

Introduction

- 1.1 Under the *Public Works Committee Act 1969* (the Act), the Parliamentary Standing Committee on Public Works is required to inquire into and report on public works referred to it through either house of Parliament. Referrals are generally made by a delegate of the Minister for Finance.
- 1.2 All public works that have an estimated cost exceeding \$15 million must be referred to the Committee and cannot be commenced until the Committee has made its report to Parliament and the House of Representatives receives that report and resolves that it is expedient to carry out the work.¹
- 1.3 Under the Act, a public work is a work proposed to be undertaken by the Commonwealth, or on behalf of the Commonwealth concerning:
- the construction, alteration, repair, refurbishment or fitting-out of buildings and other structures;
 - the installation, alteration or repair of plant and equipment designed to be used in, or in relation to, the provision of services for buildings and other structures;
 - the undertaking, construction, alteration or repair of landscaping and earthworks (whether or not in relation to buildings and other structures);
 - the demolition, destruction, dismantling or removal of buildings, plant and equipment, earthworks, and other structures;
 - the clearing of land and the development of land for use as urban land or otherwise; and

¹ The Act, Part III, Section 18 (8). Exemptions from this requirement are provided for work of an urgent nature, defence work contrary to the public interest, repetitive work, and work by prescribed authorities listed in the Regulations.

- any other matter declared by the regulations to be a work.²
- 1.4 The Act requires that the Committee consider and report on:
- the purpose of the work and its suitability for that purpose;
 - the need for, or the advisability of, carrying out the work;
 - whether the money to be expended on the work is being spent in the most cost effective manner;
 - the amount of revenue the work will generate for the Commonwealth, if that is its purpose; and
 - the present and prospective public value of the work.³
- 1.5 The Committee pays attention to these and any other relevant factors when considering the proposed work.

History of the Public Works Committee and immigration detention

- 1.6 The Parliamentary Standing Committee on Public Works has had a long history of involvement with immigration detention. Most recently, the Committee has undertaken the following inquiries:
- Christmas Island Immigration Detention Centre Project Update (September 2008)
 - Maribyrnong Immigration and Detention Centre (May 2005)
 - Construction of a respecified immigration reception and processing centre on Christmas Island (December 2003)
- 1.7 Reports of these inquiries are available on the Committee's website.
- 1.8 The redevelopment of the Villawood Immigration Detention Centre (VIDC) was first referred to the Public Works Committee in February 2006. The then Department of Finance and Administration and the then Department of Immigration and Multicultural Affairs were unable to proceed with the proposal and the inquiry lapsed. Submissions to this proposal are also available on the Committee's website.
- 1.9 Recommendations made by the Committee in *Report 3/2005: Maribyrnong Immigration and Detention Centre (MIDC) – Additional accommodation and related works*⁴ resulted in the development of the *Standards for Design and*

2 The Act, Section 5.

3 The Act, Section 17.

4 See <http://www.aph.gov.au/house/committee/pwc/midc/report.htm>

Fitout for Immigration Detention Facilities by the Department of Immigration and Citizenship as well as a range of significant improvements to the MIDC.

- 1.10 The Committee is pleased to note the existence of these guidelines and has made commentary and recommendations in this report with a view to strengthening the guidelines and embedding them as a part of long-term immigration facilities management in Australia.

Key Immigration Values

- 1.11 On 29 July 2008, the Minister for Immigration and Citizenship, Senator the Hon Chris Evans, announced a series of values that would underpin the Australian Government's immigration detention policy.⁵
- 1.12 The Australian Government's immigration policy framework includes mandatory detention of non-Australian citizens in breach of their visa conditions. The policy for detention in immigration detention centres is administrative and not intended to be punitive in nature. Detention facilities therefore need to be constructed to operate with this policy construct as the principal driver.
- 1.13 The proposed redesign of the VIDC is based on supporting this immigration policy.
- 1.14 The Key Immigration Values are:
1. Mandatory detention is an essential component of strong border control.
 2. To support the integrity of Australia's immigration program, three groups will be subject to mandatory detention:
 - a. All unauthorised arrivals, for management of health, identity and security risks to the community;
 - b. Unlawful non-citizens who present unacceptable risks to the community; and
 - c. Unlawful non-citizens who have repeatedly refused to comply with their visa conditions.

5 Senator the Hon. Chris Evans, Minister for Immigration and Citizenship, 'New directions in detention', speech delivered at the Australian National University, 29 July 2008.

3. Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an immigration detention centre (IDC).
 4. Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both accommodation and services provided, would be subject to regular review.
 5. Detention in immigration detention centres is only to be used as a last resort and for the shortest practicable time.
 6. People in detention will be treated fairly and reasonably within the law.
 7. Conditions of detention will ensure the inherent dignity of the human person.⁶
- 1.15 The Committee considered the proposal in the context of these values.
- 1.16 It was not in the scope of this Committee's inquiry to address matters of immigration policy. However, some commentary and recommendations are included in this report where the Committee observed practices that were not in line with the Key Immigration Values.

Conduct of the inquiry

- 1.17 The proposal was referred to the Committee on 13 August 2009.
- 1.18 The inquiry was advertised in local and national newspapers and submissions sought from those with a direct interest in the project. The Committee received six submissions and two confidential supplementary submissions detailing the project costs. A list of submissions can be found at Appendix A.
- 1.19 The Committee undertook a site inspection at the redeveloped Maribyrnong Detention Facility on 18 September 2009 in Melbourne as background to the inquiry and to review the implementation of recommendations made by the Public Works Committee in March 2005. The Committee undertook a site inspection of the VIDC as well as a public hearing, and an in-camera hearing on the project costs on

6 Submission 1, Joint: Department of Finance and Deregulation and Department of Immigration and Citizenship, p. 4.

22 September 2009 in Sydney. A list of site inspections and witnesses at the public hearing can be found at Appendix B.

- 1.20 The Committee also conducted a private informal discussion with some detainees of the VIDC on 22 September 2009 about their experiences of the facility and their views about the proposed redevelopment. This meeting was extremely valuable for the Committee's consideration of the proposed works, and the detainee's views are reflected through this report.
- 1.21 The transcript of the public hearing as well as the submissions to the inquiry is available on the Committee's website.⁷ Plans for the proposed works are detailed in Submission 1: Joint, Department of Finance and Deregulation and Department of Immigration and Citizenship.

Matters addressed in this report

- 1.22 A range of matters were brought to the Committee's attention during the course of the inquiry and are addressed in this report. The Committee considered its obligations under Section 17 (3) of the Act to have regard to the suitability of the proposed works and the present and prospective value of the works.
- 1.23 As a result, the Committee has made recommendations regarding current infrastructure-related practices at the VIDC which it considers to have a detrimental effect on detainees.
- 1.24 This report also addresses DIAC procedures, namely the document *Standards for design and fitout of immigration detention facilities*, with a view to ensuring that this and other proposed works at immigration detention facilities are of the highest possible standard, suitable for purpose and providing value for money for the Commonwealth.

7 <www.aph.gov.au/pwc>