



PART 4: Offshore Detention



Christmas Island

Background

- 11.1 Christmas Island does not have a permanent detention centre, but occasionally has had to accommodate large numbers of unauthorised arrivals prior to their transfer to the Australian mainland. The Committee inspected the building used in those circumstances and was briefed on the effect which large numbers of unauthorised arrivals have had on the small island community.

The Island

- 11.2 The Australian Territory of Christmas Island is 1,400 km from the closest point on the Australian mainland, but only 360 km from the Indonesian archipelago. The main Australian transport and supply routes originate in Perth, some 2,600 km away, or four hours by air.¹ This is interrupted from time to time by bad weather conditions on the Island.
- 11.3 The island population is about 1,500, and the main town area is “The Settlement” adjacent to the port where superphosphate is loaded for export. The Island’s population is multicultural, reflecting both the Island’s geographical position and unique cultural heritage.

1 Christmas Island Explorers Guide.

- 11.4 The *Christmas Island Act 1958*, as administered by the Minister for Regional Services, Territories and Local Government, provides the legislative basis for the Island's administrative, legislative and judicial systems. The Administrator, as appointed by the Governor General, is responsible for the maintenance of law, good order and good governance of both Christmas Island and the neighbouring Cocos (Keeling) Islands.
- 11.5 Within this legislative framework, the major administrative responsibilities are shared between the Department of Transport and Regional Services (DOTRS), the Administration on the Island, and through the provision of Service Delivery Agreements (SDAs), whereby the Commonwealth enters into arrangements with Western Australian agencies for the provision of services. Local Government services are provided by the Christmas Island Shire Council.²

Unauthorised Arrivals

- 11.6 Christmas Island is not on the main people-smuggling routes. Fewer boats containing suspected unlawful non-citizens have arrived at the Island than have made Australian landfall at Ashmore Reef.³
- 11.7 However, suspected unlawful non-citizens have arrived at Christmas Island in significant numbers throughout the 1990s generally in larger boats than those transiting to Ashmore Reef. In 1999 an unprecedented number of boats carrying some 900 people arrived.

Table 2 Christmas Island: Unauthorised arrivals by sea

	1992	1993	1994	1995	1996	1997	1998	1999	2000
Boats	2	0	1	1	8	3	0	11	2
People	181	0	58	65	453	49	0	906	303
<i>Largest group</i>	113	-	58	65	86	25	-	228	281

Source: DIMA Fact Sheet 81, *Unauthorised Arrivals by Air and Sea*

- 11.8 Many of these arrivals were concentrated in a short period of time. On 20-21 December 1999, a total of 301 people arrived. Similarly, in February

² Commonwealth Grants Commission, *Report on Indian Ocean Territories 1999*, Canberra, December 1999.

³ 1995-1999, 24 boats compared with 57 on Ashmore Reef DIMA Fact Sheet 81, *Unauthorised Arrivals by Air and Sea*.

2000, a further 303 arrived in a 16-day period.⁴ These events had a substantial impact on the population of only 1500 persons.

Arrival

- 11.9 The Island authorities generally only become aware of an approaching suspected illegal entry vessel (SIEV) when exhaust smoke and a distinctive silhouette appear on the horizon. This gives about one hour warning to those on the island involved in receiving the vessel and processing the passengers.
- 11.10 During briefings on the island, the Committee was told that some of the boats which arrived had recently been refurbished and equipped with Global Positioning Satellite navigation equipment. The Committee considered that this was further evidence of well-organised people-smuggling arrangements.

Reception

- 11.11 There are no DIMA officers based on Christmas Island. The AFP deliver immigration services with police officers delegated to act as immigration officers through an agreement funded by DOTRS. The Western Australia Quarantine and Inspection Service (WAQIS) (a State agency) undertakes quarantine services on behalf of the Commonwealth, under a SDA overseen by Australian Quarantine and Inspection Service and funded by DOTRS.⁵
- 11.12 The personnel most directly involved with the processing of illegal arrivals are the small group of 8 AFP personnel, who formally place the arrivals in detention. In addition there are 8 part time “special constables”; local residents of Chinese and Malay background who assist with community liaison, customs and immigration. Basic information such as individual’s names and country of origin is generally collected on the boats, prior to transfer to land.
- 11.13 There are no wharves or landing places on Christmas Island. The unauthorised arrivals therefore have to be ferried to shore by boat or barge. This can take between one and five hours, depending on the

4 DIMA Fact Sheet 81, *Unauthorised Arrivals by Air and Sea*.

5 Commonwealth Grants Commission, *Report on Indian Ocean Territories 1999*, Canberra, December 1999, p. 159.

numbers on board and the sea conditions. The personnel involved in this transfer consider that it is a risky arrangement. The operation is also affected by tidal movements and by the amount of daylight remaining.

- 11.14 Once on shore the arrivals are identified, given a number, photographed and their luggage searched for prohibited goods and quarantine threats. Nursing staff conduct preliminary health checks and those who are ill or appear sick are examined by the medical practitioner or senior nurse, as appropriate.

Temporary Detention Arrangements

- 11.15 It is not possible to move unauthorised arrivals to the mainland detention centres immediately. DIMA therefore hires the Christmas Island community sports centre from the Shire of Christmas Island as temporary accommodation until an aircraft becomes available for charter.
- 11.16 The sports centre is a large shed, about 30 metres square with corrugated metal walls and roof. It is not insulated and has a concrete floor. One wall has tiered seating for sports spectators and the other three walls are lined up to approximately 3 metres.
- 11.17 Women and children and families are grouped together. The crewmembers are detained separately. There are men's and women's toilets, each with three stalls and two basins. Outside are a further three basins for washing clothes, three portable toilets and a mobile washroom equipped with showers.
- 11.18 There are no cooking or on-site food preparation facilities. All meals are supplied by local restaurants and are prepared to meet ethnic and religious requirements as far as is practicable.

Duration of Detention

- 11.19 The time the detainees spend on the Island is dependent on the availability of charter aircraft capacity to remove them to the mainland detention centres. The problem is compounded when there are large numbers of unauthorised arrivals, as occurred in December 1999. Detainees were held for up to two weeks until an aircraft became available for charter. Bad weather conditions were also a factor in the delay.
- 11.20 Authorities are reluctant to use spare seats on scheduled flights because of the health risk involved. The Island's Administration cited an incident in

which a detainee transferred to the mainland on a commercial National Jet Service flight was subsequently discovered to have tuberculosis. This required intense follow-up of all other passengers on the scheduled service to establish whether they had become infected.

Detention Issues

- 11.21 The Committee considered that the key issue was that Christmas Island has had to accommodate large numbers of unauthorised arrivals despite there being no appropriate facility in which to do so.
- 11.22 The Christmas Island sports centre, which is used as a temporary detention facility:
- is not purpose built;
 - is not staffed; and
 - has minimal resources to support it when occupied.

Facility not purpose built

- 11.23 The sports centre does not have provision for cooking, it has no beds or bedding, and no partitioning for privacy. The roof leaks and the floor floods after heavy rain. In hot weather the temperature inside can reach in excess of 30°. These may be acceptable inconveniences during short duration sporting activities, but they pose hazards to health when the building is occupied day and night. This is particularly evident in the case of the permanent toilet facilities which are inadequate for large numbers of people over an extended period.
- 11.24 The location of the outdoor washing and temporary toilet facilities close to a popular lunchtime restaurant and a bakery is also a potential health hazard.
- 11.25 The involvement of a relatively large proportion of the population in processing, supervising, and feeding the new arrivals increases the risk that any illnesses present among the detainees could easily spread into the small island community.

Lack of staff

- 11.26 There are no trained migration detention staff on the island. The AFP personnel undertake the relevant duties. At the time of the peak detainee

numbers their numbers had to be augmented with local temporarily sworn staff and reinforced with a further 10 AFP from the mainland.

- 11.27 The lack of physical security arrangements would make it difficult to maintain order in the event of unrest.

Lack of resources

- 11.28 The sports centre is not designed or equipped to accommodate people overnight or for extended periods. Therefore necessities, such as bedding, must be brought in. The available mattresses are placed on the floor, as there are no beds available. These get wet when rain floods the centre.
- 11.29 There is no ready supply of clothing for detainees in need. Washing lines are erected but washing is also bagged and cleaned elsewhere on the Island.
- 11.30 The medical arrangements on the Island are designed for a small community and face considerable strain when there is a sudden influx of patients. This happened during the peak in detention in December 1999.
- 11.31 When the Committee visited, negotiations were in train with the WA Department of Health for a Service Delivery Agreement for an emergency response team.
- 11.32 The Committee was also briefed on the serious implications for the community's food supplies of suddenly having the population increase by 20 per cent. During the December 1999 peak in arrivals the Island ran out of rice, eggs and milk. The Committee heard anecdotal evidence that this occurred at a time when the Island's supply ship was overdue and local supplies were low anyway. The influx of unauthorised arrivals at this time exacerbated this problem.
- 11.33 These items might be replaced quickly by air, weather permitting, but airfreight costs would make the new stocks expensive. Less expensive resupply by ship would not be sufficiently timely.
- 11.34 Whichever alternative might be used, the Christmas Island community would still be affected by the unprecedented demand flowing from the detainee population. This, the Committee observed, was a situation which had no parallel on the mainland.
- 11.35 The Committee was particularly impressed by the way in which the Island community had responded positively to these unexpected and sustained demands on its facilities and resources.

Potential Remedies

- 11.36 The Committee considered that the most effective means of reducing the demands on the Island's resources was to continue the current practice of transferring unauthorised arrivals to the mainland as quickly as practicable.
- 11.37 The Committee acknowledged, however, that this was not always possible and, as a consequence, identified two main issues requiring resolution:
- the nature of the temporary detention accommodation; and
 - the effect on the islanders of the arrival of large numbers of SUNCs.

Detention accommodation

- 11.38 The Committee was aware that there have been some residents who have called for the Commonwealth funding of a temporary holding facility for illegal arrivals on the island. Other residents have expressed concern that such a facility would place increased pressures on scant resources such as fresh food and supplies.
- 11.39 The Committee was briefed on, and provided with a copy of, a submission to the Commonwealth Grants Commission for the construction of a recreation complex/cyclone shelter. It was suggested to the Committee that the proposed plan might be slightly modified to allow flexibility to facilitate short-term accommodation of SUNCs. The Committee was advised that this would entail a "slight" (but unquantified) increase in the currently projected cost of \$4.9m.

Effect on islanders

- 11.40 Whatever arrangements are made for the temporary detention of SUNCs, the Committee considered that the difficulty of arranging speedy transfer to the mainland would remain. When large numbers are involved, the transport problem will be exacerbated. In that event the Island would still have to provide bedding, food, and other services.
- 11.41 It was suggested to the Committee that some of this pressure could be alleviated if there was a stockpile of material specifically to assist with handling of SUNCs. This could include items such as folding, washable stretchers (to replace the mattresses currently laid directly on the floor), temporary partitioning, and stocks of non-perishable foodstuffs.
- 11.42 Although this would not resolve all the issues of concern to the islanders, it would alleviate some of the pressures and could also be used in the

event of other on-island emergencies requiring the evacuation of residents to emergency accommodation.

Conclusion

- 11.43 The Committee, having inspected the temporary accommodation, concluded that it was inappropriate and inadequate for use as a holding or detention facility for more than very short periods of time. Nevertheless, the Committee did not consider that the sporadic nature of unauthorised arrivals merited the construction of a permanent, purpose-built holding or detention facility.
- 11.44 The Committee considered that there may be merit in the proposal to make minor adaptations to the proposed recreation complex to facilitate temporary, short-term detention of SUNCs.
- 11.45 The Committee considered that there was merit in the idea of creating a stockpile of non-perishables and re-useable equipment to ease the pressure on the Island's resources caused by having to accommodate detainees.
- 11.46 Further, the Committee supported the pursuit of a formal arrangement with State health authorities to cover medical emergencies.

Recommendation 19

- 11.47 The Committee recommends that the current practice of removing unauthorised arrivals to mainland detention centres be continued.**

Recommendation 20

- 11.48 The Committee recommends that the plans for the proposed recreational complex be drafted with sufficient flexibility in its construction to permit short-term housing of unauthorised arrivals.**

Recommendation 21

- 11.49 **The Committee recommends that DIMA, in consultation with the Department of Regional Services, Territories and Local Government, provide a stock of equipment such as washable stretcher beds and non-perishables for use in the temporary detention of suspected unlawful non-citizens.**

Recommendation 22

- 11.50 **The Committee recommends that arrangements with State medical authorities to cover emergency medical arrangements be finalised.**

