

Immigration detention infrastructure

Fitout standards

- 2.1 In 2004 the Australian National Audit Office report, *Management of the Detention Centre Contracts - Part A*, recommended that the then Department of Immigration and Multicultural and Indigenous Affairs 'develop and agree on appropriate standards for providing infrastructure in the detention facilities.'¹
- 2.2 In May 2005, the Joint Standing Committee on Public Works made a similar recommendation stating:
- In respect of building codes and standards, the Committee recommends that the Department of Immigration and Multicultural and Indigenous Affairs consult with appropriate government and professional bodies to establish a national benchmark for the construction and fitout of Immigration Detention Centres and Immigration Reception and Processing Centres.²
- 2.3 In response to these recommendations, DIAC developed *Standards for Design and Fitout of Immigration Detention Facilities* which 'identifies the current standards of design and fitout of Australian immigration

1 Australian National Audit Office, *Management of the Detention Centre Contracts-Part A*, Report No. 54 (2003-04), p 27.

2 Joint Standing Committee on Public Works, *Provision of Facilities for Maribyrnong Immigration Detention Centre Additional Accommodation and Related Works, Maribyrnong, Victoria* (March 2005), Parliament of the Commonwealth of Australia, p ix.

detention facilities, namely Immigration Detention Centres (IDCs), Immigration Transit Accommodation (ITA) and Immigration Residential Housing (IRH).³

2.4 The infrastructure standards are intended to:

...provide people in administrative detention with accommodation commensurate with Australian community standards and expectations. They ensure the standard of delivery is fundamentally humane while having regard to the operational needs of detention service providers and departmental officers in processing people into or out of Australia.⁴

2.5 These infrastructure standards are a working document and have guided the design of capital works at detention centres since they were established. In particular, the infrastructure standards set out the principles of design and specifications for construction and renovation of all aspects of a detention facility, including landscaping, integrated artworks and signage. The infrastructure standards also address security, cultural awareness, fire safety and occupational health. The standards will be updated from time to time.

Immigration detention facilities

2.6 As noted in Chapter 1, the Department of Immigration and Citizenship (DIAC) currently uses the following three types of facilities to detain unlawful non-citizens⁵:

- Immigration Detention Centres (IDC) accommodate a range of unlawful non-citizens, mainly people who have over-stayed their visa, people in breach of their visa conditions, or people who were refused entry at Australia's international airports.⁶

3 Department of Immigration and Citizenship, *Standards for Design and Fitout of Immigration Detention Facilities* (October 2007), p 7.

4 Department of Immigration and Citizenship, *Standards for Design and Fitout of Immigration Detention Facilities* (October 2007), p 7.

5 Under subsection 5(1) of the *Migration Act 1958*, non-citizen means a person who is not an Australian citizen.

6 Department of Immigration and Citizenship, 'About Immigration Detention Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/about/immigration-detention-facilities.htm>.

- Immigration Residential Housing (IRH), detention facilities⁷ that provide a flexible detention arrangement to enable people in immigration detention to live in family-style accommodation.⁸
- Immigration Transit Accommodation (ITA), accommodation to house people who are a low security risk.⁹

2.7 At present, immigration detention facilities are located at:

- Villawood (established in Sydney, NSW in 1976)
- Maribyrnong (established in Melbourne, Victoria in 1966)
- Perth (established in Western Australia in 1981)
- Christmas Island (established in September 2001), and
- Darwin (established in the Northern Territory in 2006).¹⁰

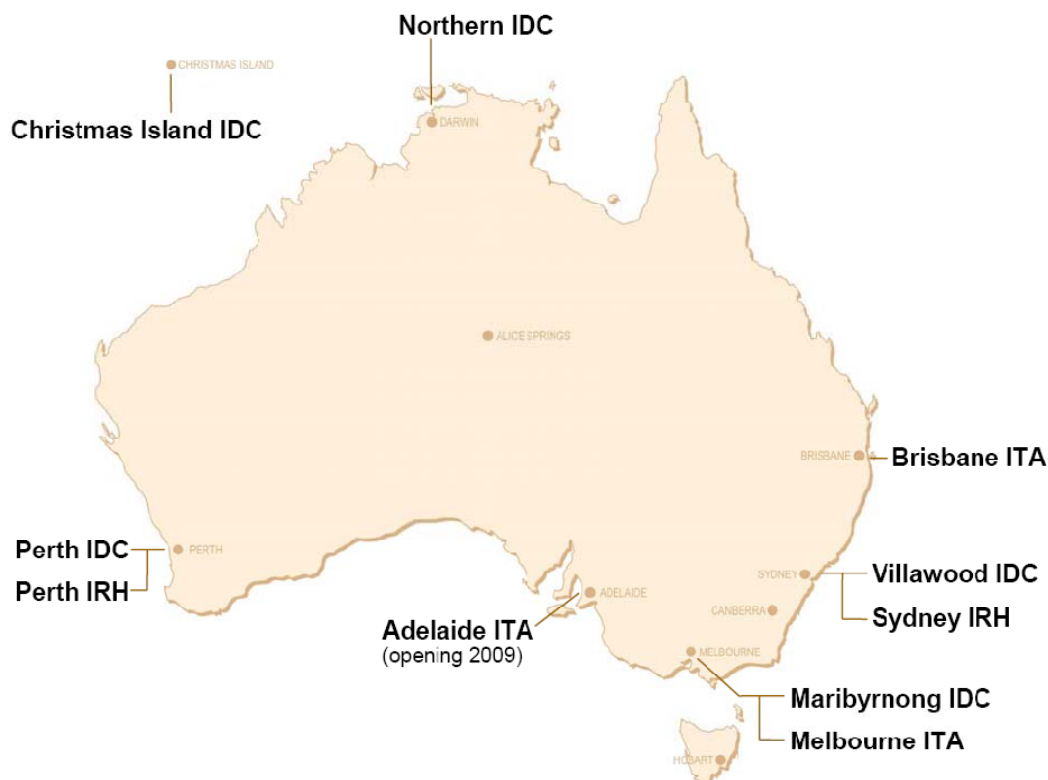
7 Australian Human Rights Commission, 'Immigration detention and human rights', viewed on 31 July 2009 at http://www.hreoc.gov.au/Human_Rights/immigration/detention_rights.html.

8 Department of Immigration and Citizenship, 'About Immigration Detention Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/about/immigration-detention-facilities.htm>.

9 Department of Immigration and Citizenship, 'About Immigration Detention Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/about/immigration-detention-facilities.htm>.

10 Department of Immigration and Citizenship, 'Understanding Immigration Detention', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/about/understanding.htm>.

Figure 2.1 Location of immigration detention facilities in Australia



Source Department of Immigration and Citizenship, 'Location of immigration detention facilities in Australia', viewed on 8 July 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/map-operational-facilities.pdf>.

2.8 If for any reason the current facilities are not able to accommodate an influx of unlawful non-citizens, DIAC also has contingency facilities located at Port Hedland, Western Australia, and Port Augusta, South Australia.

2.9 There are also some immigration detention facilities that are no longer operational including:

Facilities at Woomera (SA) and near Singleton (NSW) were handed back to the Government according to the 2006 Budget announcements. From August 2007, the Baxter immigration detention centre and Port Augusta immigration residential housing stopped operating as immigration detention facilities.¹¹

2.10 As at 29 May 2009, the detainee population in immigration detention centres, immigration residential housing and immigration transit accommodation totalled 798 including 548 in immigration detention

11 Department of Immigration and Citizenship, 'Understanding Immigration Detention', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/about/understanding.htm>.

centres, 30 in immigration residential housing and 25 in immigration transit accommodation.¹²

Perth immigration detention centre

- 2.11 The Perth immigration detention centre was opened in 1981. The site was originally constructed for administrative purposes for the Australian Federal Police before being adapted to use as an immigration detention centre.
- 2.12 The Perth immigration detention centre mainly caters for people who have overstayed their visa or had their visa cancelled because they failed to comply with their visa conditions. Other detainees include people refused entry to Australia at international airports and seaports, and people with a criminal conviction awaiting removal to another country.
- 2.13 The Perth immigration detention centre is located on land owned by the Perth Airport Corporation which is leased to DIAC. Each lease is for a five year period and DIAC has the option to renew the lease for a total of four times. DIAC has already renewed it three times. The current lease is due to expire on 31 December 2011 and DIAC has the option to renew one last time. If DIAC chooses to renew the lease, it will expire on 31 December 2016.¹³

12 Department of Immigration and Citizenship, 'Immigration detention statistics summary' as at 29 May 2009, viewed on 22 June 2009 at http://www.immi.gov.au/managing-australias-borders/detention/_pdf/immigration-detention-statistics-20090529.pdf.

13 Senate Standing Committee on Legal and Constitutional Affairs, Question Taken on Notice, Supplementary Budget Estimates 2008-2009 (October 2008), (60) Output 1.5, detention, Immigration centre at Perth Airport, viewed on 22 June 2009 at http://www.aph.gov.au/SEnate/committee/legcon_ctte/estimates/sup_0809/diac_qon/60_qon_21_Oct_08.pdf.

Location, size and capacity

- 2.14 The Perth immigration detention centre is located within the Perth Domestic Airport precinct in Redcliffe, Western Australia, some 10 kilometres north-east of the Perth central business district (CBD).¹⁴ The facility is a single level brick building that occupies a level, rectangular site as a 'tee' shape of approximately 1880m².¹⁵
- 2.15 The Perth immigration detention centre currently has the capacity to accommodate 27 people and, if required, can accommodate a surge capacity of 42 people.¹⁶

Population profile

- 2.16 At 29 May 2009, the Perth immigration detention centre had eight people in immigration detention which consisted of seven men and one woman. Six were detained as a result of compliance action (i.e. overstaying their visa or breaching the conditions of their visa, resulting in a visa cancellation) and two were unauthorised boat arrivals.¹⁷
- 2.17 Six had not lodged a Protection Visa (PV) application while in detention; one had their PV application under merits or judicial review of a decision in relation to their application for a PV; and one had their PV application finalised without grant.¹⁸
- 2.18 The length of those detained ranged from one week to between 12 and 18 months.¹⁹

Description of facilities

- 2.19 The Perth immigration detention centre is located in a mixed use area comprising office accommodation domestic air terminals, a large public car parking facility, a valet parking facility, airport hangers and maintenance facilities, air freight cargo terminals, the Australia Post Mail Processing Centre and a number of vacant redevelopment sites.

14 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/perth/accommodation.htm>.

15 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 7. According to the Australian Bureau of Statistics, in 2003-04 the average site area of new houses in Australian capital cities was approximately 730m².

16 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 7.

17 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 7-8.

18 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 7-8.

19 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 7-8.

- 2.20 The facility is a single level brick building that is divided into three wings:
- the north wing contains accommodation for men with bathroom facilities, two recreation rooms, a kitchen and dining room
 - the west wing contains six bedrooms (that may be used to accommodate women) with a dining/recreation room adjacent, an observation room, administration offices and storage rooms, control room, staff room, interview rooms, residents' property store and a foyer
 - the east wing contains accommodation and a recreational room, a visits room, administration areas and an additional resident property storage room.²⁰
- 2.21 All operational and maintenance aspects of the centre are undertaken by the detention service provider. Chapter 3 provides an overview of the provision of services in detention facilities including information on the detention service provider.

Community perception

- 2.22 Much of the evidence received by the Committee painted a poor picture of the Perth immigration detention centre's current facilities.
- 2.23 The Southern Communities Advocacy Legal and Education Services Community Legal Centre in Western Australia advised that it had received anecdotal evidence from former detainees that they would rather be held in a maximum security prison in Perth rather than the Perth immigration detention centre.²¹
- 2.24 The Australian Human Rights Commission (AHRC), formerly the Human Rights and Equal Opportunity Commission (HREOC), observed that, of the immigration detention centres that they had seen, 'the Perth Immigration Detention Centre is quite cramped and confined'.²²
- 2.25 The AHRC added:
- [The AHRC] is concerned about the inadequacy of Perth Immigration Detention Centre (PIDC) in its current form, to accommodate anyone other than a small number of short term detainees.

20 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/perth/accommodation.htm>.

21 Moss V, Southern Communities Advocacy Legal and Education Services Community Legal Centre, *Transcript of evidence*, 9 October 2008, p 6.

22 Innes G, Australian Human Rights Commission, *Transcript of evidence*, 24 October 2008, p 4.

In his visit to PIDC in 2007, the Human Rights Commissioner noted that PIDC is a small, cramped centre which is not equipped to house detainees for long periods of time. Some problems include:

- the dormitory accommodation is drab and dark.
- the two outside areas are shabby and claustrophobic. There is no greenery, poor ground covering and it is not conducive to outdoor activities.
- area 1 bathrooms are shabby and dark.
- there is no Visitors area. It is not appropriate for visiting families to have to meet in the detainee common areas.
- the education area is cramped – English classes are conducted while other detainees are on the computers or trying to access the internet. PIDC needs a dedicated education area.²³

2.26 National Legal Aid (NLA) commented that the Perth immigration detention centre was noisy due to its close proximity to the airport and had very limited outdoor space.²⁴

2.27 The Commonwealth Ombudsman highlighted the need to consider the general environment of immigration detention centres in addition to the facilities, stating:

During 2007 the Ombudsman became aware of concerns raised by detainees at the Perth IDC in relation to the air quality within the centre given the proximity to Perth International Airport. After a number of enquiries were made by our office we understand that DIAC initiated ongoing discussions and liaison with Airport authorities to ensure that the quality of the air was within authorised standards. The incident raises the need to consider the general environment of the immigration detention centre in addition to focusing on facilities within a centre.²⁵

2.28 The Refugee Council of Australia noted that, while services in immigration detention centres have improved markedly over recent years, they still require a number of improvements including:

...the need for further improvements to health and mental health services, the need for improved access to recreational activities and, in some centres, access to open space and varying levels of access to education facilities and communication facilities like the

23 Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission), submission 99, 27 August 2008, pp 33-34.

24 National Legal Aid, submission 137, 24 October 2008, p 11.

25 Commonwealth Ombudsman, submission 126, 3 September 2008, p 23.

internet. We are also concerned that the infrastructure for visits is inadequate in at least two of the centres, Perth and Villawood.²⁶

- 2.29 However the Secretary of DIAC, Andrew Metcalfe, noted that many changes had been made to immigration detention centres in recent years and that 'work is currently under way at the Perth centre to improve' its facilities.²⁷ Mr Metcalfe also stated:

Perth IDC is in the process of undergoing a \$3.1 million upgrade which will include removing razor wire and installing alternative anticlimb structures, upgrading recreational courtyards and improving access, constructing additional bathrooms, refurbishing accommodation areas and improving the internal layout to enhance operational arrangements.²⁸

Committee observations

- 2.30 The Committee recognised that the facility in Perth is not a purpose built facility. Even though the facility was refurbished to some extent, the Committee was concerned that it was cramped and not suitable for placing detainees in long-term detention. The accommodation was also less than satisfactory, being dull and uncomfortably closed in.
- 2.31 The lack of natural light in the facility was apparent immediately and the Committee was concerned that this would affect the general wellbeing of detainees housed at the Perth facility.
- 2.32 The recreational areas provided within the Perth immigration detention centre were well below the fitout standards. The Committee observed that the gymnasium was set-up in a converted room and had limited equipment.
- 2.33 Security within the Perth immigration detention centre seemed overly excessive. In particular, the Committee observed that the courtyard was surrounded by razor wire and the recreational surroundings were stark and unsightly. However, the Committee understands that the razor wire is to be removed as part of the current upgrade.
- 2.34 Overall the Committee noted that the Perth immigration detention centre was an oppressive environment in which to accommodate detainees and, in some respects, very reminiscent of the current facilities at Villawood

26 Power P, Refugee Council of Australia, *Transcript of evidence*, 4 February 2009, p 2.

27 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 24 September 2008, p 2.

28 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 6.

Stage 1. The Committee notes the announcement that over \$3 million will be spent on upgrading the facilities.

Villawood immigration detention centre

- 2.35 The Villawood immigration detention centre was originally constructed between the early 1960s and 1970s as a migrant hostel. The buildings have been progressively adapted into a secure immigration detention centre, which was opened in 1976.²⁹
- 2.36 Villawood immigration detention centre mainly caters for people who have over-stayed their visa permit or those who had their visa cancelled because they have failed to comply with their visa conditions. People refused entry into the country at international airports and seaports may also be detained here.³⁰
- 2.37 As noted in Chapter 1, the Government announced that it will provide \$186.7 million over five years to redevelop the Villawood immigration detention centre.³¹
- 2.38 As part of that announcement, the Government stated:

The redevelopment aims to upgrade and enhance the Detention Centre to meet current standards for design and fitout of immigration detention facilities. The redevelopment project will be managed by the Department of Finance and Deregulation (Finance) and overseen by a joint Finance and Department of Immigration and Citizenship steering committee.

This measure is informed by scoping studies and preliminary design as part of the Villawood Immigration Detention Centre – redevelopment – scoping and design measure announced in the 2008-09 Budget.³²

Location, size and capacity

- 2.39 The Villawood immigration detention centre is located in a western suburb of Sydney approximately 28 kilometres from the Sydney CBD. The Centre occupies approximately an 18 hectare site that is bounded by

29 Department of Immigration and Citizenship, 'Villawood Immigration Detention Centre in Sydney (NSW)', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/villawood/>.

30 Department of Immigration and Citizenship, 'Villawood Immigration Detention Centre in Sydney (NSW)', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/villawood/>.

31 See Chapter 1, paragraph 1.25.

32 Australian Government, Budget 2009-10, 'Part 3: Capital Measures', viewed on 27 May 2009 at http://www.budget.gov.au/2009-10/content/bp2/download/bp2_Capital.pdf.

residential and industrial areas. There are approximately 47 buildings that form the Villawood immigration detention centre on a site which has a total floor area in the order of 14,000m².³³

- 2.40 The Villawood immigration detention centre has an operating capacity of around 358 people with the ability to expand by a further 516 (surge capacity).³⁴

Population profile

- 2.41 At 29 May 2009, the Villawood immigration detention centre had 178 people in immigration detention comprised of 151 men and 27 women. One hundred and forty two people were detained as a result of compliance action, 34 were unauthorised air arrivals, and two were detained for other reasons (i.e. including stowaways and deserters).³⁵
- 2.42 Of those:
- eighty three had not lodged a PV application while in detention
 - thirty nine had a PV application on hand
 - twenty five had their PV application under merits or judicial review of a decision in relation to their application for a PV, and
 - thirty one had their PV application finalised without grant.³⁶
- 2.43 The length of those detained ranged from one week to more than two years.³⁷

Description of facilities

- 2.44 The Villawood immigration detention centre comprises three separate accommodation compounds, known as Stage 1, Stage 2 and Stage 3.
- 2.45 Stage 1, a high security area (currently located approximately 200m east of the main facility), is a purpose-built facility which accommodates single males, predominantly in large dormitories. It has three building wings with integrated enclosed courtyards and other shared facilities including a kitchen, dining room, washing facilities, laundry and recreation rooms including computer facilities.³⁸

33 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 5.

34 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 5.

35 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 5-6.

36 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 5-6.

37 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 5-6.

38 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/villawood/accommodation.htm>.

- 2.46 There is a modular demountable building providing additional shared rooms and en-suite accommodation for 40 single male residents, as well as a TV room, day room and outdoor recreation space. Support facilities include reception and processing, administration and facilities to accommodate visits.³⁹
- 2.47 Stage 2 (single women, lower risk single men and couples) and Stage 3 (single men - medium to high risk) comprise twelve two-storey, brick residential buildings grouped around central grassed courtyards. The accommodation units have either two or three bedrooms and share a bathroom with WC, shower and vanity basin. The buildings vary from four to eight accommodation units per floor and share a common staircase.⁴⁰
- 2.48 There are a number of support buildings including:
- a visitors reception and outdoor area
 - central kitchen, dining room, and laundry facilities
 - multi-purpose rooms for programmes and recreation
 - dedicated education facilities, and
 - a medical centre and multi purpose medical building.⁴¹
- 2.49 The site also accommodates office facilities for DIAC staff in demountable accommodation, and for the detention service provider in an older brick building known as the Transport and Escort Building. There is a bulk store, three heritage-listed Nissen Huts and a heritage-listed brick ammunition hut on the site.⁴²

Community perception

- 2.50 Villawood, being the largest detention centre in Australia's most populated city, receives many visitors from non-government organisations, churches and the general public. The Committee received a considerable amount of evidence about the Villawood immigration detention centre and its facilities.

39 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/villawood/accommodation.htm>.

40 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/villawood/accommodation.htm>.

41 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/villawood/accommodation.htm>.

42 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 5.

- 2.51 The Jesuit Refugee Service Australia and regular visitor to the Villawood immigration detention centre stated that 'Villawood Stage 1 has an aged, outmoded and run down physical infrastructure' and that 'Stages 2 and 3 are more modern but still engender a prison-like environment.'⁴³
- 2.52 Janet Castle, who visited the Villawood immigration detention centre for three years, noted that the immigration detention centre had an unsuitable visiting area with poor heating and furniture:
- ...at present in Villawood Immigration Detention Centre there are limited covered areas to provide shelter from the rain or sun, water, and mud, flow though the covered visiting areas when it rains heavily and there is no protection from the wind. Recently acquired heaters are scant and poorly maintained. Visiting area furniture is dilapidated and insufficient for the number of visitors.⁴⁴
- 2.53 The Commonwealth Ombudsman, the Australian Red Cross, and a number of individuals who have visited Villawood have also commented on the unsuitable visiting area.⁴⁵
- 2.54 As noted earlier in this chapter, the Commonwealth Ombudsman also has concerns about the environment in various immigration detention centres including Villawood. The Commonwealth Ombudsman noted that 'The lock down provisions used in Stage 1 at the Villawood immigration detention centre restricts the access of individuals to fresh air and outside exercise areas.'⁴⁶ The Commonwealth Ombudsman also raised the following concerns:
- unsafe infrastructure for storage of clothing and other goods in Stages 2 and 3
 - the observation rooms in Stage 1 of Villawood immigration detention centre also require attention, they do not have an intercom and detainees are expected to attract attention through waving at the CCTV camera or by banging on their room door, and
 - insufficient number of chairs and tables [and] general cleanliness of the mess and fridges.⁴⁷

43 Holdcroft D, Jesuit Refugee Service Australia, submission 73, 27 August 2008, p 4.

44 Castle J, submission 64, 27 August 2008, p 3.

45 Commonwealth Ombudsman, submission 126, 3 September 2008, p 20; Clement N, Australian Red Cross, *Transcript of evidence*, 7 May 2008, p 9; Morton K, submission 100, 27 August 2008, p 1; Prince R, submission 113, 27 August 2008, p 4; Bishop I, submission 8, 27 August 2008, p 1.

46 Commonwealth Ombudsman, submission 126, 3 September 2008, p 22.

47 Commonwealth Ombudsman, submission 126, 3 September 2008, pp 24 and 26.

- 2.55 The Commonwealth Ombudsman's Office was also of the view that the Stage 1 facility at Villawood was the worst that it had seen and 'called for the demolition of Stage 1 in [its] last two inspection reports.'⁴⁸
- 2.56 NLA pointed out that the facilities for legal interviews are not adequate for current needs, stating that there is an insufficient number of interview rooms especially for Stages 2 and 3 detainees and that the rooms in Stage 2 and 1 have a lack of privacy; they are not sound proofed and conversations from adjoining rooms can be heard. NLA did however state that the rooms in Stage 2 had been improved 'in recent times with the addition of telephones and heating and air conditioning.'⁴⁹
- 2.57 Ms Gauthier, from A Just Australia, commented that the conditions at the Villawood immigration detention centre were appalling,⁵⁰ while a representative of the Balmain for Refugees Group of the Balmain Uniting Church indicated that they believed there 'are no adequate facilities for personnel for treating mental health in Villawood.'⁵¹
- 2.58 The Immigration Detention Advisory Group (IDAG) was particularly critical of the Villawood immigration detention centre stating:
- ...one aspect of current detention that deserves critical comment is the condition of our largest and most important detention centre, that at Villawood in western Sydney. It does not accord with what the IDAG considers is appropriate for people held in detention. The IDAG is of course aware of the plans for improvements at Villawood. However, we would contend that the timeframe set for the project (which is an outcome of the funds being made available in successive budgets) needs to be revised and shortened.⁵²
- 2.59 The AHRC were also concerned about the facilities of the Villawood immigration detention centre stating:
- ...the Human Rights Commissioner was particularly concerned with the prison-like appearance of Stage 1. [AHRC] staff were shocked by the dilapidated infrastructure of Stage 1 compared to other centres and facilities they visited. Of particular note were:
- dormitory 1, which is dark, depressing and lacks privacy
 - external areas, which do not have enough greenery or outlook
 - the bleak visitors facilities

48 Innes G, Australian Human Rights Commission, *Transcript of evidence*, 24 October 2008, p 3.

49 National Legal Aid, submission 137, 24 October 2008, pp 11-12.

50 Gauthier K, A Just Australia, *Transcript of evidence*, 7 May 2008, p 3.

51 Nicholls D, Balmain for Refugees Group, *Transcript of evidence*, 7 May 2008, p 5.

52 Immigration Detention Advisory Group, submission 62, 27 August 2008, p 9.

- the dining room, without windows or natural light or decoration.⁵³

2.60 DIAC has acknowledged that Villawood is a serious concern.⁵⁴ The Secretary of DIAC, Andrew Metcalfe, appearing before the Committee in March 2009 pointed out that steps were being taken to address the concerns and refurbish the Villawood immigration detention centre:

...the government has announced, as part of the 2008-2009 budget, the provision of \$1.1 million for the department to bring forward a detailed redevelopment plan for Villawood. Options for that redevelopment are being investigated to bring proposals back to government in the 2009-2010 budget – in other words, at the moment. Funding proposals for this are being progressed for the 2009-2010 budget as well. In the meantime, a number of early works are currently underway at a cost of around \$7 million, including reducing the extent of razor wire, minimising the impact of the palisade fences in stage 1 and improving the conditions in the higher-care unit in stage 3. Further works have commenced and will be completed progressively between now and July, including the creation of the new stage 3 high-care unit that provides a range of care options, improvements to the higher-security stage 1 accommodation and amenities, and a realignment and reduction of fences in stages 2 and 3.⁵⁵

2.61 Most recently, the Government has announced that it will redevelop the Villawood immigration detention centre.⁵⁶ In particular:

The redevelopment aims to upgrade and enhance the Detention Centre to meet current standards for design and fitout of immigration detention facilities.⁵⁷

Committee observations

2.62 The Committee prefaces its comments on the facility at Villawood with the fact that its inspection of the facilities was carried out by members in April 2008. The Committee notes that on-going improvements are being

53 Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission), submission 99, 27 August 2008, pp 32-33.

54 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 24 September 2008, p 2.

55 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 5.

56 Australian Government, Budget 2009-10, 'Part 3: Capital Measures', viewed on 1 June 2009 at http://www.budget.gov.au/2009-10/content/bp2/html/bp2_capital-08.htm.

57 Australian Government, Budget 2009-10, 'Part 3: Capital Measures', viewed on 1 June 2009 at http://www.budget.gov.au/2009-10/content/bp2/html/bp2_capital-08.htm.

implemented, and the Committee is of the understanding that the general amenity of the facility has improved.

- 2.63 From its initial observations, the Committee noted that facilities at Villawood, especially Stage 1, are outdated, restrictive and, in the Committee's opinion, not fit to be used for immigration detention.
- 2.64 The Committee noted the awkward arrangements, in place at the time, for access to limited recreational space and playing fields for those in Stage 1.

Northern immigration detention centre

- 2.65 An immigration detention centre at Darwin was originally constructed following the decision announced in August 2001 to establish contingency centres.
- 2.66 The existing facility was upgraded during 2006 due to the increased apprehension of illegal foreign fishers in the northern waters of Australia. Most illegal foreign fishers who are detained are intended to only stay for a short period at the facility prior to repatriation to their home country.⁵⁸

Location, size and capacity

- 2.67 The facility is located within the fence line of Defence Establishment Berrimah in the Northern Territory. The total area of all buildings at the Northern immigration detention centre is approximately 8200m².⁵⁹
- 2.68 The Northern immigration detention centre has an operating capacity of around 382 people with the ability to expand by a further 546 (surge capacity).⁶⁰

Population profile

- 2.69 At 29 May 2009, the Northern immigration detention centre had no one in immigration detention.⁶¹

Description of facilities

- 2.70 There are three distinct parts to the Northern immigration detention centre: North Compound, South Compound and the Administration area (which is external to the compounds).⁶²

58 Department of Immigration and Citizenship, 'Northern Immigration Detention Centre at Darwin', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/northern/>.

59 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

60 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

61 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

62 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

- 2.71 The North compound includes accommodation buildings, a kitchen mess building (which is also a cyclone shelter), outdoor and indoor recreation facilities and cabanas, ablutions, laundry, medical and visits facilities.⁶³
- 2.72 The South compound comprises accommodation buildings, ablutions, indoor and outdoor recreation area, cabanas, a multi-use purpose built cyclone shelter, laundries, shade structures, a medical separation area, and primary medical facilities.⁶⁴
- 2.73 Administration for DIAC and its detention service provider is located external to the compounds. This area is comprised of three former defence buildings which have been recently refurbished.⁶⁵

Community perception

- 2.74 In its 2008 *Immigration Detention Report* the AHRC noted that improvements had been made to the Northern immigration detention centre, such as the new dining and recreation facilities, and that 'the Northern immigration detention centre feels less restrictive than the other mainland detention centres because it has more open space.'⁶⁶ However, the AHRC recommended reducing the amount of high wire fencing at the Northern immigration detention centre, and ensuring that 'detainees at the Northern immigration detention centre are provided with adequate access to an open grassy space for sport and recreation.'⁶⁷
- 2.75 DIAC advised that the Northern immigration detention centre was being expanded to improve the circumstances of people being detained.⁶⁸

Committee observations

- 2.76 At the time the Committee visited the Northern immigration detention centre in Darwin there were a number of illegal foreign fishers from Indonesia being held in immigration detention. The security arrangements at the immigration detention centre at the time the Committee visited appeared to be excessive given the low-risk client population and the desire of the fishers to be returned to Indonesia to be with their families. The Committee also considered that the use of barbed wire fencing surrounding the immigration detention centre was unwarranted.

63 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

64 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

65 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

66 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 55.

67 Australian Human Rights Commission, *Immigration detention report – December 2008*, pp 55-56.

68 Department of Immigration and Citizenship, submission 129, 11 September 2008, pp 5-6.

2.77 Despite the intrusive nature of the perimeter security, the facilities inside, although basic, appeared well maintained and appropriate in terms of communal recreational space provided. With the aid of interpreters, the Committee spoke to detainees (and even engaged in some singing!). Detainees appeared satisfied with the conditions, the approach of DIAC and personnel from the detention service provider, and the handling of their cases.

Maribyrnong immigration detention centre

2.78 The current purpose-built Maribyrnong immigration detention centre was opened in 1983. It caters for people who have over-stayed their visa or had their visa cancelled because they failed to comply with their visa conditions. People refused entry to Australia at international airports and seaports are also detained there.⁶⁹

Location, size and capacity

2.79 The Maribyrnong facility is located at Hampstead Road in Maidstone, Melbourne, 10 kilometres north-west of the Melbourne CBD and 10 kilometres south-east of the Melbourne Airport. The total area of the Maribyrnong immigration detention centre is approximately 4684m².⁷⁰

2.80 In June 2005 the Parliamentary Standing Committee on Public Works approved extension to the existing Maribyrnong facility and recommended refurbishment. The expansion and refurbishments have significantly improved the amenity, increasing the operating capacity to around 70 people with the ability to expand by a further 100 (surge capacity).⁷¹

Population profile

2.81 At 29 May 2009 the Maribyrnong immigration detention centre had 28 people in immigration detention, consisting of 26 men and two women. Seventeen were detained as a result of compliance action; ten were unauthorised air arrivals; and one was detained for other reasons.⁷²

2.82 Of those:

- fourteen had not lodged a PV application while in detention

69 Department of Immigration and Citizenship, 'Maribyrnong Immigration Detention Centre', viewed on 25 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/maribyrnong/>.

70 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 2.

71 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 2.

72 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 3.

- five had a PV application on hand
- five had their PV application under merits or judicial review of a decision in relation to their application for a PV, and
- four had their PV application finalised without grant.⁷³

2.83 The length of those detained ranged from one week to more than two years.⁷⁴

Description of facilities

2.84 The Maribyrnong facility includes:

- a new visitors reception area to improve reception amenity and security
- administration area, including a health services room for primary health care
- services provider offices, control room, kitchen and dining areas, and visitors area, and
- male and female area which includes bedrooms, recreational and educational facilities, washing and laundry areas, limited self-catering facilities and outdoor exercise areas.⁷⁵

2.85 The administration wing provides office accommodation for DIAC and detention service provider staff.⁷⁶

Community perception

2.86 The Committee received relatively little comment on the facilities at the Maribyrnong immigration detention centre and noted that this could reflect the improvements made at the centre since 2005.

2.87 Sister Stancea Vichie visited Maribyrnong immigration detention centre once a week for seven years and noted that in 2005 improvements were made to the physical conditions.⁷⁷

2.88 In its 2008 *Immigration Detention Report* the AHRC agreed that 'Maribyrnong has, in some ways, led the other centres in terms of positive improvements.'⁷⁸ The AHRC added:

73 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 3.

74 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 3.

75 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 25 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/maribyrnong/accommodation.htm>.

76 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 2.

77 Vichie S, submission 118, 27 August 2008, p 1.

78 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 52.

Maribyrnong has had significant refurbishments done over the past few years, which make it more comfortable, modern and flexible than the other immigration detention centres. Most of the razor wire has been removed, the external courtyards have been landscaped, and there are a range of indoor recreational areas for use by detainees. The visitors' area is large, well-furnished and more comfortable than the visitors' areas in the other detention centres.⁷⁹

2.89 The AHRC did however point out that the Maribyrnong immigration detention centre had some infrastructure issues which needed to be addressed including:

- soundproofing the interview rooms
- providing a dedicated space for prayers or other religious activities
- ensuring that bedrooms comply with the DIAC standards of a maximum of two persons in each bedroom during surge conditions
- providing a grassy area for sport and recreation, and
- providing adequate protection from the weather.⁸⁰

2.90 DIAC noted that 'facilities have been modified and are being updated to provide better and more appropriate amenity for clients' at all immigration detention centres.⁸¹

Committee observations

2.91 The Committee noted that the Maribyrnong immigration detention centre had recently undergone a significant upgrade. The facilities were therefore newer and provided a more socially acceptable type of facility for an immigration detention centre. In particular, razor wire had been removed and anti-climb fencing erected in its place.

2.92 The general living quarters, though basic in their inclusions, appeared to be of a better standard than observed at other immigration detention centres. The Committee noted the purpose built space for classes and organised activities, and a living area with televisions.

2.93 The visitor's reception area was among the best facilities available to people currently in detention. The Committee noted that the room was

79 Australian Human Rights Commission, *Immigration detention report – December 2008*, pp 52-53.

80 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 53.

81 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 5.

large enough to ensure adequate personal space, with interview rooms available for added privacy.

- 2.94 The recreational space within the detention centre was prominent and also of a much higher standard to those at other immigration detention centres. The gymnasium was being used at the time of the visit as well as the basketball court. The Committee were advised that the original larger playing fields were sacrificed in lieu of the newer constructed facilities.
- 2.95 The Committee notes that the general amenity of the Maribyrnong immigration detention centre is much better than most of the facilities it has visited.

Excised Territories

- 2.96 Subsection 5(1) of the *Migration Act 1958* (the Migration Act) provides that:

migration zone means the area consisting of the States, the Territories, Australian resource installations and Australian sea installations and, to avoid doubt, includes:

- land that is part of a State or Territory at mean low water; and
- sea within the limits of both a State or a Territory and a port; and
- piers, or similar structures, any part of which is connected to such land or to ground under such sea;

but does not include sea within the limits of a State or Territory but not in a port.⁸²

82 *Migration Act 1958*, subsection 5(1).

- 2.97 A 'non-citizen'⁸³ who lands in Australia's migration zone without a valid visa is designated as an 'unlawful non-citizen'⁸⁴. Section 189(1) of the Migration Act provides that if an officer knows or reasonably suspects that a person in the migration zone is an unlawful non-citizen – that is, a person who is not a citizen and has no valid visa – the officer must detain the person. The person can, however, make a valid visa application.
- 2.98 In September 2001, the Australian Parliament passed with bi-partisan support the *Migration Amendment (Excision from Migration Zone) Act 2001*. The Migration Amendment Act created:
- a new category of person known as an 'offshore entry person'⁸⁵, and
 - removed, or excised, a number of islands from Australia's migration zone including Ashmore and Cartier, Christmas, and Cocos Islands.⁸⁶
- 2.99 The purpose of amending the Act was to prevent people travelling illegally to any of the above islands from making a valid visa application 'unless the Minister for Immigration determines that it is in the public interest to allow an application.'⁸⁷
- 2.100 The explanatory memorandum to the Migration Amendment (Excision from Migration Zone) Bill 2001 stated:
- The purpose of excising the places and installations from the migration zone in relation to unlawful non-citizens is to prevent such persons from making a valid visa application simply on the basis of entering Australia at such a place or installation.
- 2.101 The Migration Act also provides the power for an officer to remove an offshore entry person to a declared country by placing the person on a vehicle or vessel, restraining the person in a vehicle or vessel, or removing a person from a vehicle or vessel, and using such force as is considered necessary and reasonable.⁸⁸

83 Under subsection 5(1) of the *Migration Act 1958*, non-citizen means a person who is not an Australian citizen.

84 Under subsection 14(1) of the *Migration Act 1958*, a non-citizen in the migration zone who is not a lawful non-citizen is an unlawful non-citizen. A lawful non-citizen is a national from another country who has the right to be in Australia either indefinitely or temporarily because they hold a permanent or temporary visa.

85 Under subsection 5(1) of the *Migration Act 1958*, an offshore entry person means a person who: entered Australia at an excised offshore place after the excision time for that offshore place; and became an unlawful non-citizen because of that entry.

86 *Migration Act 1958*, subsection 5(1).

87 *Migration Act 1958*, section 46A.

88 *Migration Act 1958*, section 198A.

- 2.102 If an offshore entry person is removed to a declared country, they are not considered to be in immigration detention as defined by the Migration Act.⁸⁹
- 2.103 In July 2005 the Australian Parliament passed the *Migration Amendment Regulations 2005*, which excised the following additional islands:
- the Coral Sea Islands Territory, Queensland islands north of latitude 21 degrees south; Western Australian islands north of latitude 23 degrees south and Northern Territory islands north of latitude 16 degrees south.⁹⁰
- 2.104 Excision does not have the effect of removing areas from Australia's sovereign territory, and thus does not affect Australians or Australian territory. However, excision prevents unlawful non-citizens who have arrived at an excised territory from accessing the visa application process (including review) of the Migration Act. The excisions have no legal effect on any other activities such as customs, quarantine or fishing laws.⁹¹

Christmas Island immigration detention centres

- 2.105 Christmas Island is located approximately 2,800 kilometres west of Darwin, 2,600 kilometres north-west of Perth and 360 kilometres south of Jakarta. The island covers approximately 135 square kilometres, over 60 per cent of which is national park.
- 2.106 There are currently a number of detention facilities on Christmas Island including:
- a temporary facility at Phosphate Hill, which has been in use since 2001
 - the recently completed Christmas Island immigration reception and processing centre, at North-West Point, and
 - a construction camp facility, which originally developed for the accommodation of workers constructing the North West Point Immigration Detention Centre.⁹²
- 2.107 At 29 May 2009, 443 people, including 61 children, were being held in immigration detention on Christmas Island.⁹³

89 *Migration Act 1958*, subsection 198A(4).

90 Parliamentary Library, 'Excising Australia: Are we really shrinking?', no. 5, 2005-06, ISSN 1449-8456, 31 August 2005, p 1.

91 Parliamentary Library, 'Excising Australia: Are we really shrinking?', no. 5, 2005-06, ISSN 1449-8456, 31 August 2005, p 1.

92 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 9, 11-12.

Phosphate Hill immigration detention centre

Location, size and capacity

- 2.108 The Phosphate Hill temporary immigration detention centre was opened in 2001 and is located about five kilometres from the settled areas of Christmas Island, adjacent to community recreation facilities.⁹⁴ The total area of the Phosphate Hill facility is approximately 1750m².⁹⁵
- 2.109 The immigration detention centre has a maximum capacity of 52 people and a surge capacity of a further 104 residents.⁹⁶

Population profile

- 2.110 At 29 May 2009, the Phosphate Hill immigration detention centre had five men in immigration detention. All five were unauthorised boat arrivals and had been in immigration detention for six months.⁹⁷

Description of facilities

- 2.111 The Phosphate Hill complex has accommodation units, a medical facility, gymnasium, classroom, recreational facilities and commercial kitchen.⁹⁸
- 2.112 Accommodation units in unfenced areas are made available for children, their families, or other low-risk groups. Up to 50 people can be accommodated in family housing arrangements in unfenced areas. Most buildings are second-hand demountables. The commercial kitchen and some recreational areas were added to the Phosphate Hill complex in 2002-03.⁹⁹
- 2.113 If required, a separate fenced compound is available to accommodate up to 50 adults assessed as being a higher risk.¹⁰⁰

93 Department of Immigration and Citizenship, submission 129w, 24 June 2009, pp 9, 11-12.

94 Department of Immigration and Citizenship, 'Accommodation at the Christmas Island Immigration Detention Centre', viewed on 22 June 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/christmas-island/accommodation.htm>.

95 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 11.

96 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 11.

97 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 11.

98 Department of Immigration and Citizenship, 'Accommodation at the Christmas Island Immigration Detention Centre', viewed on 22 June 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/christmas-island/accommodation.htm>.

99 Department of Immigration and Citizenship, 'Accommodation at the Christmas Island Immigration Detention Centre', viewed on 22 June 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/christmas-island/accommodation.htm>.

100 Department of Immigration and Citizenship, 'Accommodation at the Christmas Island Immigration Detention Centre', viewed on 22 June 2009 at

Community perception

- 2.114 The Refugee Council of Australia highlighted that removal of much of the perimeter fencing has opened up the Phosphate Hill immigration detention centre to the community but that a 'significant upgrading of the centre is required to bring it up to a standard comparable with that required of detention centres on the mainland.'¹⁰¹
- 2.115 The AHRC, in its 2008 *Immigration Detention Report*, noted some significant concerns about the facilities at Phosphate Hill including: a low standard of accommodation, no access to the internet, and very few recreational facilities.¹⁰²
- 2.116 DIAC commented that 'fencing around sections of the Phosphate Hill facilities has been removed to provide accommodation for children and families in a community environment.'¹⁰³

Committee observations

- 2.117 The Committee observed that the Phosphate Hill facilities are, on the whole, run down. The accommodation areas are cramped, lack privacy, are hot, and are also noisy when air conditioners are running. When the Committee visited on 8 July 2008 the fences surrounding Phosphate Hill had been removed, although the Committee understands that fences have again been erected around the facilities.
- 2.118 A children's playground is located on the grounds of Phosphate Hill, however no other part of the immigration detention centre would be considered suitable for children. At the time the Committee visited Phosphate Hill, it noted that there was no suitable family accommodation space.
- 2.119 The Committee also observed that the recreational and meal areas are basic at best. The kitchen and food preparation area is derelict and substandard, and shows evidence of numerous maintenance jobs which includes extensive patching work on the floor. The patch work floor is very uneven and can be precarious in places, there is insufficient storage space, equipment is old and it is hard to comprehend how the food preparation area could be maintained to hygienic standards. The facilities do not comply with DIAC's own *Standards for Design and Fitout of*

<http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/christmas-island/accommodation.htm>.

101 Refugee Council of Australia, submission 120, 3 September 2008, p 7.

102 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 76.

103 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 24 September 2008, p 3.

Immigration Detention Facilities and are in no way commensurate with Australian community standards or expectations.

- 2.120 Residents of Christmas Island remarked that they preferred the location of Phosphate Hill (and the construction camp across the road) as these facilities were more accessible to the township and to the town sport centre. This facilitated contact between the community and detainees was considered by the Christmas Island community as both positive and beneficial.
- 2.121 The Committee understands that Phosphate Hill is currently used when there is a need to separate some groups of arrivals, and in particular for those detainees who may not cope being held in the larger complex of North West Point. This may be because of trauma or psychological issues. The Committee recognises that Phosphate Hill, even with perimeter fencing, is not as intimidating as the North West Point immigration detention centre and recognises DIAC's attempts to effect more appropriate placements.

Construction camp immigration detention centre

Location, size and capacity

- 2.122 Located adjacent to the Christmas Island Recreation Centre and Phosphate Hill immigration detention centre, the Construction Camp is situated approximately five kilometres from the settled areas of Christmas Island. The total area of the Phosphate Hill immigration detention centre is approximately 4500m².¹⁰⁴

Population profile

- 2.123 As at 29 May 2009 there were 104 people, all unauthorised boat arrivals, accommodated at the Construction Camp which included:
- thirty eight adult males
 - ten adult females
 - eighteen female minors, and
 - forty three male minors.¹⁰⁵
- 2.124 The length of those detained ranged from one week to between one and three months.¹⁰⁶

104 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 9.

105 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 9.

106 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 9.

Description of facilities

- 2.125 The accommodation consists of 88 light weight transportable accommodation buildings with shared en-suites, three recreational buildings, an administration building, laundry, stores building, kitchen dining facility, and accommodation to suit people with a disability. In total there are 105 buildings on site.¹⁰⁷
- 2.126 The immigration detention centre, which has a low fence line surrounding it, also contains a medical facility for primary health care, gymnasium, and all weather tennis/basketball court.¹⁰⁸

Community perception

- 2.127 The AHRC, in its 2008 *Immigration Detention Report*, pointed out that it had some major concerns including:
- the area has no grass and very few trees
 - the bedrooms are very small and claustrophobic, and
 - no access to public phones or the internet.¹⁰⁹
- 2.128 DIAC advised that the ‘amenity of the construction camp is being enhanced by landscaping, tree planting and construction of additional paths’ which surrounds a number of duplexes.¹¹⁰

Committee observations

- 2.129 The Construction Camp immigration detention centre has superior facilities to the Phosphate Hill immigration detention centre, which is located across the road. The Committee understands that this immigration detention centre is primarily used to house family or socially connected groups of arrivals. The layout of the accommodation spaces provides privacy and also more dignity as detainees have access to separate fridges and bathrooms.
- 2.130 The Committee observed that the communal area, meal area and kitchen facilities in the Construction Camp are modern, spacious, well equipped and were generally more impressive than the Phosphate Hill immigration detention centre.

107 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 9.

108 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 9.

109 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 77.

110 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 5.

- 2.131 At the time of the Committee's visit there were no fences around the Construction Camp although the Committee is led to understand that a fence has also now been erected.
- 2.132 The Committee also understands that DIAC endeavours to ensure that the Construction Camp houses only a small number of detainees so that there remains a good deal of physical privacy.

North West Point immigration detention centre

Location, size and capacity

- 2.133 The North West Point immigration detention centre is located about 20 kilometres from the main settlement on Christmas Island. The total area of the North West Point immigration detention centre is approximately 30,000m².¹¹¹
- 2.134 The North West Point immigration detention centre has an operational capacity of 400 and a surge capacity of 800.¹¹²

Population profile

- 2.135 As at 29 May 2009 there were 334 people, all unauthorised boat arrivals, accommodated at the North West Point immigration detention centre. The length of those detained ranged from one week to between six and 12 months.¹¹³

Description of facilities

- 2.136 The immigration detention centre has eight accommodation compounds which includes a number of support, administrative and recreational facilities including main reception, induction hall, medical facilities, kitchen/stores/laundry, internal and external visits areas, interview/conference facilities, education services and facilities, and active and passive recreational areas.¹¹⁴

Community perception

- 2.137 The United Nations High Commissioner for Refugees commented that the North West Point immigration detention centre had all the characteristics of a medium security prison and 'does not believe it is an appropriate facility to accommodate asylum-seekers except, perhaps, for a very limited

111 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 12.

112 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 12.

113 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 12.

114 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 12.

few persons whose presence in the future might pose a security threat to the local community.¹¹⁵

2.138 The AHRC, in its 2008 *Immigration Detention Report*, advised that, like Villawood and the Construction Camp, it had some serious concerns about the extreme levels of security at the North West Point immigration detention centre stating:

- The Christmas Island IDC looks and feels like a high-security prison. While some of the facilities are of good quality, they are contained within an oppressive series of caged and fenced compounds and walkways. The centre is surrounded by high wire fences, and within it, each compound is contained within its own fences. Inside the centre, despite there being some open grassy areas, the excessive amount of wire fencing surrounding each compound makes one feel caged in.
- The bedrooms are small, dim and claustrophobic. The windows are obscured by metallic mesh grills.
- The highest security section of the centre, the management support unit, looks and feels extremely harsh and punitive.
- The observation rooms in the medical area do not appear to be safe for people at risk of self-harm. The outdoor area linked to the observation rooms is inappropriate for people at risk of self-harm.
- The location of the centre makes it difficult for locals to access in order to visit or provide support to detainees.¹¹⁶

2.139 DIAC advised that they considered the facilities at North West Point better than the facilities at the Construction Camp and Phosphate Hill.¹¹⁷ DIAC added that they had relaxed the security arrangements and opened the security doors so that people are able to move freely and gain access to as much of the centre as possible, including the gym, the library, and the tennis court.¹¹⁸

Committee observations

2.140 At the time of the Committee inspection of the North West Point immigration detention centre, the centre had not been used to house any detainees. It is now the major immigration detention centre on the island.

115 United Nations High Commissioner for Refugees, submission 133, 17 September 2008, p 15.

116 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 76.

117 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 25.

118 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 15.

- 2.141 The Committee was appalled at the extraordinarily high level of security incorporated into North West Point and considers this security to be inappropriate and inconsistent with the current immigration principles. The level of security in terms of the height of the electrified fences, surveillance, and the segregation of staff from detainees, was considered to be excessive and inhumane and bordering on ludicrous.
- 2.142 The Committee notes reports from DIAC that many of these security measures have not been activated, and that doors between areas have been opened.
- 2.143 At the time the Committee undertook its inspection, it noted that the level of security implemented on Christmas Island is not welcomed by the residents of the island, and is not required given the island's location. The committee observed that steps taken to ensure that residents of the immigration detention centre are safe, and that they do not stray into dangerous vegetated areas, can be addressed in a more appropriate manner than containing them within electrified fences.
- 2.144 The Committee also notes that the North West Point facilities included an extensively equipped hairdressing salon and the canteen supplied a number of different board games which could be purchased by detainees. The Committee believed that this gave the impression that detainees were going to *live* there rather than being accommodated for a minimum time until their case was resolved.
- 2.145 Facilities inside the North West Point immigration detention centre are extensive and able to cater to different groups by separating areas and providing more or less security in a specific area if required. However, this security can often be intrusive.
- 2.146 There is also a significant cost for maintaining the North West Point immigration detention centre. It costs the Government \$32 million per annum to detain up to 30 people in the North West Point immigration detention centre.¹¹⁹
- 2.147 These excessive security measures combined with the extraordinary ongoing maintenance costs associated with the size of the immigration detention centre require careful consideration as to whether this type of facility is still an appropriate part of a contemporary immigration framework.

119 Senate Legal and Constitutional References Committee, *Estimates* (May 2008), Parliament of the Commonwealth of Australia, p 118.

Immigration residential housing

- 2.148 Immigration residential housing facilities are detention facilities¹²⁰ that provide an option for accommodating people in family-style housing in a community setting while still formally being detained.¹²¹ This type of facility is one of several types of alternative residential accommodation for detained people.
- 2.149 However, participation is voluntary and subject to eligibility criteria. People who are detained are eligible to voluntarily participate in immigration residential housing depending on:
- places being available
 - health and character checks
 - an assessment verifying the detainee is not likely to abscond, and
 - any operational issues particular to the person in immigration detention or affecting the smooth management of the immigration residential housing.¹²²
- 2.150 Those who participate are able to cook their own food and undertake trips to other locations for shopping and recreation under the supervision of the detention service provider.

Perth immigration residential housing

Location, size and capacity

- 2.151 Opened in 2007, the Perth immigration residential housing is located in suburban Redcliffe. The immigration residential housing is approximately two kilometres from the Perth immigration detention centre and airport and approximately 10 kilometres from Perth CBD. The site is approximately 1800m² in size. One additional property nearby has been rented to increase the capacity in the short term and is being used as an annexe to the Perth immigration residential housing.¹²³

120 Australian Human Rights Commission, 'Immigration detention and human rights', viewed on 31 July 2009 at http://www.hreoc.gov.au/Human_Rights/immigration/detention_rights.html.

121 Department of Immigration and Citizenship, 'About Immigration Detention Facilities', viewed on 22 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/about/immigration-detention-facilities.htm>.

122 Department of Immigration and Citizenship, 'Eligibility for Participation', viewed on 26 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/about/rhcs.htm>.

123 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 15.

Population profile

- 2.152 At 29 May 2009, the Perth immigration residential housing had 14 men and four children, all unauthorised boat arrivals, in immigration detention. None of the 18 had lodged a PV application while in immigration detention. The length of those detained ranged from one week to between six and 12 months.¹²⁴

Description of facilities

- 2.153 The Perth centre comprises two single storey dwellings capable of accommodating different family compositions. Each house consists of five bedrooms, two bathrooms, kitchen and dining facilities and two living areas. One house is configured to accommodate people with disabilities.¹²⁵
- 2.154 An additional building is provided for all residents and their visitors as well as being used for administration purposes. The facility is surrounded by a suburban fence and border plantings and includes security. Other outdoor areas also feature local native plants and informal landscaped areas surround the dwellings.¹²⁶

Community perception

- 2.155 When commenting on immigration residential housing facilities, the AHRC stated:

IRH facilities aim to provide family-style housing where detainees can experience greater autonomy. Detainees can prepare and cook their own food and make shopping trips and other excursions under the supervision of the detention services provider. The detainees whom HREOC spoke to in these facilities were in general happier to be in IRH than in the IDCs, due to increased freedom, privacy and autonomy.¹²⁷

- 2.156 However, the AHRC did indicate that they had some concerns about the Perth immigration residential housing, as outlined in its 2008 *Immigration Detention Report*:

- a lack of onsite interpreters, and

124 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 15.

125 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 25 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/perthIRH/accommodation.htm>.

126 Department of Immigration and Citizenship, 'Accommodation and Facilities', viewed on 25 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/locations/perthIRH/accommodation.htm>.

127 Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission), submission 99, 27 August 2008, p 36.

- no onsite access to health or mental health services.¹²⁸
- 2.157 The Refugee Council of Australia agreed with the AHRC's view that the facilities were softer detention environments stating that 'the immigration residential housing facilities in Perth and Villawood provide a good model for future standards of accommodation which meet the detention values.'¹²⁹

Committee observations

- 2.158 The immigration residential housing facilities are based on a less restrictive format of immigration detention. Being comparatively new facilities, the building is modern and the environment was significantly different to those observed at immigration detention centres.
- 2.159 The facility is located at the end of a suburban street and does not impose on the surrounding environment, quite easily fitting in with the surrounding houses. The fencing on the perimeter of the property is similar to those found in a normal suburban house, with the rear boundary fencing using only electronic sensors as a deterrent.
- 2.160 The recreational areas, in the view of the Committee, were favourably appointed and contained outdoor furniture and barbecue facilities.
- 2.161 Immigration residential housing is comfortable, with all of the modern conveniences of a functioning suburban home. The facilities are well equipped and have shared fully operational laundry and kitchen.
- 2.162 At the time of the Committee's inspection of the Perth immigration residential housing, two groups were being held in immigration detention: a young family with a child and two adult males who had spent considerable time in immigration detention.
- 2.163 Whilst the accommodation at the immigration residential housing allowed for the separation of the two groups, both had access to shared common reception areas which may not have been ideal for the child and her family. The Committee does acknowledge that DIAC staff were trying to expeditiously source accommodation in the community for the family.

Sydney immigration residential housing

- 2.164 The Sydney immigration residential housing was opened in 2006 as an alternative to detention arrangements at the neighbouring Villawood immigration detention centre.

128 Australian Human Rights Commission, *Immigration detention report – December 2008*, pp 61-62.

129 Power P, Refugee Council of Australia, *Transcript of evidence*, 4 February 2009, p 2.

Location, size and capacity

- 2.165 While located next to Villawood, the Sydney immigration residential housing is a separate facility from the immigration detention centre. The Sydney immigration residential housing is approximately 8100m² in size.¹³⁰
- 2.166 The Sydney immigration residential housing has a regular use capacity of eight family groupings, or 34 individuals with a surge capacity of 48.¹³¹

Population profile

- 2.167 At 29 May 2009, the Sydney immigration residential housing had 10 men and two women in immigration detention. Five were detained as a result of compliance action, and seven were unauthorised air arrivals.¹³²
- 2.168 Of those:
- one had not lodged a PV application while in detention
 - eight had a PV application on hand, and
 - three had their PV application finalised without grant.¹³³
- 2.169 The length of those detained ranged from between one and three months to more than two years.¹³⁴

Description of facilities

- 2.170 The Sydney immigration residential housing comprises four blocks of two duplex units arranged in a single line. Each unit comprises three bedrooms, two living/ dining rooms, kitchen, laundry and two bathrooms and toilets. The internal arrangement of each unit is designed to enable separation of living areas (with shared kitchen and laundry) if required.¹³⁵

Community perception

- 2.171 As noted above, the Refugee Council of Australia was of the opinion that the immigration residential housing facilities are a good model. They did, however, comment that they had a couple of issues with the Villawood immigration residential housing stating:
- A sense of a detention environment is, I think, a little stronger with Villawood Immigration Residential Housing than it is

130 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 13.

131 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 13.

132 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 13.

133 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 13.

134 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 14.

135 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 13.

with Perth Immigration Residential Housing, but I think that could be relatively easily addressed because it is really to do with perimeter fencing and the configuration of the entrance to the Immigration Residential Housing.

- I think the other factor which is raised by a number of organisations that visit there regularly...is the level of activities for people in Villawood Immigration Residential Housing. I think that really needs to be looked at more carefully.¹³⁶

2.172 As with the Perth IRC, the AHRC noted, in its 2008 *Immigration Detention Report*, that there is no on-site access to health or mental health services.¹³⁷

2.173 The Jesuit Refugee Service Australia was also of the opinion that immigration residential housing is the preferred model to immigration detention centres.¹³⁸

2.174 The Bridge for Asylum Seekers Foundation noted that, in their experience, detainees do not complain about the accommodation but 'have problems with the lack of activities available.'¹³⁹

Committee observations

2.175 Unlike the Perth immigration residential housing which is located in the suburbs, the immigration residential housing at Villawood is housed in a less restrictive more accessible part of the detention facility.

2.176 The infrastructure at the Sydney immigration residential housing is new, up-to-date and appears to be acceptably comfortable.

2.177 The outdoor living space is also landscaped and is a stark contrast to the Villawood immigration detention centre.

Immigration transit accommodation

2.178 Immigration transit accommodation has been introduced for short term, 'low flight risk' people who have no known medical or mental health issues.

2.179 Immigration transit accommodation offers hostel style accommodation, with central dining areas and semi-independent living. Immigration transit accommodation provides a narrower range of services at a less

136 Power P, Refugee Council of Australia, *Transcript of evidence*, 4 February 2009, p 5.

137 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 60.

138 Jesuit Refugee Service Australia, submission 73, 27 August 2008, p 4.

139 Bridge for Asylum Seekers Foundation, submission 5, 27 August 2008, p 1.

intensive level than is typically offered in an immigration detention centre because of the short-stay nature of the client group.

2.180 However, immigration transit accommodation is a detention facility where detainees are not able to come and go as they please.¹⁴⁰

Melbourne immigration transit accommodation

2.181 The Melbourne immigration transit accommodation, which opened in June 2008, is the second of three immigration transit accommodation facilities to become operational in Australia.

Location, size and capacity

2.182 The Melbourne immigration transit accommodation is located 15 kilometres north of Melbourne's CBD, next door to Maygar Barracks, and approximately two kilometres east of the Broadmeadow Town Centre. The Melbourne immigration transit accommodation is a double brick two storey refurbished building of approximately 1000m².¹⁴¹

2.183 The Melbourne immigration transit accommodation has been designed to provide accommodation for up to 30 people.¹⁴²

Population profile

2.184 At 29 May 2009, the Melbourne immigration transit accommodation had seven men and one woman in immigration detention. Two were detained as a result of compliance action and six were unauthorised air arrivals.¹⁴³

2.185 Of those:

- five had a PV application on hand
- one had their PV application under merits or judicial review of a decision in relation to their application for a PV, and
- two had not lodged a PV application while in detention.¹⁴⁴

2.186 The length of those detained ranged from one week to between six and 12 months.¹⁴⁵

140 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 82.

141 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 18.

142 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 18.

143 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 18.

144 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 18.

145 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 18.

Description of facilities

2.187 The Melbourne immigration transit accommodation has 16 bedrooms, two with single bed accommodation and en-suites. There are four sitting rooms throughout the building, a main lounge, two private visitors' rooms, internet lounge, dining room and kitchen. There is also an independent accommodation wing – 'the Maygar Annex' – provided at the rear of the building. The facility is air conditioned and the site has been extensively landscaped.¹⁴⁶

Community perception

2.188 The Detention Health Advisory Group stated:

The new immigration transit accommodations in Melbourne and Brisbane and residential housing units are of a high standard and are positive examples of a new approach to immigration detention focusing on short term, flexible and comfortable accommodation less likened to correctional facilities than other centres.¹⁴⁷

2.189 The Hotham Mission Asylum Seeker Project was pleased with the services provided at the immigration transit accommodation and thought that it was a good centre even though they considered that there were some problems with food service provision that need to be improved.¹⁴⁸

2.190 The AHRC has the same views on immigration transit accommodation and immigration residential housing, stating:

Many of the positive comments about the immigration residential housing facilities...also apply to the immigration transit accommodation facilities. The Brisbane and Melbourne ITAs provide a much higher standard of accommodation than the immigration detention centres. The facilities are newer and more comfortable. The security measures are less intrusive and, as a result, the atmosphere is more relaxed. Detainees have greater privacy, usually having their own bedroom.¹⁴⁹

Committee observations

2.191 The Committee visited the Melbourne immigration transit accommodation right after visiting the Maribyrnong immigration

146 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 18.

147 Detention Health Advisory Group, submission 101, 27 August 2008, p 2.

148 Coleman C, Hotham Mission Asylum Seeker Project, *Transcript of evidence*, 11 September 2008, p 37.

149 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 62.

detention centre. The visit provided a stark contrast to the range of facilities currently being used by DIAC.

- 2.192 The purpose of immigration transit accommodation is to accommodate detainees for a relatively short time, and therefore detainees do not have access to onsite physical and mental health services.
- 2.193 Given the context of transit accommodation and the purpose of the facility, the Committee was of the view that the immigration transit accommodation was exceptional. The immigration transit accommodation had a minimum level of security, low fencing and was close to open recreational space.
- 2.194 The facilities available to the people using it were also of a high standard and provided different living areas within the accommodation, indoors as well as outdoors, promoting a sense of openness and space.
- 2.195 The Committee formed the view that the accommodation facilities within the immigration transit accommodation appeared to be modern, spacious and comfortable. The laundry facilities were also well equipped.

Brisbane immigration transit accommodation

- 2.196 Opened in 2007, the Brisbane immigration transit accommodation was the first of three immigration transit accommodation facilities to become operational.

Location, size and capacity

- 2.197 The Brisbane immigration transit accommodation is located at Pinkenba in Queensland, adjacent to the Brisbane airport and approximately 15 kilometres from Brisbane's CBD. The Brisbane immigration transit accommodation is approximately 1065m² in size.¹⁵⁰
- 2.198 The Brisbane immigration transit accommodation has been designed to provide accommodation for up to 29 people.¹⁵¹

Population profile

- 2.199 At 29 May 2009, the Brisbane immigration transit accommodation had 16 men and one child, all unauthorised boat arrivals, in immigration detention. All 17 had not lodged a PV application while in detention. The length of those detained ranged from one week to between one and three months.¹⁵²

150 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 17.

151 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 17.

152 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 17.

Description of facilities

2.200 The Brisbane immigration transit accommodation has three accommodation buildings with individual kitchenettes and lounge/entertainment area. Also included is a common use building for kitchen, meals area, induction/interview rooms, medical room, storage, as well as offices for DIAC staff, and the detention services provider.¹⁵³

Community perception

2.201 As noted previously in this chapter, the AHRC believes that immigration transit accommodation provides a much higher standard of accommodation. They did however have a few concerns about the Brisbane immigration transit accommodation which included no access to cooking facilities and a lack of written induction materials and complaint forms for detainees.¹⁵⁴

Committee observations

2.202 As outlined with its observations of the Melbourne immigration transit accommodation, the Brisbane facilities provide a similar high standard of accommodation for short term detainees.

Darwin juvenile facilities

2.203 At the time of writing this report, DIAC was in the process of constructing a purpose built facility to accommodate juvenile detainees who have been apprehended with adult crew members on boats suspected of illegal fishing activities in Australia's northern waters.¹⁵⁵

2.204 At the moment, any juvenile that is detained is placed in a motel in Darwin where DIAC has a number of rooms reserved on an ongoing basis.¹⁵⁶

Location, size and capacity

2.205 These juvenile detainees are accommodated in a motel in central Darwin. Nine motel rooms are booked by DIAC on a permanent basis.

153 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 17.

154 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 64.

155 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 83.

156 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 83.

- 2.206 The facility which is under construction will be situated on the site of the Northern immigration detention centre but outside the fence and will have a floor area of approximately 213m². The house will have an operating capacity of 12 and a surge capacity of 16.¹⁵⁷

Population profile

- 2.207 As at 29 May 2009, the Darwin juvenile facility had no-one in immigration detention.¹⁵⁸

Description of facilities

- 2.208 The motel has 86 air conditioned units, an onsite restaurant, a saltwater swimming pool and laundry facilities. The rooms are in a corner of the motel and there is an outdoor area available for them all to sit. They have rearranged the rooms so that there are four single beds to a motel room.¹⁵⁹
- 2.209 One of the motel rooms has had all the beds removed and been converted into a recreation room with a TV, Xbox, games etc. A second motel room has been converted into an officer's station. There is also a pool at the motel which they can use under supervision. All food is delivered from the Northern immigration detention centre and eaten at the motel.¹⁶⁰
- 2.210 The new facility will be surrounded by a residential style fence and have four bedrooms.¹⁶¹ The new facility is expected to be completed by the end of 2009.¹⁶²

Committee observations

- 2.211 In Darwin, the Committee also inspected the motel where juvenile illegal foreign fishers were being housed. DIAC was leasing the motel facilities where juveniles could be housed and provided with care and security.
- 2.212 At the time of the Committee visit to Darwin, a new purpose built facility was being built on the site of the Northern immigration detention centre for juvenile illegal foreign fishers.
- 2.213 Although these motel facilities were far from ideal, the Committee recognises the efforts made by DIAC and the detention service provider to provide alternative accommodation to the immigration detention centre

157 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

158 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 4.

159 Human Rights and Equal Opportunity Commission, *Summary of Observations following the Inspection of Mainland Immigration Detention Facilities 2007* (December 2007), pp 21-22.

160 Human Rights and Equal Opportunity Commission, *Summary of Observations following the Inspection of Mainland Immigration Detention Facilities 2007* (December 2007), pp 21-22.

161 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 84.

162 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 84.

while a more suitable accommodation complex was being constructed. The Committee also notes the efforts made by DIAC to ensure that juvenile fishers, who often have strong social bonds with the crew members from the boat, are given the opportunity to have frequent contact and engage in social activities with the Indonesian fishers they may have been aboard with.

- 2.214 The Committee is supportive of the construction of a purpose built facility for juveniles and, in this instance, notes the appropriateness that the facility is housed adjacent to the Northern immigration detention centre. The Committee also notes that landscaping between the facilities was intended to add some privacy and to ensure that the juvenile facility had a pleasant view.

Christmas Island duplexes and community placements

- 2.215 In addition to being placed in one of the three detention facilities on Christmas Island, detainees are also placed in the community in duplex accommodation and units that are owned by DIAC.

Location, size and capacity

- 2.216 DIAC has ten duplex houses located at Drumsite, the closest of the accommodation options to the local school. The houses could be used for families or small groups.¹⁶³
- 2.217 DIAC also has approximately 160 bedrooms available in bedsit units. The units are located at Poon Saan, about halfway between the Phosphate Hill immigration detention centre and the town area.¹⁶⁴

Description of facilities

- 2.218 While the Committee did not visit these facilities, information received from DIAC indicated that the houses are furnished and each duplex has three bedrooms, a living room, a kitchen and dining area, laundry facilities, a bathroom, and a small back courtyard area.¹⁶⁵
- 2.219 Each bedsit unit is like a small studio apartment with a double bed, TV, table and chairs, kitchenette and a combined bathroom and laundry room. The bedsits are much smaller than the duplexes but some of them have adjoining doors, so two units could be joined together for use by small

163 Australian Human Rights Commission, *Immigration detention report – December 2008*, pp 77-78.

164 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 78.

165 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 77.

groups or families. Eight of the rooms have been turned into interview rooms.¹⁶⁶

Community perception

- 2.220 The AHRC, in its 2008 *Immigration Detention Report*, noted that ‘the duplexes and bedsits are the least objectionable accommodation options for immigration detainees on the island, and should be used as the first preference.’¹⁶⁷
- 2.221 NLA and the Uniting Church in Australia both noted, however, that Christmas Island may not have the appropriate resources to cater for a large detainee community with very specific needs which would, in turn, place an extra burden on the community.¹⁶⁸ NLA stated:
- ...there are broader types of community care, social welfare, professional assistance, mental and psychological problems, health problems; they have a very small resource to draw on here. So detention in the community here places a real problem on the community and it's not fair on them.¹⁶⁹
- 2.222 The AHRC, the Forum of Australian Services for Survivors of Trauma or Torture, the Public Interest Advocacy Centre Ltd and the Federation of Ethnic Communities’ Councils of Australia all acknowledged that placing detention facilities in remote locations creates difficulties for providing appropriate medical, psychiatric, counselling and legal services.¹⁷⁰

Contingency facilities

- 2.223 As noted previously, DIAC has contingency facilities located at Port Headland, Western Australia, and Port Augusta, South Australia.

166 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 78.

167 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 78.

168 National Legal Aid, submission 137, 24 October 2008, p 15; Uniting Church in Australia, submission 69, 27 August 2008, p 15.

169 National Legal Aid, submission 137, 24 October 2008, p 15.

170 Forum of Australian Services for Survivors of Trauma or Torture, submission 115, 27 August 2008, p 18; Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission), submission 99, 27 August 2008, p 34; Public Interest Advocacy Centre Ltd, submission 84, 27 August 2008, p 11; Federation of Ethnic Communities’ Councils of Australia, submission 71, 27 August 2008, p 5.

- 2.224 The Port Hedland Immigration Reception and Processing Centre and the Port Hedland immigration residential housing are located in the Pilbara town of Port Hedland, some 1760 kilometres North of Perth.¹⁷¹
- 2.225 The Port Hedland facility has an operational capacity to accommodate up to 504 people and a surge capacity of 720 people.¹⁷²
- 2.226 The Port Hedland facilities include ten two-storey buildings of similar size and ancillary buildings, providing administration for DIAC and contractor personnel and air conditioned accommodation for people in immigration detention. At the time this report was written, this facility was being leased for two years with a return clause to DIAC at three months notice.¹⁷³
- 2.227 The Port Augusta facility consists of nine three-bedroom homes, one of which provides office type accommodation for the detention services provider and one of which is able to accommodate a person with a disability. While there are currently no detainees, the facilities are available to be used at a moments notice.¹⁷⁴
- 2.228 DIAC is also considering building an immigration transit accommodation in Adelaide.¹⁷⁵

Committee conclusions

- 2.229 The Committee received clear evidence during the course of this inquiry illustrating that the accommodation and facilities provided in immigration transit accommodation and immigration residential housing are more appropriate and humane than those provided at immigration detention centres.
- 2.230 There were concerns about some of the facilities at immigration detention centres that appeared like a traditional prison with extreme levels of security: detainees lacked access to fresh, good quality air and to outside exercise areas; had a lack of privacy and no access to public phones or the internet. The standard of cleanliness could be improved in some of the centres.

171 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 20.

172 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 20.

173 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 20.

174 Department of Immigration and Citizenship, submission 129w, 24 June 2009, p 20.

175 Metcalfe A, Department of Immigration and Citizenship, *Transcript of evidence*, 18 March 2009, p 5.

- 2.231 In particular, the facilities at the Perth immigration detention centre, Stage 1 at the Villawood immigration detention centre, were of a serious concern. Both immigration detention centres are in need of urgent attention and are a priority of the Committee.
- 2.232 The Committee notes the Government announcement that it will provide \$186.7 million over the next five years to redevelop the Villawood immigration detention centre. However, given the concerns about the current status of the infrastructure and facilities, the timeframe set for any redevelopment needs to be revised.
- 2.233 In addition, the Committee notes that the proposal to redevelop the Villawood immigration detention centre has yet to be referred to the Parliamentary Standing Committee on Public Works. The Committee therefore recommends that the proposed work to the Villawood immigration detention centre be referred to the Parliamentary Standing Committee on Public Works for consideration and report as a matter of urgency.

Recommendation 1

- 2.234 **The Committee reiterates that reconstruction of Stage 1 at Villawood remains urgent and a priority of the Committee.**
- 2.235 The Committee also notes the intent to upgrade the facilities at the Perth immigration detention centre. An upgrade of this facility is long overdue and the Committee recommends that action be taken immediately.

Recommendation 2

- 2.236 **At the very least, the Committee recommends that the upgrade of the Perth immigration detention centre proceed as proposed. Given the limited lease arrangements, the Australian Government should also examine long term options with the intent to establish a purpose built long-term facility.**
- 2.237 The Committee also observed that the security measures implemented at the North West Point immigration detention centre on Christmas were extreme and inhumane.
- 2.238 If North West Point is to be used as an immigration detention centre on an ongoing basis, the Committee recommends that more permanent

measures are required to lessen the internal security to a more appropriate level and this may involve the removal of some caged walkways, perspex barriers, and electrified fencing.

Recommendation 3

- 2.239 **The Committee recommends that all caged walkways, perspex barriers, and electrified fencing be removed from the North West Point immigration detention centre and replaced with more appropriate security infrastructure.**
- 2.240 On the whole, the community perception of immigration residential housing and immigration transit accommodation was that it provided detainees a higher standard of accommodation and facilities than immigration detention centres. A few organisations commented that they were the preferred model for future standards of accommodation which meet the detention values. Community detention was also looked on as a more favourable option to detention in an immigration detention centre.
- 2.241 However, each type of these immigration detention facilities has its limitations. Various groups expressed wide ranging concerns which included a lack of onsite interpreters, no onsite access to health or mental health services, and excessive security arrangements.
- 2.242 Another concern that was brought to the attention of the Committee was the physical location of the facility, at the end of a suburban street.
- 2.243 It is the Committee's view that secure detention will continue to play an important role in our immigration system. The evidence suggests, however, that it is not necessary to keep people who meet the criteria for release in secure detention centres for long periods of time awaiting resolution of their immigration status.
- 2.244 The Committee notes the Government announcement to commit \$ 77.4 million to implement key immigration compliance and detention policy improvements which includes addressing the prompt resolution of an individual's immigration status.
- 2.245 Immigration residential housing and immigration transit accommodation are specifically designed to accommodate short term detainees. They are also able to provide optimal care and accommodation and, on occasion, are a more appropriate and humane immigration detention alternative.
- 2.246 The Committee believes that placing detainees in immigration residential housing and immigration transit accommodation for the shortest time as

possible complements the Government's intention to address the prompt resolution of an individual's immigration status.

- 2.247 The Committee notes that DIAC's website states 'People who are detained are eligible to voluntarily participate in immigration residential housing'.¹⁷⁶ The Committee also understands that DIAC's client placement model is currently under review following the recently announced reforms to the immigration detention system.
- 2.248 The Committee recommends that detention in immigration residential housing should be used in lieu of detention in an immigration detention centre provided that it is feasible.
- 2.249 The Committee is also of the view that immigration transit accommodation could be utilised by DIAC on a more regular basis, provided that detainees meet the eligibility criteria.
- 2.250 While an assessment is being made on whether an individual is eligible to be placed in an immigration residential housing or immigration transit accommodation, or released into the community, the concerns that both individuals and organisations have made about all immigration detention facilities, and in particular immigration detention centres, need to be addressed as a matter of priority.

Recommendation 4

- 2.251 **The Committee recommends that detention in immigration residential housing should be used in lieu of detention in immigration detention centres provided that it is feasible.**
- 2.252 As noted above, a number of organisations that provided evidence during the course of the inquiry raised concerns over immigration detention centres appearing like traditional prisons with excessive levels of security, noting in particular the use of razor/barbed wire fencing.
- 2.253 The AHRC, in its 2008 *Immigration Detention Report*, considered that the security-driven atmosphere at the immigration detention centres was a major concern.¹⁷⁷ The AHRC added:

This is created by the use of physical measures such as high wire fencing and razor wire, and surveillance measures such as closed

¹⁷⁶ Department of Immigration and Citizenship, 'Eligibility for Participation', viewed on 26 May 2009 at <http://www.immi.gov.au/managing-australias-borders/detention/facilities/about/rhcs.htm>.

¹⁷⁷ Australian Human Rights Commission, *Immigration detention report – December 2008*, p 22.

circuit television. The DIAC Standards state that '[t]he underlying principle for security systems at all detention facilities is that security must be as unobtrusive as possible' and that '[c]rude containment devices such as razor wire, observation platforms, correctional fencing should be avoided wherever possible.' In practice, this is far from being achieved.¹⁷⁸

- 2.254 The Committee is of the view that the use of razor/barbed wire at immigration detention centres is a disproportionate security measure. The Committee therefore recommends that all razor/barbed wire fencing is removed from all immigration detention centres and replaced with more appropriate fencing.

Recommendation 5

- 2.255 The Committee recommends that all razor/barbed wire fencing is removed from all immigration detention centres and replaced with more appropriate fencing.**

178 Australian Human Rights Commission, *Immigration detention report – December 2008*, p 22.