



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON PUBLIC WORKS

**Reference: Operational upgrade of the Darwin detention facility, Northern Territory**

MONDAY, 18 JULY 2005

DARWIN

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**JOINT STATUTORY COMMITTEE ON  
PUBLIC WORKS**

**Monday, 18 July 2005**

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

**Members in attendance:** Mr Forrest, Mr Jenkins, Mrs Moylan, Mr Brendan O'Connor and Mr Wakelin

**Terms of reference for the inquiry:**

To inquire into and report on:

Operational upgrade of the Darwin detention facility, Northern Territory.

**WITNESSES**

<b>APPLEGATE, Mr Rodney John, Acting Executive Director, Department of Infrastructure, Planning and Environment, Northern Territory Government.....</b>	<b>22</b>
<b>BANKS, Mr John, Acting Chief Executive Officer, Darwin City Council .....</b>	<b>28</b>
<b>BARNSLEY, Mr Noel, Territory Director, Department of Immigration and Multicultural and Indigenous Affairs.....</b>	<b>1, 31</b>
<b>DOHERTY, Mr David, Assistant Secretary, Detention Contract and Infrastructure Branch, Department of Immigration and Multicultural and Indigenous Affairs .....</b>	<b>1, 31</b>
<b>GALTON, Alderman Helen, Deputy Lord Mayor, Darwin City Council .....</b>	<b>28</b>
<b>HUTCHINSON, Brigadier Peter John, Director General, Infrastructure Asset Development, Department of Defence .....</b>	<b>31</b>
<b>KEENAN, Ms Annette, Director, Unauthorised Arrivals and Illegal Foreign Fishers Task Force, Department of Immigration and Multicultural and Indigenous Affairs .....</b>	<b>1, 31</b>
<b>MAXWELL, Ms Britt, Director, Northern International Fisheries, Department of Agriculture, Fisheries and Forestry .....</b>	<b>1</b>
<b>McCLELLAND, Mr Tim, Director, Policy and Coordination Unit, Department of the Chief Minister, Northern Territory Government .....</b>	<b>22</b>
<b>MURPHY, Mr Paul, General Manager, Operations, Australian Fisheries Management Authority .....</b>	<b>1</b>
<b>ROBINSON, Mr Michael, Director, Detention Infrastructure Development Section, Department of Immigration and Multicultural and Indigenous Affairs.....</b>	<b>1, 31</b>
<b>WILSON, Mr Rohan, Senior Manager, Compliance Policy, Australian Fisheries Management Authority .....</b>	<b>1</b>



**Committee met at 11.33 am**

**BARNSLEY, Mr Noel, Territory Director, Department of Immigration and Multicultural and Indigenous Affairs**

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

**KEENAN, Ms Annette, Director, Unauthorised Arrivals and Illegal Foreign Fishers Task Force, Department of Immigration and Multicultural and Indigenous Affairs**

**ROBINSON, Mr Michael, Director, Detention Infrastructure Development Section, Department of Immigration and Multicultural and Indigenous Affairs**

**MAXWELL, Ms Britt, Director, Northern International Fisheries, Department of Agriculture, Fisheries and Forestry**

**MURPHY, Mr Paul, General Manager, Operations, Australian Fisheries Management Authority**

**WILSON, Mr Rohan, Senior Manager, Compliance Policy, Australian Fisheries Management Authority**

**CHAIR (Mrs Moylan)**—Good morning. I am pleased to declare open this public hearing into the operational upgrade of the Darwin detention facility, Berrimah, Northern Territory. The project was referred to the Joint Committee on Public Works on 11 May 2005 for consideration and report to parliament. In accordance with subsection 17(3) of the Public Works Committee Act 1969, in considering and reporting on a public work, the committee shall have regard to:

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

Earlier this morning the committee had the opportunity to receive a briefing from the Department of Immigration and Multicultural and Indigenous Affairs and inspected the site of the proposed works. The committee today will receive evidence from the Department of Immigration and Multicultural and Indigenous Affairs, the Northern Territory government and the Darwin City Council. I extend to you a welcome to the hearing and thank you for facilitating the committee's inspection of the site this morning. The committee has received a statement of evidence and two supplementary submissions from the Department of Immigration and

Multicultural and Indigenous Affairs. These will be in a volume of submissions for the inquiry. They are also available on the committee's web site. Does the department wish to propose any amendments to these submissions?

**Mr Doherty**—In regard to the public submission, annexure 15—which were some drawings of the bedrooms at the Darwin detention facility—due to a drafting error the double bunks were placed in the wrong part of the drawing, in the ensuites, so I have a replacement annexure 15.

**CHAIR**—The committee is happy to receive that evidence, thank you. Would you like to provide for us now a brief opening statement and then we will go to questions?

**Mr Doherty**—Firstly, I would like to thank the committee, Madam Chair, for your efforts in giving the department early consideration of these works. The completion of the works is clearly an urgent requirement for the department in its management of detention arrangements for illegal fishers in northern Australian waters. I also understand that Minister Vanstone has written to you in a similar vein. At this point I would also like to thank the secretariat for their assistance in bringing this particular project forward in recent months.

I will make a brief opening statement of the reasons behind the operational upgrade for the Darwin detention facility. In January 2005, the government announced more effective arrangements for the processing and detention of foreign fishers apprehended in northern Australian waters for suspected fisheries offences. This decision recognises the increasing difficulty of boat based detention and the desire to enhance existing detention arrangements for apprehended fishers. Central to the new arrangements will be a land based detention facility in Darwin, capable of holding approximately 250 detainees awaiting prosecution or repatriation. DIMIA will operate the facility through its detention service provider GSL and in accordance with immigration detention standards.

These new arrangements demonstrate the government's commitment to the welfare of illegal foreign fishers. They also address the need for an ongoing accommodation capacity in Darwin to deal with the growing illegal fishing problems in our northern waters. Boat based detention is difficult to manage and untenable as a long-term option. It has been criticised by a number of public scrutiny bodies and has been referred to in adverse findings of a coronial inquiry. The Indonesian government has also expressed strong views that their nationals should be detained in land based facilities. Currently, pending the completion of this project, apprehended fishers are being moved from their vessels and transferred as soon as practicable to existing immigration detention facilities in southern Australia. Other forms of land based detention accommodation, such as motels or police holding facilities, may also be used for transit purposes until transfers are arranged.

The objective of the upgrade project is to establish a safe and secure land based detention facility for illegal foreign fishers apprehended in Australian northern waters. Other persons who are detained for compliance reasons may also be accommodated there. The facilities will provide accommodation for illegal foreign fishers apprehended in our northern waters and brought to port at Horn Island in the Torres Strait, Gove, Darwin and potentially also Broome. As part of the enhanced processing and detention arrangements, the government has also agreed to establish a land based transitory facility on Horn Island, to be managed by the Australian Fisheries



Management Authority, to provide short-term land based detention for fishers apprehended in the Torres Strait Protected Zone.

In 2004-05, 1,478 illegal foreign fishers were apprehended for suspected fisheries offences and this number is expected to rise. All fishers apprehended in 2004-05 were males, the majority being adults and the minority—around eight per cent—were minors under the age of 18 years. Of those apprehended, around 25 per cent were charged with fisheries offences. Persons detained in the facility, however, are not expected to be there for long periods. During 2004-05, the average period of time for which fishers who were not charged were detained in Australia was 11 days. The longest period was 85 days—in that case, the fisher was hospitalised and treated for tuberculosis.

I turn now to the current immigration detention facility and its origins. In August 2001, the government announced plans to increase contingency capacity for detaining unauthorised boat arrivals by preparing temporary facilities at a number of defence sites, including HMAS Coonawarra at Darwin. DIMIA undertook many tasks to have this facility available as a contingency facility. Fifty second-hand demountable accommodation buildings were purchased and transported from an engineering camp in Western Australia. These buildings supplemented the existing Royal Australian Navy transit accommodation buildings.

The area within HMAS Coonawarra, as it was then known, was fenced off to make two separate compounds: the northern compound, where this upgrade project is intended to occur, and the southern compound, which includes what was familiarly known as 'Tin City'. A double fence line was installed to form a sterile zone on the perimeter of each compound, together with a single roll of razor wire at ground level inside the sterile zone. As part of this project, it is proposed that all razor wire will be removed from the sterile zones.

By December 2001, DIMIA had capacity for 250 detainees. By March 2002 it had capacity for a further 400. The facility was intended to be used for their initial reception before they were transferred to another facility. The initial project costs were \$7.4 million. To date, the department has not used the facility for immigration purposes. The facility has been used by Defence, however, on a number of occasions for transient accommodation and training purposes.

I turn now to the need for these works. To have the facility operational as an ongoing detention centre a number of improvements are required to enable the detention service provider GSL to meet the standards of service, program and facilities as set out in the immigration detention standards, including in particular the requirement to meet safe and secure detention. The improvements required to the site include earthworks, ablutions, cabanas, kitchen and dining facilities, office accommodation, strengthening of a building for cyclone shelters, refurbishment of existing buildings, disabled accommodation, management support unit, additional fencing, security systems, connections to services, concrete and landscaping and the provision of furniture and fittings.

DIMIA has reused second-hand demountable buildings after closing its Curtin centre. These buildings have been relocated to the facility and await fit-out and site placement. An independent quantity surveyor has provided indicative costs of \$8.215 million based on the concept design. These costs include construction, professional design management fees and associated costs.

**CHAIR**—I would like to clear up one point. It should be on the public record because, as you are now aware, the Public Works Committee has a statutory obligation and agencies conducting works have a statutory duty to refer works in excess of \$6 million to the Public Works Committee. As you are no doubt aware, this committee has to report to the federal parliament to assure the parliament and the people that the works meet the stated purpose and that it is good expenditure of public money. I understand these works were commenced in August 2001 and they were always going to be in excess of \$6 million. I think Mr Doherty has just confirmed that the final cost was \$7.4 million. In a Senate Legal and Constitutional Committee estimates hearing it was revealed that these works had indeed taken place and questions were asked about them. Given the statutory limit for referral of works and that these works ended up at \$7.4 million, can you explain why these works were not referred to the Public Works Committee and reported on in accordance with the provisions of the Public Works Act 1969?

**Mr Doherty**—My advice at the time was that the vast majority of the cost was associated with the purchase of second-hand demountable buildings and that demountable buildings did not meet the definition of permanent structures for the purpose of referral to the Public Works Committee.

**CHAIR**—That matter had been raised previously, and there was a clarification of the committee's request to the minister. Where these structures are plumbed in—and clearly these buildings are set in with plumbing and electrical facilities—it has now been made clear that these demountable buildings do meet the definition. Was your decision made prior to that letter clarifying the position of demountable buildings?

**Mr Doherty**—Madam Chair, could you provide a little more information please? What was the nature of the letter you are talking about and approximately when was it sent?

**CHAIR**—The letter came from the minister confirming that they would take action. In fact a regulation was passed through the parliament requiring that major works of this nature be referred to the committee to clarify the existing act, which I agree was a little uncertain in definition. Obviously, this happened prior to that regulation finally being passed, which the secretary just tells me was in 2004. You started this in 2001.

**Mr Doherty**—That is right.

**CHAIR**—So it was the nature of the so-called temporary demountable buildings which, as I said, caused a lot of problems for a lot of agencies, and a lot of problems for us in how to define them. But that matter has been made clear. Thank you for clarifying that.

**Mr BRENDAN O'CONNOR**—In relation to the matter raised by the chair, I want to put something on the record. The regulation clarified the matter. There was a view that demountables were covered under the public works expenditure, and that has now been clarified. It would have been preferred that the assumption was that when money is spent it goes before a parliamentary committee and it is not assumed that it does not have to. That was the concern the committee had in relation to that expenditure.

Before getting on to some of the detail: you could say DIMIA has had a pretty bumpy history. Detention centres and their construction is not an easy area to manage; it is an area of

controversy in the community. This joint standing committee has overseen a number of projects in relation to detention centres and one of them, famously, was the construction proposed at Christmas Island. The original construction was to be handled by DIMIA and then, for all sorts of reasons—some of which were public and others which were not—the project management was transferred to the Department of Finance and Administration. My question to you, Mr Doherty—in the absence of Mr Steve Davis, who I thought was to be here today—is: can the committee be confident that DIMIA can oversee this matter given that the government chose to transfer the management of the construction at Christmas Island to DOFA? What is your view on that?

**Mr Doherty**—The decision to transfer the Christmas Island project to the department of finance, and indeed the decision of the government that the new project at Villawood would be handled by the department of finance, is I understand a whole-of-government approach to consolidate, within the department of finance, responsibilities for major infrastructure projects nationally. For example, the department of finance, I understand, has got responsibility for the Adelaide Law Courts as a major construction. The refurbishments of the Anzac West buildings in Canberra is another example. The decision to transfer the works to the department of finance was more about consolidating, in one agency, expertise in very large infrastructure projects, rather than—

**Mr BRENDAN O'CONNOR**—But originally DIMIA had control and management of the proposed construction. As I recall—and I will only go to those matters that are publicly known—the contract was terminated with the original contractor and, up until that point, DIMIA was supposed to oversee the construction. It was at that point it was handed over to DIMIA. Given the failure to complete the process, should I be concerned that DIMIA really is not the department that should be overseeing it? If indeed DOFA ultimately oversaw the construction at Christmas Island, would it not be better placed to oversee the management of this particular refurbishment and addition? Otherwise, why would they have transferred it from the department in the first place?

**Mr Doherty**—My understanding is that the very big works have been transferred to Finance, not the smaller ones. It is more about bringing together, in a central agency, expertise in a range of very large projects. The way we have managed our relationship with Finance on these projects is to be what we call 'the client'. We sit with Finance to do the specifications for the particular project, putting in the Immigration expertise in the design and management of detention centres, and leave the broader construction management, which is a specialist expertise, to the Department of Finance and Administration.

**Mr BRENDAN O'CONNOR**—The chair made reference to matters raised in the Senate in relation to the commencement of the construction of the Coonawarra detention centre. We have obviously discussed the \$7.5 million cost but, as it was completed in September 2001, close to four years ago, why has it not been used?

**Mr Doherty**—The reason it has not been used is the success of the government's approach to stemming the flow of unauthorised boat arrivals from the north. Four or five years ago we had 5,000 people a year coming in boats. We are now down to a handful of people. I think we have had one boat in the last two years with about 40 people on board.

**Mr BRENDAN O'CONNOR**—I am sure we have different views as to why that has happened. There has been a need to detain unlawful fishers well before now. I think you referred in your submission to the coroner's inquest into the death of an unlawful fisher who was detained on a boat. Earlier this year there was another death. There have been two deaths that I am aware of. The coroner's report came out some time ago now. We have also heard that detained fishers have escaped by sailing away. Why was it not considered proper to detain unlawful fishers on land in this centre if it was a viable alternative to detaining them on boats?

**Mr Doherty**—The government decided in early 2005 that it was untenable to continue to detain people on boats and began a process of taking people off boats and moving them to immigration detention facilities in southern Australia. The immigration detention facility at Darwin was originally built in 2001 as a contingency centre. It was only ever meant to be a transit centre where we could keep people overnight or for a couple of days until we could get them moved to existing detention facilities elsewhere in Australia. The other important element of the current facility at Darwin is that it does not meet immigration detention standards as it is currently designed. DIMIA has an obligation under government policy to provide detention facilities that meet immigration detention standards.

**Mr BRENDAN O'CONNOR**—You have a detention centre that we know has cost you at least \$7.4 million with the running costs being something like \$70,000 per annum—is that right?

**Mr Doherty**—I think it is about \$118,000 on average per annum.

**Mr BRENDAN O'CONNOR**—So you have had this centre running for this period with not one detainee, either an unlawful fisher or an unlawful arrival. Does the department think it would have been proper to construct the proper facilities earlier than 2005? That would have allowed use of the facility itself for more than one day. For example, you have spent millions of dollars but there have been no kitchen facilities whatsoever—I think I am right in saying that. Could those have been seen in 2001 as an important component of any detention centre, whether it was a contingency centre or not?

**Mr Doherty**—I think in 2001 the department and the government were faced with a particular set of circumstances: very large numbers of boat arrivals, extreme shortage of accommodation and it was not clear at what point they might be able to stem the flow of unauthorised boat arrivals. It was a tactical decision at that point to make sure the Australian government had the capacity on land to provide basic accommodation. It took that decision in the context of having immigration detention facilities at Port Hedland, which had a capacity of about 800, and immigration detention facilities at Woomera, which had a capacity of about 1,200, and an intention to build a new facility at Port Augusta.

**Mr BRENDAN O'CONNOR**—You transferred 15 unlawful arrivals to the temporary centre on Christmas Island rather than keep them at Darwin—is that correct?

**Mr Doherty**—Yes, that government decision was made.

**Mr JENKINS**—Let us go to the reasons for the upgrade and to the numbers. You have quoted some numbers in the written submission and today you have quoted more numbers. To give us a feel of what they actually mean on any one day, how many fishers are detained on board today?

**Mr Murphy**—Today there are no fishers on boats. However, I can give you numbers for people throughout Australia.

**Mr JENKINS**—Yes, please.

**Mr Murphy**—These are for fishermen held rather than fishermen in particular centres.

**Mr JENKINS**—Sorry, would you say that again.

**Mr Murphy**—I can give you numbers for fishermen that are held around Australia rather than in particular immigration detention centres. I will run through the numbers. Australia-wide we have about 70 illegal foreign fishers. There are 11 fishers currently in Berrimah prison in Darwin. These figures are for 15 July. We have four in motels waiting to be repatriated. In Gove on 15 July we had 10 fishers. I believe they have now been moved to the Perth Immigration Detention Centre.

**Mr JENKINS**—So on 15 July they were on board their boats in Gove harbour?

**Mr Murphy**—No, they were in the police watch-house in Gove. In the Baxter Immigration Detention Centre on 15 July there were 23 fishers. In Adelaide hospital there was one fisher. In the Perth Immigration Detention Centre there were 18 fishers and there were three fishers in the Cairns prison.

**Mr JENKINS**—That is the 70?

**Mr Murphy**—Yes.

**Mr JENKINS**—Have the 11 fishers in Berrimah prison and the three fishers in Cairns prison actually been processed and charged?

**Mr Murphy**—The three fishers in Cairns prison are serving sentences. In Berrimah prison there are six fishers serving sentences and five fishers are on remand, pending court appearances.

**Mr JENKINS**—This is just a snapshot: the other 56 people are being processed?

**Mr Murphy**—They are either waiting to go to court or waiting to be repatriated to Indonesia.

**Mr JENKINS**—Except for the ones who have been sentenced, how long have they been in detention approximately?

**Mr Murphy**—Our best estimate for those being repatriated or not charged is that it takes approximately 11 days between the time of apprehension and the time of repatriation, and for those going through the courts, it is more like 50 days.

**Mr JENKINS**—If the Darwin centre was operational, could all the 56 people—except for the one who is in Adelaide Hospital who obviously will be in a hospital somewhere—potentially be there?

**Mr Murphy**—That is correct.

**Mr JENKINS**—During the year—and we have only had a snapshot of one day—how would those daily figures fluctuate?

**Mr Murphy**—This will be an approximation. I will give an outline for the year—

**Mr JENKINS**—If you have the total figure, including for the ones in the prison, by all means share that with us and then that will give me an idea.

**Mr Murphy**—Up to 15 July this calendar year, we detained 109 vessels, which included 844 crew. Of those 844, 121 were charged with 165 charges. Those people not charged would fit into the category of being repatriated within an average period of 10 days. It would take those people being charged between a few weeks and a few months, depending on whether they were going through the Magistrates Court system or up to the Supreme Court.

**Mr JENKINS**—I am looking for a figure for the daily detention load. Can the department give a figure for any one day? I appreciate that there are 844 crew overall but, except in disastrous circumstances, they will not all descend upon you on one day. We have a facility that will be prepared for 250 people, and I want to put into context what that 250 maximum represents, as against the reason that is being given to us today for the \$8 million-plus expenditure.

**Mr Murphy**—To the best of my knowledge, this year I do not think there has been a day when someone has not been detained, so there is always someone being detained. The highest peak that we have had is just over 250 people when we ran an operation in Gove, so the numbers have fluctuated between, say, a minimum of maybe a dozen people and up to 250 people being investigated at any one time.

**Mr JENKINS**—This might come out as being a bit flippant, but you really smashed them in the period from 12 April to 24 April and there were about 250 people. But is the number ever likely to go higher than that?

**Mr Murphy**—I think there is an ability for us to apprehend more vessels in the same period as that operation was run in, but offsetting that is that having a Darwin detention facility means that we can process people much more quickly, and so the peak load on any one day would be smaller, even though we might be processing more people in total.

**Mr JENKINS**—So in the planning of any operation, when the upgraded detention centre came online, you would take into account where you would be taking the illegal fishers at the end of the operation—that is, where you would be processing them? Would that always be a part of the operational aspects?

**Mr Murphy**—It would be one part. Obviously it starts on the water, with what Customs vessels, Navy patrol boats and fisheries officers are available, together with which port you are using, what facilities you are trying to bring them through, the availability of aircraft et cetera. But that would be one factor that you could take into account.

**Mr JENKINS**—I now turn to the DIMIA case load of about 50 a year. So that is one or two a day?

**Mr Doherty**—I think it was 24 in the last year and 34 in the year before but my colleague Mr Barnsley may be able to give some further advice.

**Mr Barnsley**—I think the biggest group we had was about seven illegal workers picked up in one go when we were doing an exercise in the southern area of the Territory. They were probably the largest group we have had over the last couple of years. So you are probably looking at one, two or three at a time. And there would be periods when we would have no-one from the compliance case load in the centre over a period of 12 months.

**Mr JENKINS**—I refer to the decision to upgrade the northern compound, the 250 compound. Is there some magic in the figure of 250 or does that just happen to be how many places were there originally? How many places are going to be provided?

**Mr Doherty**—You are correct in your assertion. The northern compound has a capacity of 250 or thereabouts and the southern compound has a capacity of another 400. The settling of the northern compound was a decision based on expectations about the number of people we would detain over time, the existing infrastructure and the costs associated with bringing that part of the facility up to immigration detention standards.

**Mr JENKINS**—Was it because it was an easier task than the southern compound, or was it because the figure of 250 is more likely to be what is required than the 400?

**Mr Doherty**—It is the latter; it is an expectation that the size of that compound, at 250, was more in line with expectations about detainee levels into the future.

**Mr JENKINS**—And the southern compound will remain a contingency detention centre?

**Mr Doherty**—That is right.

**CHAIR**—Supplementary to that, I note in your submission that you are anticipating that the centre will also be used for unauthorised air arrivals. Can you give us some indication of whether unauthorised air arrivals are increasing, remaining static or decreasing?

**Mr Barnsley**—The numbers are pretty static. We are only talking about a dozen to two dozen a year. Most would be put on the same plane back and would not need to be detained. Some who are currently required to spend an extended period at the airport waiting for the next flight out—

**CHAIR**—This is just for Darwin?

**Mr Barnsley**—Purely Darwin.

**CHAIR**—So it would only be unauthorised air arrivals in Darwin that would be likely to be put into this facility?

**Mr Barnsley**—That is correct. Most people who are refused entry at the airport are able to be put back on the same plane.

**CHAIR**—Does the figure of 50 per year include both compliance cases and unauthorised arrivals?

**Mr Barnsley**—It would be quite a good indicative figure because it does vary from year to year, depending on what operations we do.

**CHAIR**—Does it cover illegal fishers and unauthorised arrivals? What are the 50 cases per year made up of?

**Mr Doherty**—The 50 cases a year would be made up of compliance cases and unauthorised air arrivals in the Northern Territory.

**CHAIR**—That is the total figure that you anticipate. Thank you.

**Mr FORREST**—On a different theme, Mr Doherty, earlier on, in response to Mr O'Connor's question about why the facility was not being used, you said that it did not meet standards.

**Mr Doherty**—Immigration detention standards.

**Mr FORREST**—In a former inquiry we were asked a lot of questions about what the standards were and I was not satisfied that there were any. They get made up as they go along. Can you run us through where the current facility, as it is out there now, does not meet DIMIA's standards?

**Mr Doherty**—I think there are two sets of standards that we are talking about. When we talk about immigration detention standards, we are talking about a set of standards that is incorporated in the detention services contract, which we have a copy of here. That goes to the care of people in detention: keeping them safe and secure, keeping them well fed and accommodated and giving them recreation, appropriate health services, education for children and those sorts of matters. That is what the immigration detention standards are. The discussion that occurred in the Maribyrnong hearings was about standards for infrastructure. With regard to your recommendations about Maribyrnong—that we should be out there exploring and setting immigration detention infrastructure standards—that process is about to get under way. So there are essentially two sets of standards that we are talking about here. Some go to the day-to-day care needs; others in the Maribyrnong discussion went to the space and circulation—

**CHAIR**—The buildings.

**Mr Doherty**—and the buildings and all those sorts of matters.

**Mr FORREST**—You still have not answered my question about why this facility does not meet your standards.

**Mr Doherty**—The reason this facility does not meet immigration detention standards is that it simply does not have, for example, kitchen or food facilities, it does not have medical facilities



and it does not ensure that detainees are secure. In its current configuration, there are areas of it that we think could well be unsuitable for detaining people at the moment.

**Mr FORREST**—Only two or three years ago \$7.1 million was spent, presumably to get it to some sort of standard. What happened? Has the standard changed?

**Mr Doherty**—Firstly, I should say that the buildings were originally built to Building Code of Australia standards, so they meet at least that basic level of safety. But in the project that we are putting forward, for example, we are proposing the construction of specific ablutions that are suitable for this client base. We believe that set of ablutions would meet immigration detention standards for the care of detainees.

**Mr FORREST**—You mentioned the issue of external security—keeping them in—didn't you? I think that is what you meant.

**Mr Doherty**—Yes.

**Mr FORREST**—It is not their own sense of security when they are in there; it is about keeping them in. Hence, the need for a lot of money to be spent on fencing.

**Mr Doherty**—Our obligation to this client group under immigration detention standards—that is, care of these people—goes to us providing good quality accommodation, sleeping accommodation, good quality food preparation areas, recreation facilities and medical facilities. That is where we provide a safe and secure environment for the people that we are looking after.

**Mr FORREST**—Are you able to make available the document you have been referring to?

**Mr Doherty**—Yes, I can. It is publicly available. We can provide you with a full copy of the contract.

**Mr BRENDAN O'CONNOR**—Following Mr Forrest's comments, I am concerned about the inconsistency in evidence given to the parliament in relation to this matter. I refer to two particular transcripts in relation to this. When examined by the Senate Legal and Constitutional Legislation Committee on 29 May 2002, Mr McMahon from the department said:

It has been ready to use for some time. We have had processes in place to use it. The major work outstanding at the moment is perimeter lighting, and the lighting has to be done properly because it is relatively close to the approach to an airport.

Even way back then, he emphasised that it was for contingency use. In an inquiry on 4 November 2003, Senator Scullion said:

There was a previous question to Mr Davis about how much it cost in the previous financial year. Nothing indicates that it has been mothballed. I am assuming that it is all ready to go.

Mr Davis said:

It is, indeed, ready to go.

These are answers to senators about the state of the centre in 2002 and 2003. Mr Doherty, even in the event that this is a contingency centre, why, if it is ready to go, would we transfer away from this contingency centre to another contingency centre in Christmas Island? Even if that was government policy, surely the standard in the current contingency centre—if, indeed, it is ready to go—would be better than the boats that we have detained with unlawful fishers and the boats on which people have died. I guess that is a question I can put to the other department, rather than just focusing upon you. What I am saying is that in two answers by officers of the department in earlier inquiries by parliament we have been told that the centre is ready to go or that the work has already been done, at least to the level of contingency. On both occasions officers have said that. Why wouldn't a contingency centre be a better arrangement to detain unlawful fishers, for example, than the boats on which we now know people have suffered—or, in two cases, died?

**Mr Doherty**—The answers by Mr McMahon and Mr Davis would have been referring to the question of Darwin as an immigration contingency facility, with a view to being used very quickly as a very temporary transit centre to move people to other centres. The centre does not meet immigration detention standards in accordance with the contract that we have, and it is on that basis that we at Immigration are only going to detain people at that centre when we are satisfied that it can deliver immigration detention standards according to the contract.

**Mr BRENDAN O'CONNOR**—I do not want to dwell too much on this, but I guess the point I am making is that, if you have people in detention—and, in the case of the fishers, they were detained on boats on some occasions—the comparison one is to make is not whether a detention centre reaches a certain standard; it is whether it is better to detain people in that centre as it currently exists rather than on boats, in some cases. That would be the measure, wouldn't it? It would be more important to determine what the best place to detain people is. I am asking whether the centre was available as a contingency centre and, indeed, whether it was a better location to detain unlawful fishers when compared to boats.

**Mr Doherty**—I think your question needs to be seen in the context of government policy developing over time. Certainly by January 2005 it had become very clear to the government from a range of places, including the Human Rights and Equal Opportunity Commission, the Indonesian Embassy and the coronial inquiry following the death of a fisher in 2003, that the policy of boat based detention could not continue. It was in that context that the decision was taken by the government to provide an upgraded facility at Darwin—and, within that, it was decided that these people would be detained in accordance with immigration detention standards.

**Mr WAKELIN**—AFMA detains to investigate breaches of the fishery legislation for a statutory period of up to seven days and DIMIA detains to establish the individual's right to remain in Australia. Can someone explain to me where and how the transition occurs?

**Mr Murphy**—Once a fishing boat is brought into port, investigation begins, and the maximum period people can be held in fisheries detention is 168 hours, or seven days. However, during that period, if a decision is made not to charge a person or if a person is brought before a magistrate and charged, fisheries detention ceases at that point, which means the detention is shorter than seven days. So, whichever happens first, fisheries detention ceases and the legislation then defines them as being in immigration detention.

**Mr WAKELIN**—At any point in that seven days they can be transferred to immigration. Maybe someone from Immigration would like to pick it up at that point?

**Ms Keenan**—During the time that the fishers are in fisheries detention they hold an enforcement visa, so they are lawful noncitizens. At the time fisheries detention ends, depending on what trigger causes that period of detention to end, their enforcement visa ceases to be in effect, they become unlawful noncitizens and under the Migration Act they must be detained.

**Mr WAKELIN**—Are the 100 or so IFFs—I think there were up to 1,478 last year—who are serving or have served prison sentences doing so within the Australian borders?

**Ms Keenan**—I might have to take that on notice.

**Mr WAKELIN**—The 340 that were charged—

**Ms Keenan**—Of those, how many served prison sentences?

**Mr Murphy**—It would only be a minority. Under international law of the sea, people cannot be held for custodial sentences for fisheries related offences. So the first time illegal foreign fishers go through the court system for offences under the Fisheries Management Act and are convicted, they are either given fines or bonds. They can only be jailed for nonpayment of fines.

**Mr WAKELIN**—I understand that. I was just wondering what happened to the 100 that are serving prison sentences following prosecution. That is the figure, according to my data.

**Ms Keenan**—Once their prison sentence ends, they are removed back to Indonesia.

**Mr WAKELIN**—But they are held here Australia?

**Ms Keenan**—Yes. They serve a prison sentence in Australia.

**Mr WAKELIN**—Spread around the Australian prison system?

**Ms Keenan**—Essentially, I believe they are in Cairns, Broome and Darwin prisons.

**Mr WAKELIN**—Can I ask DIMIA predominantly: do you have a spreadsheet which shows, on a monthly and daily basis, where all the people that you are required under the legislation to manage and expedite to wherever are sitting in the various processes that our country has? This goes to the heart of some of what Mr Jenkins was talking about.

**Ms Keenan**—I have a graph showing month by month the number of fishers who arrived in the migration zone for 2004-05, as at 30 June 2005.

**Mr WAKELIN**—I had something slightly more comprehensive in mind—something which would show the various categories such as IFF, what I would call ‘unauthorised air arrivals’, the boat, the jail and the whole make-up or matrix, if you like. Do we have anything like that?

**Ms Keenan**—The illegal foreign fishers all come by boat, so there would be no unauthorised air arrivals. But if you wish to get information on that—

**Mr WAKELIN**—For our purposes, you can see that it is quite difficult to track where 1,478 people are.

**Mr Doherty**—I have a graph showing month by month the numbers of illegal foreign fishers that came in. Would that help?

**CHAIR**—I think Mr Wakelin is trying to get at the question I asked before about the 50 per year and what the make-up of that was: how many of those people would be unauthorised air arrivals and how many would be illegal fishers or any other category of people that might be held in this establishment. We need to understand how you have arrived at the provision of 250 new places and the expenditure of nearly \$9 million of taxpayers' money. How did you arrive at the need for 250 places?

**Mr WAKELIN**—That is exactly right. And also, concerning the 365 days of detention: where and how? Perhaps you could provide two relatively simple spreadsheets that show us clearly what is happening and where everybody is at.

**Mr Doherty**—We will provide some spreadsheets.

**CHAIR**—You must have done that exercise in order to determine the need to spend \$9 million to provide 250 places. Clearly it is not something you have plucked out of the air. One would presume that there is some rationalisation for those figures.

**Mr Doherty**—I think it is the elements that make it up that in fact drive the \$9 million cost. The actual accommodation—the 250 places—are already there. The money for them was spent back in 2001. The costs associated are for turning this facility into something that meets immigration detention standards. That is where the cost structures are.

**CHAIR**—I understand that distinction and I think it is important that you make it for the record, so thank you for clarifying that. But we have come to a point of saying we are going to spend money on infrastructure development that will essentially service a 250-bed capacity facility. The committee and the public need to understand what the rationale is behind arriving at that decision and how many people are likely to flow through this facility. We realise you will probably have an allowance figure outside of that for unforeseen events. That is understood; we do not always know exactly what the situation is going to be. But it would be useful for the committee to understand the basic information on which your decisions have been made. Again I stress that we understand there is a need to make some allowance for unforeseen events.

**Mr Doherty**—We will take that on notice.

**Mr JENKINS**—If only 100 places were required—even though the compound had 250—the costings might have been different, because you might have done something different in that compound. I am trying to avoid ventilating any of the issues, debate and discussion about Maribyrnong, but it is essential that we understand that the decision to have the 250 places was not based just on the fact that the architect said that that many could fit. We seem to be starting

to move down that path—we had a facility that had 400 here and 250 there and so we suddenly decided that we would upgrade the 250.

I am nearly satisfied, given some of the figures that we have been given, that 250 is an appropriate figure. If, over a two-week period or 10 days—whatever it was when you went out and did your big operation—258 were picked up, we could understand that. But, from the committee's point of view, and so that we have marginally advanced in looking at the justifications for what is happening with these detention centres, there must be the figures. I want to emphasis that, because it does relate back to the quantum of money. We could look at compartmentalising some of the stuff you have suggested if it were only 50 or 100 that were required. That is probably where we are coming from: I do not want the answer to simply be that there were 250 so we are going to upgrade all of those 250, unless you are going to tell me that you might be bringing people up from the south to this facility and it gives you scope under the grand plan of where you place people.

**Mr Robinson**—As a comment on the size of the facility, if this were to be done for 100 or so, the cost savings would not be relative, because you would still have a perimeter of the same size, and the difference between a 200-person kitchen and a 300-person kitchen is very minimal.

**Mr JENKINS**—I appreciate that point.

**CHAIR**—That is part of the rationale we need to get from you about where the thinking is here. Let us have a look at it—the committee are as one on that. I would like to go for a moment to the actual costs. We have had a good briefing on the confidential costs, but I think there are some general issues in relation to the cost. We understand that this project was to cost \$8.215 million, but in the discussion of the confidential costings we found out that the GST component of that has not been incorporated and so in fact the project will cost \$9 million. Under the act, the committee is tasked with making sure that we have looked at all the particulars of the work substantially affecting the cost and making sure it is good value for money. So it is quite an important part of our job to go back to the parliament and make a report that this project meets its objectives and that it is value for money.

We understand the difficulty that agencies like yours have in modern development—different ways of tendering out work, for example, and public-private partnerships is something else that gives us a headache. Things have moved on since the act began in 1969. The difficulty for us is that it is very hard for us to do our task with figures that are not yet established. For the public record, I want to go through those areas that are still to be determined. There are issues around the kind of security system and fencing that the department is going to finally determine, and there is quite a difference in costing in the three options put forward for security—fencing in particular.

My understanding from our earlier discussions is that there has not been a firm decision about the nature of the dining facilities and recreational facilities, which could impact on the cost. There are still some decisions to be made about the procurement of a kitchen—whether it will be an established kitchen or a shell that you will have to fit out. There are still questions about the amount of furniture and fittings equipment that you might recycle from other facilities and what else you might need to purchase for this facility. There are still energy management decisions that have not been made which could well affect the costings.

So there is quite a range of matters yet to be determined before we will know the final costs, and they could presumably either come below the \$9 million or go above the \$9 million. We talked about this in the confidential costings, but it will be important that you supply to the committee a final revised budget estimate when all matters affecting the cost of the project have been determined. If we could get that commitment, that would help us a great deal in fulfilling our obligations to the parliament.

**Mr Doherty**—Thank you. We will do our earnest best in that regard. The only observation I need to make is that, because we are sourcing demountable facilities from the second-hand market, we cannot physically go out and do that before the Public Works Committee have finished their work, essentially. That is the difficulty we have. We cannot get precision because we are not buying something brand new off the shelf.

**CHAIR**—We do understand. The urgency factor in this particular facility has also created some difficulties for you coming to us with everything fully costed. It also makes our task much harder in reporting back to the parliament. We would like a level of cooperation. It is not unusual. I notice Brigadier Hutchinson here with us today. We had to make some difficult decisions and reporting on the joint headquarters because it is a private-public partnership. But we do ask agencies to come forward periodically during a development to update the committee on what is happening and to give us more specific information.

**Mr Doherty**—Just to clarify: we will give you, as soon as we can, our very latest material on the cost structures in time for you to do your final report to the parliament. Is that your expectation?

**CHAIR**—If you cannot do it by the time we have completed our report, in the past we have asked for agencies to continue to update us during the life of a project, because it is not always possible to come forward with information before we report to parliament. That may unduly delay the project, and that certainly would not be in your interests or in ours. If we can get those updates on an ongoing basis after the report has been delivered—and there is plenty of precedent for that—we can then give the public and the parliament the assurance that although there are some details that are not yet available to us we will be keeping an eye on it during the course of the project, and that is the best we can do under certain circumstances.

**Mr BRENDAN O’CONNOR**—I would like to ask both departments about the extent and nature of the public consultation. We do have the Territorian government and Darwin City Council giving evidence after we have finished here. What approach has the department taken to consult with the public and allow for any comments or concerns, if any, expressed by way of that consultation?

**Ms Keenan**—We have discussed the project with a range of departments, both Commonwealth and Northern Territory. We have not as yet had any public consultations, hearings or meetings.

**Mr Robinson**—We have had some discussions with the Department of Defence and we asked them about consulting with people on the base, particularly the married families. Defence undertook to arrange those meetings for us. They advised that they were not able to do that prior to these hearings as there were a lot of people away on operational deployments, at a large

training exercise in Queensland and also on school holidays. They have undertaken to advise us of a date but it will be after these hearings, obviously. That is with Defence. We have had discussions with the Darwin City Council and we had hoped to meet with them last week. We were unable to actually tee up that meeting. We have undertaken to meet the council again, probably next week. The mayor and the chief executive, as I understand it, are away at the moment.

**Mr BRENDAN O'CONNOR**—When the original centre was constructed, was there a consultation process? I am mindful of the fact that it is approximate to Defence's facility and there can be some dialogue with Defence. However, it also abuts the Stuart Highway. It is in the public domain, and I am not sure whether any consultation processes have been put in place for this matter up until this point, and I wonder whether there was any consultation in 2001. If there has not been any at all, it seems to be fitting that there be some capacity for citizens and bodies of Darwin and the surrounding area to make their views known about any concerns that they may have. I am not sure. That seems to be a normal dimension to these projects, and clearly it may not have happened as well as it could have.

**Mr Robinson**—In the lead-up to the establishment of this facility back in 2001, the department had a range of discussions, and the then minister, Minister Ruddock, wrote to the Northern Territory Chief Minister, council and local members. We had a range of discussions with those various bodies. We looked at a number of sites around the Darwin region. From memory, we looked at 11 sites, including HMAS *Coonawarra*, at that stage. That was happening in early to mid-2001, when the government made a decision to establish the current contingency facility. Obviously the decisions were made very quickly, as people would probably remember. At that time there was consultation with Defence, and defence families did raise concerns. I understand that Defence gave families the opportunity at that time to move to another location if they felt uneasy about it and wanted to do so. I was advised that nobody took up that offer from Defence. That was the start of the original facility. As I said, the current works were undertaken to consult with the council, the Northern Territory government and, obviously, the Department of Defence and its families. At no stage in the past has there ever been what you would call a public meeting, as in an ad in the paper and—

**Mr BRENDAN O'CONNOR**—I am not suggesting by asking these questions that there is a crying need, but I think it would be suitable for the department to consider, beyond the dialogue required with Defence and the intergovernmental consultation required, subsequent to today allowing for people to express concerns if there are any. I think the most successful submissions or projects put to us have been ones that have included the capacity for members of the public to air any grievance that they may have. That at least stops people subsequently raising concerns that they did not raise when they had the opportunity, but it also allows for genuine concerns that may not have been thought through by all the parties involved, including we on this committee. So, even though it is late in the piece, I suggest that that capacity be considered by the department from today on.

**Mr FORREST**—Somewhere along the line the name of the facility got changed. Was there a process for that? How did that happen? It went from 'Coonawarra' to 'Darwin' detention facility.

**Mr Doherty**—That decision was taken by government and ministers in the process of coming to this project.

**Mr JENKINS**—Is the use of demountables because the contingency detention centre used demountable buildings? What decision-making process comes to the conclusion that demountables are best?

**Mr Robinson**—The rest of the facility is all demountable buildings. In operating a facility into the future it is best to have a facility that ages as one. It gets a bit messy if you have brand new things and older things, particularly when it comes time for refurbishment. We are hopeful that the current facility will last about another eight to 10 years, with a good maintenance regime in place. The buildings on site at the moment are around six to seven years old. We expect to get around 10 years out of a demountable building in a detention environment. These buildings have not been used roughly in any way, shape or form, so we are still hopeful of moving in there and getting about eight to 10 years out of them. If we were to go in now and build what I suppose you would call permanent structures, then, when it comes time to look at the facility again, there would be questions of how you replace them and whether you replace the whole thing. If you end up with all these permanent bits built, you then have a bit of a mismatch trying to design a facility around permanent structures. That is where you end up with a dog's breakfast. It can be better to start with a clean slate.

**Mr Doherty**—The urgency of this project is a significant driver in the decision to use demountables. Based on our experience, the construction time for building permanent structures would take this project out until something like 2008 or 2009.

**Mr JENKINS**—So you are putting a time premium of two years on the distance between the demountable and a permanent structure?

**Mr Doherty**—As a minimum, it would be. It would be significantly more costly to move to permanent structures.

**Mr Robinson**—Particularly if we can go into the second-hand market. Some demountables are sitting there available now; they only need to be transported and can be installed straightaway.

**Mr Doherty**—The other element is that the government has already made the investment in the infrastructure in the Darwin facility, and operationalising it starts to get some early return on that investment.

**Mr JENKINS**—Has the department done a whole-of-life study of the differences between a demountable facility with a life of eight to 10 years as against a permanent structure that might have, even in Darwin, a life of 25 to 30 years?

**Mr Doherty**—We certainly have done lifetime analyses in other circumstances, but not one specifically for the Darwin project.

**Mr JENKINS**—What have they shown?

**Mr Doherty**—I will have to take that on notice.



**Mr JENKINS**—Backtracking a little to earlier questions from the deputy chair, the next question I have relates to the costing of Villawood. What is the total costing, so I can get an idea of what DOFA might think is a major project?

**Mr Robinson**—The total cost of the full project for Villawood was of the order of \$100 million. I think the actual construction cost was around \$60 million to \$65 million, and then there is a range of other costs. It is around that figure.

**Mr JENKINS**—And Christmas Island?

**Mr Robinson**—For Christmas Island, the last contract signed by Finance for the construction only was \$209 million. The total project is around \$335 million.

**Mr JENKINS**—My next question goes to the shared use of the piece of dirt, which is on Defence land. As we came in this morning we went through a Defence security post to then go down to the facility. Is that likely to present issues in the future? Was consideration given to the separation of the Defence uses and the detention uses?

**Mr Robinson**—Discussions are under way at the moment with the Department of Defence about slicing off a section of the land for the detention facility itself. That land would transfer to DIMIA, and we would establish a different entry-way. We have had no discussions with the Northern Territory government about other entry-ways; I understand Defence has had some initial discussions with them. In 2001, when we were doing the original look at this site, the Northern Territory government were pretty firm in their view that they did not want another entry-way off the Stuart Highway or Amy Johnson Avenue. DIMIA has not tested whether they still hold that view. I understand that some consultants that the Department of Defence has working on this possible sectioning off of the land have held some very brief discussions with Northern Territory government officials, but that has not progressed in any official way. From what I understand, it was just a fairly low level inquiry.

If that was to happen, there could be another entry-way. If I had to take a guess at which one of those it would be, it would probably be more likely to be Amy Johnson Avenue than the Stuart Highway. There are all sorts of traffic-engineering studies that would need to be done before that could happen. I cannot see that happening before this facility is operational. Given that, we would look to continue to use the current entry-way. There was also an earlier discussion about changing that entry-way so that we would do a right-hand turn. It would involve shifting the guardhouse that we went through this morning further back, to what they call the gangway. You would then do a right-hand turn straightaway and go down along the inner perimeter. That was another option that was looked at and dismissed some time ago.

**Mr JENKINS**—We are tying certain aspects of the way in which the facility operates in with the entrance interface with visitors based on the present road system. I would hate to think that within the eight to 10 years of the life of this project, because of all this work about excision of the land and the need to have another entrance, we would be revisiting all this.

**Mr Robinson**—The work Defence has under way with their consultants at the moment brings the road around the bottom of the southern compound to link up with the existing car park and entry-ways, with no need to change any of the access points as they stand.

**Mr JENKINS**—So from further down off Amy Johnson Avenue?

**Mr Robinson**—Yes. That is at very preliminary stages with Defence. They have had a consultant undertake some figure analyses for them. We are about to have some discussions with them on those figures. There have been no decisions made as yet.

**CHAIR**—I have further questions relating to the land. For the public record, can you tell us what the arrangement is between DIMIA and Defence in the transfer of land. Is the title being transferred? Are you leasing it? Is there some kind of financial adjustment between the departments?

**Mr Robinson**—As it stands at the moment, we are leasing the land free of charge. It is a Commonwealth facility and it is Commonwealth land. The excision that Defence is proposing would have to be considered by government. In normal cases, DIMIA would purchase that land from Defence and it would be retitled. You would be aware that we have recently purchased land from Defence in Brisbane and Broadmeadows in Melbourne and money changed hands between departments. I would expect this to be the same.

**CHAIR**—I have another question on the project delivery. I understand from your submission that the procurement of buildings and infrastructure for this project will be in accordance with Commonwealth procurement guidelines. However, your submission supplies no further detail as to how this will be achieved. There are issues, for example, on how and by whom the overall development will be managed, what specific project delivery methodology you will employ for the project, and how many contracts are likely to be issued for the execution of the works.

**Mr Robinson**—Our first contract would be for a project manager. A lot of what you have just spoken about will be up to the project manager, who will develop options for consideration. Because of the need to get this job done quickly, there may be a case to be made for having a number of different contracts for different bits of work. You could take the ablution blocks and put that out as a design and construct methodology. You could have design work done in house and put to the market as a tender. Those are some of the options that would need to be looked at. Our gut feeling at the moment is that it is not the sort of job that would attract one contractor to do everything. This is because the demountables tend to be one section of the industry, the building of the ablution blocks are another part, and then the cabanas are really steelwork and rigging type work. They are different parts of the industry, so our feeling is that we will end up with a number of different contracts and jobs running simultaneously.

**CHAIR**—What I am getting at is that, for us, this issue is similar to the issue of the financials. So we would ask that you provide to us greater detail of exactly how you are going to apply the Commonwealth procurement guidelines to this project and that you answer the questions that I just put before you. We are running a bit short on time, but I think we have covered the main issues. One other issue is about car parking. Can you tell us how you arrived at decisions about the car parking and the adequacy of those car-parking spaces?

**Mr Robinson**—The car parking that you saw at the front of the facility this morning is included in the land transfer discussions with Defence. At this stage Defence are offering the whole of that car park as part of the land transfer. They have undertaken to establish a different car park for their own needs. In terms of what we think we would need, we did a brief analysis

of the numbers of staff and visitors. We do not expect a huge influx of visitors at this facility; the people are here very short term. It became an issue more about staff car parking, and we are very confident that the number of car parks is adequate for us and for ongoing Defence needs if need be.

**CHAIR**—And for visitors?

**Mr Robinson**—Yes, and for visitors.

**CHAIR**—How many visitor bays will you end up with?

**Mr Robinson**—We probably would not have identified visitor bays as such. It would be a case of: ‘That’s the car park there.’ In normal process, you encourage staff to park at the back and, sometimes, if you do not have the policeman standing there, they will park close to the door. The intention would be to have staff park further towards the back.

**CHAIR**—Thank you very much. I remind you that you may be recalled after we have heard other witnesses.

[1.02 pm]

**APPLEGATE, Mr Rodney John, Acting Executive Director, Department of Infrastructure, Planning and Environment, Northern Territory Government**

**McCLELLAND, Mr Tim, Director, Policy and Coordination Unit, Department of the Chief Minister, Northern Territory Government**

**CHAIR**—On behalf of the Public Works Committee, I welcome you. Thank you for coming along today. The committee has received a submission from the Northern Territory Chief Minister's office. The submission will be made available in a volume of submissions for the inquiry and it is also available on the committee's web site. Does the Northern Territory government wish to propose amendments to the submission to the committee?

**Mr McClelland**—I have a short statement, if I am permitted to give it. It would take three or four minutes.

**CHAIR**—I invite you now to give us that statement, and then we will go to some questions.

**Mr McClelland**—There are only three or four points the Northern Territory government has to make to the committee. As an opening remark I would like to place these points into a context. The committee should be aware that the existing site has never been endorsed by the Northern Territory government for use as a detention centre. There was very little consultation by the Commonwealth with the NT government when the facility was established in late 2001 as a temporary reception and processing centre for illegal immigrants arriving by boat. At the time, illegal immigrants were being processed in the Foskey pavilion at the Darwin showgrounds. Illegal immigrants were held there for two days—a maximum of five days—and then airlifted south.

When the lack of consultation was raised by the Chief Minister with the Commonwealth minister, Minister Ruddock, the Commonwealth advised that the facility at HMAS *Coonawarra* was only planned to be temporary and gave an undertaking that the NT government would be fully consulted with regard to the location of the permanent facility that would replace it. In the event, the Commonwealth's plans for a permanent detention facility for illegal immigrants at an alternative site were shelved, and the facility at *Coonawarra* has not hitherto been used for detention purposes. Now the proposal is that the temporary facility at *Coonawarra* be converted into a permanent facility, albeit to be used primarily to detain illegal foreign fishers rather than any unauthorised boat people. The Northern Territory government has never been consulted regarding the suitability of the proposed site for a detention centre and the site has not been subject to the processes and time frames of Northern Territory planning legislation, which would have enabled detailed consideration of the proposal by government agencies and the community. The Chief Minister's letter to the chair of this committee did not delve into this historical background because it was not considered to be strictly relevant to the current deliberations of the committee.

Turning to the particular points that the Northern Territory government would like to make to the committee, the first one is in respect of the name of the facility. If the project is to go ahead, it is the wish of the NT government that it should not be named Darwin detention facility. *Coonawarra* is the current name for the facility and it seems entirely appropriate and preferable that the name *Coonawarra* be retained. The Northern Territory government and sections of the private sector, such as the tourism and hospitality industry, go to a lot of effort to project a positive image of Darwin. Linking the name, Darwin, to a detention facility which just might in the future attract negative publicity and generate unhelpful images would not be of assistance to these efforts. So to change the name of the facility to include the name, Darwin, is not considered to be a good idea, nor can we see any overriding need for the change of name.

The second point concerns the visibility of the facility from the Stuart Highway. Whilst some trees have been planted, the facility can still be seen quite clearly by all those who use this section of the Stuart Highway and Amy Johnson Avenue, which is not far from the city centre. Within the bounds of practicality and reasonableness, the Northern Territory government would be appreciative if a more serious effort could be made in terms of planting and landscaping to ensure that as far as possible the detention facility is not visible from the Stuart Highway. I think that to have inmates of a detention centre clearly visible from the main public highway, only a few minutes drive from the centre of Darwin, would be quite unusual and not a desirable state of affairs for any of the parties involved.

The next point is best categorised under the heading of 'consultation'. There is a legitimate community concern regarding the possible adverse impact of detention centres, especially if they are located close to urban areas and on the main road. There is also the aspect of what additional burden such a facility will place on the provision of NT government services. These concerns could be reduced by an undertaking on the part of the relevant Commonwealth agencies to consult closely with the NT government during the development of this project. The statement of evidence document concerning the operation prepared by DIMIA has been circulated to relevant NT government agencies. Detailed comments have been received from the police and the Department of Health and Community Services. The NT police believe the project has the potential to impact significantly on their resources. With this in mind, the police advocate the development of a memorandum of understanding with the relevant Commonwealth agencies, in particular DIMIA and the Australian Federal Police. The issues raised by the NT police include an outline of critical incidents at the detention facility which could require a police response, the possibility of protests taking place outside the facility and the need to appoint one or two police liaison officers in relation to the facility. The comments from the Department of Health and Community Services cover the provision of public health services, access to family health care services, the provision of public hospital services and issues connected with child welfare and safety. There is probably no need to consider these operational issues in detail at this time. However, we would urge that the relevant Commonwealth authorities and agencies be cognisant of the requirement to consult closely with the NT government as from the commencement of the project.

The last point involves something of a change in tack as it concerns opportunities for local business. A decision to establish the detention centre in Darwin would open up some opportunities for local businesses. The Northern Territory government would like to encourage opportunities for the involvement of local businesses and workers in the upgraded facility. To this end, I refer your committee to the Northern Territory Industry Capability Network. The

network endeavours to maximise local content of business and industry in projects such as this. Details of the organisation can be found on the web site [www.nticn.com.au](http://www.nticn.com.au).

Finally I would like to stress that, should the facility be used to accommodate illegal immigrants of the boat people genre as opposed to illegal foreign fishers, a new round of consultations would be required. The implications would differ significantly for this category of detainee. Thank you.

**CHAIR**—What level of consultation has taken place between yourselves and DIMIA?

**Mr McClelland**—None.

**CHAIR**—There has been nothing—no communications at all?

**Mr McClelland**—Before Christmas someone from DIMIA did meet with the Chief Minister, but we had no particular feedback from that meeting. There has been no consultation between the two public services.

**CHAIR**—Would not your minister give you that feedback after such a meeting?

**Mr McClelland**—It indicates that nothing of huge moment occurred. In the preparations for this hearing we have had two briefings with the Chief Minister and nothing has come back to us in relation to that meeting.

**CHAIR**—I guess the question is: how important are the resolutions to these matters? In relation to the public aspect of it, I have to say that I was very surprised that there were no public submissions to our inquiry, which was advertised on 30 May. We as a committee take that aspect of Commonwealth developments very seriously. We do invite the public to make submissions and to come forward with any concerns and, where those concerns are seen to raise genuine issues, the committee very frequently recommends to parliament that those matters be addressed in the development process. So I have to say I was somewhat surprised that on this occasion we did not receive a public submission on this development.

**Mr McClelland**—Back in 2001, when this detention centre did get into the public domain, there was quite a lot of community concern, and that is what led the Chief Minister to write to the Commonwealth. On this occasion I just do not think it has got onto the public radar screen. Whatever publicity you have used, I do not think it has got out. We have just responded to your request for advice. The Chief Minister is not wishing to oppose the thing; we are just raising the points of the name and the consultation. I do not think it is an issue which has got out into the public domain in the way it did in 2001.

**CHAIR**—Of course in 2001 it did not come before this committee. Would it be useful to have some regular discussion as the project progresses? If there is not a general opposition to it, but there are some issues that you need to clarify, would it be useful to have ongoing discussions with an appointed person from the department?

**Mr McClelland**—I think several NT government agencies would have involvement and they would all wish to be consulted. The Chief Minister's department could be a point of contact, but

the planning department, the police, and Health and Community Services have all got a valid interest in the facility.

**Mr BRENDAN O'CONNOR**—Mr McClelland, the Territory government has—by writing to us and also to the department, I think, and now supplemented by your submission today—raised concerns about the name change and the potential adverse effects upon the image of Darwin and the possible loss of revenue and indeed possible loss of visitations by tourists and so on. What is that based on? Why would you conclude that, as a result of the name change from Coonawarra to Darwin, it would lead to an adverse image?

**Mr McClelland**—I know that it is not based on any big scientific study. We just think the name change is unnecessary. It has a name at the moment and it represents the location where it is sited. Generally detention centres do not have a particularly nice aura to them. You do not hear of the 'Sydney detention centre' or the 'Melbourne detention centre', so why do we have to have the 'Darwin detention centre'?

**CHAIR**—We have one in Perth. There is the Perth detention centre.

**Mr BRENDAN O'CONNOR**—Maybe they need a name change. Maribyrnong is not called 'Melbourne' and Villawood is not called 'Sydney'—that is what you are saying.

**CHAIR**—Perth is called Perth.

**Mr BRENDAN O'CONNOR**—Maybe that is good for Perth—I am not sure. The other thing you indicated was a concern about the visual impact on the Stuart Highway. We went past there today. Your concern is that the less palatable, if you like, signs of a centre would be viewable from the road. The Stuart Highway, I presume, is a thoroughfare for people visiting tourist precincts in the Territory?

**Mr Applegate**—It is the main north-south thoroughfare. If you are coming to Darwin, you come up the Stuart Highway.

**Mr BRENDAN O'CONNOR**—Do you have to go past the detention centre if you are going barramundi fishing or to Litchfield Park?

**Mr Applegate**—The majority of people coming to or leaving Darwin will go down the Stuart Highway and past the detention centre.

**Mr FORREST**—I would like to clarify one thing. Mr McClelland said that the detention centre is only a few minutes out of Darwin, but it is actually 20 kilometres. We came from the city this morning by bus, so it is not in the centre of town. Is it 20 kilometres from the post office?

**Mr Applegate**—I think that is a bit of an exaggeration. I know for a fact that Palmerston city centre is 21 kilometres from Darwin city centre and the detention centre is halfway between them, so I do not think it is reasonable to say it is 20 kilometres.

**Mr FORREST**—What are your expectations about landscaping? In normal planning situations the developer has to comply with standards that somebody sets. Would there be planning control which would objectively say what type of landscaping would be required?

**Mr McClelland**—I said in my statement that it should be within the bounds of what is reasonable and practical. I did not specify any particular standard. It is very close to the road, so it should be screened so that people travelling up and down it do not actually see the inmates. That would seem to be a sensible outcome of benefit to all parties. I am not laying down exactly what the nature of the landscaping should be. I went there yesterday and saw that in one section the vegetation seems quite thick but further down it is relatively sparse and not very apparent at all. Obviously, some work has been done, but we say that it should be done with a little more vigour.

**Mr FORREST**—But there would be an authority managed by the Northern Territory government which would be able to stipulate what would be required?

**Mr Applegate**—This development is not subject to Northern Territory planning laws.

**Mr FORREST**—I understand that, and I have said that right from the start, but if I were a private developer you would have some control over the landscaping. If I were building a wrecking yard there, wouldn't you have some criteria about obscuring an unattractive view? Somebody would.

**Mr Applegate**—The development would be assessed and the development consent authority would make a ruling as to what standard of landscaping it would require.

**Mr FORREST**—So some dialogue with that planning authority would need to occur to get some consensus on this?

**Mr Applegate**—Yes.

**Mr FORREST**—I am sorry it has not happened. I noticed that there is a rather ugly fence about 15-feet high along one section. It is more for the privacy of the people inside than to hide anything, but presumably you would have objections to a 15-foot high fence made of corrugated iron?

**Mr Applegate**—I think that fence has been there for some time. As you rightly point out, it protects the occupants of Coonawarra from the headlights, especially at night, of the traffic on the Stuart Highway.

**Mr JENKINS**—Can you clarify the normal relationship between Territory and other planning bodies and the Commonwealth in general. Is there usually consultation when the Commonwealth is contemplating works of this nature?

**Mr Applegate**—Yes, the standard protocol is consultation. Whilst we understand that if it is a development on Commonwealth land it is not subject to the Northern Territory Planning Act or the planning processes, in the past we would have encouraged a development to go through a similar sort of process so that the full range of authorities and agencies that have any interest in



that development can bring some consolidated comments to the Commonwealth so that nothing is left out of the proposal or during the development of that proposal.

**Mr JENKINS**—What are examples of recent Commonwealth projects where there has been close to ideal consultation?

**Mr Applegate**—I cannot recall one at the moment.

**Mr JENKINS**—In general, would Defence consult about their own works on their own land?

**Mr Applegate**—Currently, there is an expansion of the Navy patrol boat development at Larrakeyah and they have undertaken to consult with us and give us a heads-up a lot earlier than we got notification of this process.

**Mr JENKINS**—Is that all you would have been looking for from DIMIA?

**Mr Applegate**—We would just like be assured that all the relevant agencies have been consulted and that concerns over water services, sewerage and power, and the impact they will have on the networks, have been taken into account.

**CHAIR**—Thank you very much.

[1.21 pm]

**BANKS, Mr John, Acting Chief Executive Officer, Darwin City Council**

**GALTON, Alderman Helen, Deputy Lord Mayor, Darwin City Council**

**CHAIR**—Welcome. Do you have any comments to make on the capacity in which you appear?

**Alderman Galton**—I am Acting Lord Mayor.

**CHAIR**—The committee has received a submission from the Darwin City Council. The submission will be made available in a volume of submissions for the inquiry and it is also available on the committee's web site. Does the Darwin City Council wish to propose any amendments to its submission made to the committee?

**Alderman Galton**—No, we do not.

**CHAIR**—Would you like to make a short statement in support of your submission and then we will go to questions.

**Alderman Galton**—You will see from the submission you have received that the council, on humanitarian grounds, does not have a problem with the upgrade of the facility. However, we do have a problem, first of all, that it existed there. We did not feel that that was the area in which it should be built in the first place. The site of the detention facility should be further landscaped to provide an improved visual buffer with the Stuart Highway. The other comment that was made was that the Department of Immigration and Multicultural and Indigenous Affairs was going to liaise with the Palmerston City Council rather than the Darwin City Council. However, that has been—

**CHAIR**—That has been fixed.

**Alderman Galton**—Yes, I believe so. We would also like to say that we do support some of the issues raised by the Northern Territory government, particularly the name change—we do not see that it is necessary to change from Coonawarra to Darwin—and the visibility as well.

**Mr BRENDAN O'CONNOR**—You were concerned that Palmerston City Council was being consulted rather than Darwin. At least, as I understand it, you were concerned that you were not consulted and there was a reference to Palmerston City Council. Is the actual site on Darwin City Council land?

**Alderman Galton**—It is within the Darwin City municipality.

**Mr BRENDAN O'CONNOR**—You probably just said that, sorry; I was reading the submission. To date there has not been consultation between the department and the council. Is that correct?

**Alderman Galton**—I understand in the early stages, yes, but more recently—

**Mr BRENDAN O’CONNOR**—The early stages being 2001 to 2002, but not subsequently?

**Alderman Galton**—Back in 2001, yes.

**Mr BRENDAN O’CONNOR**—You heard today, in evidence given by Mr Robinson—it may have been other witnesses for the department as well—that the department indicated their intention to contact the council. They also indicated, under oath, that they had made attempts to contact the council and they have given commitments to do so. Are you satisfied that, whatever deficiencies there have been in consultation, that will now be rectified by the department?

**Alderman Galton**—Yes.

**Mr BRENDAN O’CONNOR**—You effectively support the assertions or contentions made by the Territory government in relation to landscaping and the name change.

**Alderman Galton**—Yes, we do.

**Mr FORREST**—Just because the Commonwealth is exempt from complying with statutory planning and so forth does not prevent it from being a good citizen. Normally, if a large development were proposed on a site like this, your council would be the planning controller, no?

**Alderman Galton**—No, unfortunately in the Northern Territory that is not the case.

**Mr FORREST**—Who is, then?

**Alderman Galton**—The Northern Territory government.

**Mr FORREST**—You do not have a planning authority?

**Alderman Galton**—There is the Development Consent Authority. There are five members: two are from Darwin City Council—they have been elected there or appointed—and the remaining three are Northern Territory government appointees.

**Mr FORREST**—Let us say there is a development going on. It is a quarry somewhere in your municipality, and you have some objections because it is unsightly and you want something done about it. What would the council do? What is the procedure it would follow to get some action about some landscaping to hide an ugly new development?

**Alderman Galton**—We would make a submission and speak with the relevant person.

**Mr FORREST**—You would make a submission to the planning authority?

**Alderman Galton**—Yes.

**Mr FORREST**—It works differently in the Northern Territory. I understand that. Thank you.

**CHAIR**—As there are no further questions, thank you very much.

[1.26 pm]

**HUTCHINSON, Brigadier Peter John, Director General, Infrastructure Asset Development, Department of Defence**

**BARNSLEY, Mr Noel, Territory Director, Department of Immigration and Multicultural and Indigenous Affairs**

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

**KEENAN, Ms Annette, Director, Unauthorised Arrivals and Illegal Foreign Fishers Task Force, Department of Immigration and Multicultural and Indigenous Affairs**

**ROBINSON, Mr Michael, Director, Detention Infrastructure Development Section, Department of Immigration and Multicultural and Indigenous Affairs**

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

**Mr BRENDAN O'CONNOR**—I have questions in relation to a number of matters, including how the departments are going to handle this. It is good that Brigadier Hutchinson has been brought in so we can ask him a few questions. You can take on notice anything you cannot provide us with today. It was asserted by the department of immigration, DIMIA, that the current site is used by Defence. I think the examples used were training and one other—I am not sure exactly what the other was. Can you confirm to the committee whether that is in fact the case and explain to what extent Defence has used the site that we are currently examining for training and other purposes?

**Brig. Hutchinson**—The Berrimah site, which was previously named HMAS *Coonawarra*, has now been renamed the Defence Establishment Berrimah, and the name HMAS *Coonawarra* has been transferred to what was previously known as the Darwin Naval Base. So the consideration for the committee tomorrow is on what we put forward as Darwin Naval Base, which has, between the submission of the evidence and now, been renamed HMAS *Coonawarra*.

That reflects a changing role for the Defence Establishment Berrimah. The Defence Establishment Berrimah was originally established, as I understand it, primarily as a naval communication station. However, with the changing role of the Royal Australian Navy in the north of Australia over the last 20 years and the establishment of our patrol boat capability—originally with the Fremantle class patrol boats and now with the introduction of the Armidale class patrol boats—the Navy's focus in the Northern Territory is much more on those patrol boat activities. That is why the HMAS basing, if you like, has been transferred from Berrimah to be part of the Larrakeyah complex, which was originally an Army complex.

As the committee may be aware from previous considerations, the Larrakeyah complex also includes the headquarters of Northern Command, which is a joint command and control organisation. So you can see that it now has a significant naval presence; the joint headquarters

presence; and the traditional presence of Norforce, our reserve Army surveillance unit for northern Australia.

Getting back to the Defence Establishment Berrimah, with that change of focus, many of the naval people who used to live at Berrimah have moved both their work and living accommodation to HMAS *Coonawarra* or to the Larrakeyah site more generally for living-in accommodation. The Defence Establishment Berrimah is now the centre for our corporate services and infrastructure support to the whole of the military in Darwin and the Northern Territory. Corporate Services and Infrastructure Group, Northern Territory and Kimberley, is headquartered there. There are still some communications things and living-in accommodation there, primarily for naval personnel, although, as I said, many of them have moved into town. The Chief of Navy's focus is to eventually move those people into town. There are also a small number of Army personnel. We have a large number of married quarters there, and, as you said, some training and sporting facilities for those people.

**Mr BRENDAN O'CONNOR**—Is the contingency detention centre site being used for training purposes?

**Brig. Hutchinson**—It has, as I think it was mentioned before, 400 rooms—

**Mr BRENDAN O'CONNOR**—There are two parts, as I understand it.

**Brig. Hutchinson**—The tin city.

**Mr BRENDAN O'CONNOR**—I understand if you are not entirely au fait with the detail on this and you have just been asked to come forward, but it has been explained that, in the absence of the contingency centre being used to detain anyone, some use was made of that area in the form of training facilities for Defence.

**Brig. Hutchinson**—It has been used more for transit accommodation. From that point of view, the people that have been transiting through here would generally have been here either for training exercises or for support to operations.

**Mr BRENDAN O'CONNOR**—So it has been used for accommodation for people who may have been here for training. Is that what you are saying?

**Brig. Hutchinson**—Yes, that is right—accommodation for those people.

**Mr BRENDAN O'CONNOR**—We have also heard about the consultation requirements between Defence and DIMIA. Are you satisfied that the consultation that has occurred between DIMIA and personnel—starting back in 2001 but certainly occurring in more recent times—has been adequate to ensure that Defence personnel are happy or content with the proposal that we are currently examining?

**Brig. Hutchinson**—Certainly from the point of view of the consultation between Defence and DIMIA there has been, as I understand it—it is not my direct area—close consultation on both the original proposal and this latest proposal. The Defence personnel concerns that you

mentioned are being raised through that departmental consultation process, and we are looking to address them.

**Mr BRENDAN O'CONNOR**—Thank you for that. I would like to ask some questions in relation to the evidence given by the Territory government.

**Mr JENKINS**—There is comment made in DIMIA's submission about the electricity, water and sewerage being supplied by DEB. I take it from the relevant paragraph that there is work being done at Berrimah towards perhaps in the end separating the supply of those services to the DIMIA site. How far is that down the track?

**Brig. Hutchinson**—A study has been commissioned to look at the separation of services. It has come up with a number of options and we are still in the negotiation and discussion phase of exactly how that separation of services could occur.

**Mr BRENDAN O'CONNOR**—I have another question on that. When does Defence anticipate that it will clinch the land transfer deal with DIMIA for the alternative access point that has been arranged? When will that transfer occur?

**Brig. Hutchinson**—The briefings I have received are that we are looking to sort out the land transfer this financial year, 2005-06.

**Mr BRENDAN O'CONNOR**—Thank you.

**Mr FORREST**—I have no questions for Brigadier Hutchinson except to say that he might be able to give DIMIA some advice on the department's style in consulting with the public. I am a bit disturbed that we have two submissions from two important entities here in Darwin complaining of the lack of consultation. Mr Doherty, can you explain what you have not done here to make sure that that has occurred? What will you commit to do to make sure it can be fixed? The Commonwealth might be exempt from complying with statutory requirements but is still required to behave as a good citizen, especially in town planning outcomes. What went wrong and what are you going to do about it?

**Mr Doherty**—To put some context around this, this project did come forward very quickly over late 2004 and finally reached its conclusion in January 2005. The way we were dealing with it was by simply taking an existing contingency facility and upgrading it to the standard that we have talked about. So in that context our approach to consultation involved talking locally. Our then Territory director met with the Chief Minister in December 2004 to take her broadly through what was being planned. Once the decision was announced we then started a dialogue with the Northern Territory Department of Family and Community Services about having minors on the site and what our obligations were in regard to those people. Certainly, as the public works committee issue came to the position it is at now and we received copies of submissions from the Northern Territory government and the Darwin City Council, we made arrangements to begin the process of meeting with them to sort out the sorts of issues that were raised.

In regard to the Northern Territory submission, specifically the issue about working with concerns of the local police, we would as a matter of routine develop relationships with people like the police as we move towards opening the facility. We have very strong working

relationships with police services throughout Australia and it would be in that context that we would consult at the appropriate level with the organisations. So that is an explanation of the approach that we have taken to consultation to date on this project.

**Mr FORREST**—I note that you have written to the committee on 6 July and you have noted the Chief Minister's concern about the name change and giving consideration to what the impact of a change of name might be. What is the nature of that consideration?

**Mr Doherty**—You have heard some of the issues already. In the original government decisions about a name clearly we could not continue with Coonawarra, as the brigadier just explained. That would have been part of the consideration as to why they chose to call it the Darwin detention facility. We really have to go back and consult with a range of people now on what an appropriate name would be.

**Mr FORREST**—I asked you this question earlier and you said that the government had made a decision to change the name. Now it is revealed that it is a bit more complicated than that.

**Mr Doherty**—It did make the decision to change the name back in the original decision period. The material that came before cabinet and the resulting decisions of government effectively created the name 'Darwin detention facility'.

**Mr FORREST**—So are you anywhere down the track of that consideration?

**Mr Doherty**—We have begun an internal process of taking soundings from various interested groups in it as to the impact of a name change but we have not completed that process yet.

**Mr FORREST**—You also advised the committee that additional landscaping will be undertaken to further screen the facility from the Stuart Highway. Again, we want to see what you are considering to satisfy ourselves that the Commonwealth is behaving as a good citizen.

**Mr Doherty**—We certainly had plans for additional landscaping prior to receiving material from the Northern Territory government and the Darwin City Council about those issues. The advantage of having that advice before us is that our discussions with those agencies will assist to find the appropriate level of landscaping that fits in with those organisations' standards.

**Mr Robinson**—I have had some discussions with the chief executive of the council who referred me to another officer in his department in council who advised that the council does not have standards and outlines of what it requires. They referred us on to the Northern Territory Department of Infrastructure, Planning and Environment. We spoke to the Environmental Management Unit there that advised that the Northern Territory government is in the process of developing such standards and they are to be considered by the Northern Territory government in the near future. They have undertaken to provide us with a copy of those standards once they have been accepted. Apparently they have been under development for some years and they are very close—

**Mr BRENDAN O'CONNOR**—The council and the Northern Territory government are both informing the department that they would prefer, for mutual benefit, proper landscaping for privacy and to prevent what some may see as an unnecessary site on a major highway.



**Mr Robinson**—As Mr Doherty said, we already have plans in place to do the landscaping. But what we were looking for was a little bit like what Mr Forrest was after—information about the standards that they would like to use in this area. That is where we found out that it is actually the Northern Territory government that has the authority along roadsides, which is really the case here, not the council. That is why we have asked them for their standards. If those standards are not possible—

**Mr BRENDAN O’CONNOR**—It is a statutory body. I understand it to be a body composed of two council—

**Mr Robinson**—I am not sure whether it is the council that is looking at the rules that they are making up. I think it is more the government area.

**CHAIR**—I think that road verges are looked at separately as part of main roads.

**Mr Robinson**—If we cannot get that we will take advice from local landscapers as to what is most appropriate in this region.

**Mr FORREST**—How will the department take the matter forward from here? I want to be satisfied that it is going to establish a proper consultation process and that everybody knows what the expectations are and who the officers are going to be in DIMIA. I want to make sure that happens.

**Mr Doherty**—I think Mr Robinson indicated earlier that we have a tentative appointment with the Acting Chief Executive Officer of the Darwin City Council.

**Mr Robinson**—We are hoping to do that next week if he is available. I am waiting on advice from him as to when he is available. We had arranged to take him out to the site last week.

**Mr Doherty**—And that essentially is the trigger to do exactly as you ask: for Mr Robinson, as the project manager, to take forward the issue of making sure that we specify the landscaping to the satisfaction of the Northern Territory agencies involved.

**Mr JENKINS**—What about the issue of a memorandum of understanding about the operation of the fully-fledged detention centre?

**Mr Doherty**—As we move towards operation of the centre we would look to develop memoranda of understanding with a range of agencies. As I have indicated to you, the Northern Territory Police would be an example. We would also be looking for an agreement with the Northern Territory health people, particularly in terms of our relationship with the hospital. For example, at the moment they are managing the existing fishers who need specific health care and we will base that on a more formal set of agreements than are currently in place for that. That will progressively start to occur.

**Mr JENKINS**—Do you have any comments about giving access to local businesses for their substantial cut of the investment that is being made?

**Mr Doherty**—Firstly, we would need to be conscious of Commonwealth purchasing guidelines in the way that we acquire the services. Essentially, our experience in other parts of Australia has been that our detention service provider generally draws employees and goods and services from the local community.

**Mr JENKINS**—And in the construction phase?

**Mr Doherty**—In the construction phase we would have to abide by the Commonwealth purchasing guidelines.

**Mr Robinson**—The Commonwealth procurement guidelines are obviously what we would need to work within but, as you can probably imagine, when we are putting out tenders we advertise them in the local paper as well as maybe the *Australian* and put it on AusTender. The local companies you would expect, if they were interested in the work, to have some advantage over a company down south that would need to transport personnel and goods and services here.

**CHAIR**—I seem to recall we got clarification on this issue of local content from the minister in relation to a Defence development up near, I think, Newcastle. It was somewhere in New South Wales.

**Brig. Hutchinson**—Was it Williamstown?

**CHAIR**—Possibly. That issue came up and we kept going around in circles on what the guidelines stipulated in relation to local employment. The minister clarified it and as I recall there is an obligation to try to provide opportunities at the local level. That was particularly so with Newcastle because it had a very high youth unemployment rate, and that was why it was raised as a matter of particular concern with that project.

**Mr Robinson**—Certainly, as outlined before, we expect this to be a number of smaller projects rather than one large project. You would expect that local businesses would be in a position to tender for that work.

**CHAIR**—I would like to thank all of those who have taken the time to appear before the committee today, DIMIA for assisting us with our inspections this morning, Hansard and our secretariat.

Resolved (on motion by **Mr O'Connor**):

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

**Committee adjourned at 1.51 pm**