considered in the re-scoping of the original IRPC proposal.
- 3.5 DoFA witnesses responded that two locations on Christmas Island had been investigated during the planning of the original centre. As the intention of the current proposal is to utilise the foundation works undertaken as part of the original project, no consideration was given to alternative locations on the Australian mainland, as:
- “...all of the considerations that originally went into the determination of that site remained valid for the respecification.”³

Previous Site Works

- 3.6 At the public hearing, the Committee had a number of questions regarding the works undertaken as part of the ‘fast-track’ contract for the original 1,200-bed IRPC.

Money Expended

- 3.7 Committee members were concerned to ensure that money already spent on the original Christmas Island IRPC proposal would not be wasted as a result of the project respecification.
- 3.8 DoFA assured the Committee that all construction work carried out at the site under previous contractual arrangements would be utilised for the current project.
- 3.9 DIMIA witnesses added that, although the designs for the original centre would not be used, the design work undertaken had informed and assisted the subsequent design process.⁴
- 3.10 During an in-camera briefing on commercial-in-confidence project cost estimates, the Committee asked that it be provided with

3 Appendix D, Official Transcript of Evidence, p. 14

4 ib id, p. 4

comprehensive cost break-downs for site works undertaken to date, and of payments made to the head works contractor for the initial IRPC project, upon the termination of that contract.

- 3.11 The Minister for Finance and Administration subsequently gave permission for this information to be provided in confidence to the Committee.

Negotiations with Christmas Island Phosphates

- 3.12 DoFA's main submission records that the land upon which the proposed IRPC is to be built was formerly leased by the Commonwealth to PRL/ Christmas Island Phosphates (CIP), but was resumed by the Commonwealth in 2002.⁵
- 3.13 The Committee wished to ensure that negotiations with CIP regarding the resumption of the land had been brought to a satisfactory conclusion. DoFA explained that responsibility for those negotiations rested with DoTaRS.
- 3.14 A DoTaRS witness told the Committee that the land had been resumed and that negotiations with CIP were being undertaken to determine the amount of compensation to be paid for the value of the phosphate contained within the site at the time of resumption.⁶

Transfer of Project Responsibility

- 3.15 DoFA's main submission records that responsibility for the construction of the newly specified IRPC was transferred from DIMIA to DoFA in February 2002.⁷
- 3.16 In evidence given to an estimates hearing conducted by the Senate's Financial and Public Administration Legislation Committee on 28 May 2003, DoFA stated that the transfer of responsibility had taken place due to DoFA's greater expertise in the construction of major projects. In view of this evidence, Committee members wished to know in which specific areas of expertise DoFA was considered to be more suitable than DIMIA as the managing agency for the proposed IRPC.

5 Appendix C, Submission No. 1, paragraph 2.3.4

6 Appendix D, Official Transcript of Evidence, p. 5

7 Appendix C, Submission No. 1, paragraph 1.3.5

- 3.17 DoFA explained that it had a history of delivering major construction projects by means of a traditional delivery method. DoFA therefore assumed responsibility for the project when the ‘fast-track’ delivery strategy was replaced by a more traditional timeline and methodology in 2003.⁸
- 3.18 DIMIA witnesses stated that their agency had considerable experience in the construction, oversight and management of IRPCs, including the temporary centre on Christmas Island and other facilities throughout Australia. DIMIA added that it had a track-record of constructing centres rapidly in response to need, and that this qualification had been consistent with the urgency of the initial Christmas Island permanent IRPC project.
- 3.19 DIMIA noted, however, that the facilities it had constructed at Curtin, Western Australia, and Baxter and Woomera in South Australia, were short-term facilities comprised largely of demountable buildings and were, therefore, fundamentally different from the permanent, purpose-built facility under discussion.⁹

Experience of Architects

- 3.20 As the proposed permanent IRPC on Christmas Island is the first facility of its kind to be constructed in Australia, the Committee queried the credentials and relevant experience of the project architects and designers.
- 3.21 DoFA’s contracted architect outlined his company’s 24-year experience in the construction of correctional facilities throughout Australia. He explained that, while an IRPC was significantly different from a prison, there were common elements, such as the provision of a humane, but secure environment which operates in an efficient and cost-effective manner.¹⁰
- 3.22 The Committee was further informed that DIMIA, with its expertise in the operation of IRPCs, had been instrumental in selecting the architectural consultants and had also had considerable input into the design and functionality of the facility.¹¹

8 Appendix D, Official Transcript of Evidence, p. 6

9 *ib id*, p. 7

10 *ib id*, p. 10

11 *ib id*, pp. 9 and 10

Accommodation

- 3.23 The Committee questioned DoFA as to the nature of the proposed IRPC accommodation.
- 3.24 DoFA stated that the centre would consist of eight 50-bed 'pods', each of which could provide an additional 50 beds of dormitory-style 'contingency' accommodation, should the need arise.
- 3.25 It is proposed that, when not in use, the contingency accommodation space will serve as additional recreation space for residents.¹²

Management Accommodation

- 3.26 DoFA's main submission states that the proposed IRPC will provide
"...management accommodation for residents that represent a significant and ongoing security risk, or those that require short-term management for security reasons...".¹³
- 3.27 At the public hearing, the Committee requested further details of the proposed management accommodation.
- 3.28 A DIMIA witness appearing with DoFA explained that the 20 'management beds' would be in addition to, and separated from, the main accommodation units. Unlike the general accommodation pods, the management units will be equipped with surveillance cameras, as they are intended to house
"...detainees requiring constant surveillance due to self-harm or behavioural issues."¹⁴
- 3.29 The Committee noted that architectural drawings supplied by DoFA indicate that four of the management units will be 'family' rooms, and wished to know the circumstances under which an entire family might be placed in management accommodation.
- 3.30 DIMIA stated that the family units were intended to provide flexibility in the event of a situation in which such accommodation was required. DIMIA reported that detainees occasionally requested to be separated from the wider centre population.

12 Appendix D, Official Transcript of Evidence, p. 6

13 Appendix C, Submission No. 1, paragraph 2.15.6

14 Appendix D, Official Transcript of Evidence, p. 15

- 3.31 DIMIA added that the management units were intended solely for short-term occupation.¹⁵

Building Features

Materials and Finishes

- 3.32 While indicating that resistance to damage would be an important consideration in the selection of materials and finishes for the proposed IRPC, DoFA's main submission does not state specifically which materials may be utilised.¹⁶
- 3.33 A submission made by the Hon Wilson Tuckey MP highlights the importance of fire resistant materials and recommends the extensive use of concrete in the construction and fit-out of the facilities. Mr Tuckey also suggests that corrugated iron be avoided due to its propensity to rust when exposed to ocean spray.¹⁷
- 3.34 In view of the evidence received, the Committee was keen to ensure that the materials and finishes proposed for use in the new IRPC would be resistant to both damage and the harsh weather conditions prevailing on the island.
- 3.35 In response to questioning, DoFA assured the Committee that the issues raised in Mr Tuckey's submission were being addressed and that:
- “The fireproofing, fire retardant and fire fighting measures are all important in the design, as are the weatherproofing materials.”¹⁸
- 3.36 The Committee asked whether the selected building materials would be sufficiently robust to meet the anticipated building life of 30 years, considering the Christmas Island environment.
- 3.37 DoFA's architect responded that the projected 30 year building life would not negate the requirement for maintenance and refurbishment of the facility throughout that time.

15 Appendix D, Official Transcript of Evidence, p.16

16 Appendix C, Submission No. 1, paragraph 2.8.5

17 Submission No. 5

18 Appendix D, Official Transcript of Evidence, p.22

- 3.38 The architect explained that, in addition to resistance to damage and durability under tropical conditions, in the selection of materials and finishes, consideration also had to be given to the remote location of the facility and initial capital costs.¹⁹
- 3.39 The Committee is aware of the potential for some building materials to deteriorate rapidly under harsh weather conditions. The Committee therefore recommends that the building materials used are suitable for Christmas Island's tropical climate.

Air-conditioning

- 3.40 In order to minimise running costs and energy use, DoFA intends to restrict the use of air-conditioning at the facility to areas such as office accommodation, where cooling is required to ensure the proper operation of electronic equipment.²⁰
- 3.41 Committee members wished to know what type of air-conditioning system would be installed and whether it would be of a kind that may provide a breeding environment for the Legionella bacillus.
- 3.42 DoFA stated that while no decision had so far been reached as to the nature of the air-conditioning system, a proper maintenance regime would be put in place to minimise the risk of Legionnaire's disease.²¹

Security Measures

- 3.43 The main submission describes a variety of physical, electronic and observational security measures that will be built into the fabric of the facility. These measures will include a range of physical separation and 'lock down' zones varying from
- " ... individual rooms and family groups through a range of groupings up to 100 persons."²²
- 3.44 At the public hearing, DoFA's architect described a perimeter security system comprising two fences, one of which will be equipped with an electronic detection system, and stated that a microwave detection system would also be installed.

19 Appendix D, Official Transcript of Evidence, p. 22

20 Appendix C, Submission No. 1, paragraphs 2.8.7 and 2.10.3 (d)

21 Appendix D, Official Transcript of Evidence, p. 23

22 Appendix C, Submission No. 1, paragraph 2.8.2 (c)

- 3.45 The witness assured the Committee that electronic surveillance and detection equipment would be selected with regard to the island's tropical environment.²³

Communications Technology

- 3.46 A written submission by CIP draws attention to the shortcomings of internet services on Christmas Island and to the imminent cessation of the analogue mobile telephone service, which is not to be replaced. The submission expresses some hope that the construction of the IRPC may provide the opportunity for an overall improvement in communication services to the island.²⁴
- 3.47 Noting that the IRPC would require access to communications and information technology for its daily operations, Committee members wished to know whether the installation of such communications systems may provide sufficient capacity to benefit the wider Christmas Island community.
- 3.48 DoFA responded that, while the details of the centre's communication and information systems had not been determined, DoFA would investigate the cost-effectiveness of linking in to the island's current system.
- 3.49 As there is no intention to have a mobile telephone system within the centre, DoFA did not anticipate that upgrades to the island's network could be facilitated through the development of the IRPC.²⁵

Environmental Issues

Exemption from the *Environment Protection and Biodiversity Conservation Act 1999*

- 3.50 DoFA's main submission records that:

“On 3 April 2002, the Minister for the Environment and Heritage granted exemptions under sections 158 and 303A of the *Environment Protection and Biodiversity Conservation Act 1999*”,

23 Appendix D, Official Transcript of Evidence, p. 19

24 Submission No. 2

25 Appendix D, Official Transcript of Evidence, p.18

with the result that the Environmental Management Plan for the proposed IRPC and associated infrastructure would not require the formal approval of the Department of Environment and Heritage (DEH).²⁶

- 3.51 Committee members noted that evidence given by DoFA to the Senate's Financial and Public Administration Legislation Committee on 28 May 2003 indicated that the exemption applied to earthworks undertaken as part of the initial IRPC project, and

“...was really no longer relevant because those works had already been completed.”²⁷

- 3.52 When asked to comment on this, DoFA responded that the exemption applied to the initial earthworks and to all ongoing works. However, notwithstanding the exemption, DoFA reiterated its intention to work closely with Environment Australia and the DEH to ensure that all construction activities comply with the requirements of those agencies.²⁸

Compliance with Relevant Guidelines and Legislation

- 3.53 DoFA's main written evidence indicates that the IRPC and its associated building services will comply with the requirements of the Building Code of Australia.²⁹

- 3.54 DoFA also intends that the proposed IRPC facility will cater for people with physical and/or psychological disabilities, and will

“... take into consideration the objectives of the *Disability Discrimination Act 1992 (C'th)*, where applicable”.³⁰

Energy Efficiency Policy

- 3.55 DoFA's main submission outlines a range of passive energy conservation measures that will be addressed in the design of the proposed facility.³¹ However, the Committee sought assurance that

26 Appendix C, Submission No. 1, paragraph 2.13.1

27 Appendix D, Official Transcript of Evidence, p. 11

28 ib id, p. 12

29 see for example Appendix C, Submission No. 1, paragraphs 2.8.8 and 2.8.9

30 Appendix C, Submission No. 1, paragraphs 2.12.1 – 2.12.2

31 ib id, paragraphs 2.10.2 – 2.10.3

the proposed works would comply with the provisions of the Commonwealth's Energy Efficiency Policy, as administered by the Australian Greenhouse Office (AGO).

- 3.56 DoFA stated that it had commenced discussions with the AGO and intended to investigate energy efficiency measures and environmental controls during the detailed design phase of the project.³²

Immigration Detention Guidelines

- 3.57 The Committee was also concerned to ensure that the proposed facility would comply with all immigration detention guidelines established by the Commonwealth, and by the United Nations High Commission on Refugees.

- 3.58 A DIMIA officer appearing with DoFA assured the Committee that the agencies were:

“... seeking to design a facility that meets all of those guidelines ... and meets both the government's expectations and the community's expectations on appropriate and meaningful management of people in this sort of situation.”³³

Impact on Local Community

- 3.59 The submissions of both CIP and the Christmas Island Chamber of Commerce (CICC) highlight the impact of the proposed IRPC project on the Christmas Island community.³⁴ In view of this, the Committee wished to ensure that the project would maximise benefits to the community whilst minimising negative impacts.

Opportunities for Local Businesses

- 3.60 DoFA's main submission states that the construction of the IRPC on Christmas Island will contribute positively to the local economy through business and training opportunities.³⁵ The CIP submission

32 Appendix D, Official Transcript of Evidence, p. 12

33 *ib id*, p. 4

34 Submissions No. 2 and 4

35 Appendix C, Submission No. 1, paragraph 2.18.1

notes, however, that the delays occasioned by the respecification of the project have had a deleterious impact upon local tradespeople.³⁶

- 3.61 In view of this, the Committee requested that DoFA outline the opportunities that would be available to local business people under the new contractual arrangements.
- 3.62 DoFA responded that a preliminary works package was envisaged to commence early in 2004 and that this package would be of a size suitable for execution by local contractors.
- 3.63 DoFA added that involvement of local businesses and training for local people would form part of the assessment criteria for the major works contract.³⁷

Training

- 3.64 DoFA's main submission asserts that:
- "... the construction tender will include the local training and local business content."³⁸
- 3.65 The Committee wished to know who would manage this aspect of the contract to ensure the provision of quality training.
- 3.66 DoFA explained that its selected project manager would engage a full-time superintendent to manage all works carried out on the island. This individual would also have responsibility for reviewing contractual obligations relating to local training.³⁹

Impact upon Local Services

- 3.67 In its submission, CIP expresses concern that the island's emergency fire and ambulance services may be degraded by the additional burden placed upon them by the construction of the IRPC. Likewise, CIP points out the limited availability of power and water on Christmas Island and seeks assurance that supply to local businesses and residents will not be diminished by the construction of the centre.⁴⁰

36 Submission No. 2

37 Appendix D, Official Transcript of Evidence, p. 20

38 Appendix C, Submission No. 1, paragraph 2.18.1

39 Appendix D, Official Transcript of Evidence, p. 21

40 Submission No. 2

- 3.68 When questioned on this matter at the public hearing, DoFA responded that the design philosophy adopted for the centre ensures that there will be no adverse impact upon local services.⁴¹

Operational Issues

Medical Facilities

- 3.69 At the public hearing, the Committee sought further information on the IRPC's proposed medical centre.
- 3.70 DIMIA explained that the medical facility would provide both primary response care and eight in-patient beds for longer-term illness. The inclusion of in-patient beds removes the need for the additional security measures, staffing requirements and expense associated with maintaining a detainee at a local hospital.
- 3.71 While the medical facility will provide a small quarantine area, DoFA envisages that, in the event of a major infectious disease outbreak, the compound lock-down structures would be employed.⁴²

Education Facilities

- 3.72 DoFA intends that the educational facilities at the proposed IRPC will cater for all ages from child care through to adult education.
- 3.73 Committee members asked if the opportunity existed for children detained at the centre to attend local schools.
- 3.74 A DIMIA representative confirmed that this was possible and that school-aged children currently detained at the temporary IRPC on the island were attending the local school. The witness added, however, that this arrangement was dependent upon the capacity of the local school to accommodate the detainee children, and that consideration had also to be given to the children's specific cultural needs, and to any behavioural management issues.

41 Appendix D, Official Transcript of Evidence, p. 18

42 ib id, p. 17

Maintenance

- 3.75 The Committee wished to know what ongoing maintenance arrangements would be put in place for the proposed facility, given its remote location and the fact that it may be unutilised for prolonged periods.
- 3.76 DoFA stated that such issues had not yet been determined, but would be considered under the service provision arrangements for the centre. Witnesses attested that the agencies were conscious of the need to maintain the centre during idle periods, and of the requirement to activate the centre quickly when required, and that these issues would be addressed through the contractual arrangements made with service providers.⁴³

Use of Unoccupied Centre

- 3.77 Considering that the proposed IRPC represents a significant expenditure of Commonwealth funds, Members were interested to know whether any alternative use may be made of the facility at such times when it is not occupied. Particularly, Members asked if some use may be made of the facility by the Christmas Island community.
- 3.78 Agency witnesses replied that this matter had not yet been fully considered, but stated that both the purpose-built design of the centre, and the requirement to activate it rapidly when required, would make alternative use difficult.⁴⁴

Consultation

- 3.79 The Committee acknowledged the local knowledge and many practical suggestions contained within the submission made by the CICC and sought assurance that DoFA would continue to consult with that organisation.
- 3.80 DoFA stated that the Minister for Finance and Administration had met with the CICC in June 2003 and added that the Department intended to liaise further with all business organisations on the island.

43 Appendix D, Official Transcript of Evidence, pp. 24 - 25

44 ib id, pp. 12 - 13

Recommendation 1

The Committee recommends that the Department of Finance and Administration continue to liaise with the Christmas Island Chamber of Commerce and other relevant organisations in relation to the issues raised in the Christmas Island Chamber of Commerce submission.

Recommendation 2

The Committee recommends that the proposed respecified Christmas Island Immigration Reception and Processing Centre proceed at an estimated cost of \$197.7 million.

Hon Judi Moylan MP

Chair

2 December 2003