
CHAPTER 5 - CONCLUSION

Overall Operation

5.1 The Committee resolved to conduct the inspection to report on the recent transfer of custodial services to ACS. At this early stage (less than 12 months into ACS's management), the Committee observed the immigration centres appeared to be operating effectively. Moreover, DIMA was well satisfied with the developing partnership between itself and ACS.

5.2 The Committee notes the view of the HREOC report, *Those who've come across the seas*, that external monitoring may improve services to the detention centres and the transparency of the procedures for the delivery of those services.

5.3 However, notwithstanding the overcrowding in the Perth Detention Centre when the Committee visited it in May and the problems at Willie Creek described in Chapter 4, the Committee was less critical than the Human Rights Commission about conditions in the IDCs. The Committee considered that the facilities were adequate and the services were of an appropriate standard.

5.4 Nevertheless, the Committee recommends that the Joint Standing Committee on Migration continue to monitor detention practices and suggests that the Minister for Immigration and Multicultural Affairs request that the committee again inspect the facilities in the next Parliament.

5.5 The Committee further recommends that, in the next Parliament, the Joint Standing Committee on Migration consider conducting an inquiry into the immigration policy aspects of the detention and removal of illegal fishermen.

Specific findings

5.6 The Committee resolved to comment on several issues raised in the earlier work of other agencies:

- i) Separation detention;
- ii) Education opportunities; and
- iii) Access to legal services.

5.7 During the inspection of the Perth IDC, detainees raised three issues in informal discussions with members. The Committee used these complaints to focus on aspects of the services provided not only at Perth but also at the other centres:

- i) Insufficient food;
- ii) Overcrowding; and
- iii) Slowness of the application-for-refugee process.

Separation detention

5.8 DIMA is developing a procedure to separate newly arrived detainees from the rest of the detainee population. The process originated at the Port Hedland IRPC but will extend to other facilities as facilities are developed.

5.9 Separation enables identity, health and other risk assessments to be completed. With the cooperation of the detainee, these necessary checks can be completed quickly and thoroughly.

5.10 The separation assists DIMA to process new arrivals and allows for a form of quarantine protecting the existing residents. It also limits the opportunity for information exchange and ‘coaching’ by long term residents of new arrivals seeking to claim refugee status.

5.11 A short period (around a few weeks in normal circumstances) of separation detention appears warranted to manage new arrivals properly and appears in accord with international standards.

Educational opportunities

5.12 Most IDCs have fewer children today than in the past. When centres have large numbers of children their education has been conducted on site as described above. Where there are few children, as currently at Port Hedland, they have been successfully incorporated into the local school. This was considered to be difficult at Villawood. The Committee was told that this would require the school attended by detainee children to be proclaimed as a detention centre, with all the attendant legal implications. The Committee believed that under certain circumstances it would be desirable for children of detainees to attend a local school if it could be arranged.

Access to legal services

5.13 During site briefings, the Committee was told of procedures used to permit detainees access to legal advice. Detainees have 24-hour access to telephones and contact numbers for the Ombudsman and/or other providers of free legal advice are posted throughout centres. DIMA staff also facilitate contact by providing details of local lawyers available to provide advice and immigration agents available to make applications on the resident’s behalf.

5.14 DIMA and ACS staff respond to requests from newly arrived detainees for access to lawyers. This, while not proactive and a matter of complaint by the Human Rights and Equal Opportunity Commission, is according to the Department, in accord with its legal responsibilities.

Food availability

5.15 Although one detainee, held in the Perth IDC, alleged that insufficient food was made available especially outside meal times, the Committee noted the efforts made by the centres to provide sufficient and appropriate food for detainees.

5.16 The Committee observed food vending machines and refrigerators in Villawood and Perth centres. ACM management in Perth responded to the particular complaint by informing the Committee that detainees had the opportunity to access foodstuffs like fruit at mealtimes for later consumption and they could obtain additional serves at mealtime. The Committee concluded that the food was culturally appropriate and plentiful.

Overcrowding

5.17 Several Perth long-term detainees complained about the numbers in that centre and requested a transfer. Their complaints were couched in terms that Perth was adequate for short-term detention but, as in their case, was inadequate for detention beyond a few months.

5.18 The Committee noted that the Perth IDC was near the maximum number of single male detainees at the time of the complaint. By far the smallest of the IDCs, Perth is without grassed areas and only has a limited exercise yard. In comparison with the facilities for longer-term detainees at other IDCs, Perth does have some obvious limitations.

5.19 The Committee noted that:

- a) The Minister has advised that detainees will be relocated from the Perth IDC to other centres using case-by-case criteria. The criteria taken into account include the stage of processing, location of community support and the likely timing of removal from Australia;
- b) The Minister intends to use the Port Hedland IRPC rather than Villawood to detain unauthorised air arrivals at Darwin Airport; and
- c) At its subsequent inspection of the Maribryngong facility, several of the detainees from Perth had been transferred to that centre.

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