



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,  
DEFENCE AND TRADE HUMAN RIGHTS SUBCOMMITTEE

**Reference: Human rights conditions in migration detention centres**

THURSDAY, 8 FEBRUARY 2001

CANBERRA

BY AUTHORITY OF THE PARLIAMENT

**JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

**Human Rights Subcommittee**

**Thursday, 8 February 2001**

**Members:** Senator Ferguson (*Chair*), Senators Bourne, Calvert, Chapman, Cook, Gibbs, Harradine, Hutchins, Sandy Macdonald, O'Brien, Payne and Schacht and Fran Bailey, Mr Baird, Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Hollis, Mr Jull, Mrs De-Anne Kelly, Mr Lieberman, Dr Martin, Mrs Moylan, Mr Nugent, Mr O'Keefe, Mr Price, Mr Prosser, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

**Subcommittee members:** Mr Nugent (*Chair*), Mr Hollis (*Deputy Chair*), Senators Bourne, Ferguson, Harradine Payne and Schacht and Mr Baird, Mr Brereton, Mrs Moylan, Mr Price and Mr Pyne

**Senators and members in attendance:** Senators Bourne, Ferguson, Harradine and Payne and Mr Baird, Mr Hollis, Mr Nugent and Mr Price

**Terms of reference for the inquiry:**

Human rights conditions in migration detention centres.

**Committee met at 12.05 p.m.**

**GODWIN, Ms Philippa Margaret, First Assistant Secretary, Detention Task Force, Department of Immigration and Multicultural Affairs**

**ILLINGWORTH, Mr Robert Lawrence Mark, Assistant Secretary, Onshore Protection Branch, Refugees and Humanitarian Division, Department of Immigration and Multicultural Affairs**

**KELLY, Mr Gregory Charles, Director, Detention Operations, Department of Immigration and Multicultural Affairs**

**KONARSKI, Mr Richard Steven, Assistant Director, Detention Operations, Department of Immigration and Multicultural Affairs**

**METCALFE, Mr Andrew Edgar Francis, Deputy Secretary, Department of Immigration and Multicultural Affairs**

**FABRESCHI, Mr Fulvio, Centre General Manager, Villawood IDC, Australasian Correctional Management**

**GRANT, Mr Peter Thomas, Executive General Manager, Operations, Australasian Correctional Management**

**LEWIS, Mr Kevin Tony, Managing Director, Australasian Correctional Management**

**McCORMACK, Mr Gerald Michael, General Manager, Detention Services, Australasian Correctional Management**

**MYERS, Mr John, General Manager, Fulham Correction Centre, Australasian Correctional Management**

**CHAIR**—Ladies and gentlemen, I apologise that we are running a little late. We were due to start at 11.30 a.m. but the opposition carelessly caused us a problem by calling for a division.

**Mr PRICE**—It is called democracy.

**CHAIR**—As I found out for six years, democracy is a fine thing when you are in opposition: it is less thrilling when you are in government. Thank you for coming this morning. We all appreciated the opportunity to visit the centres last week, which we found a very worth while and interesting experience. In the planning exercise, I clearly underestimated the amount of time that we would need to spend in each location. I accept responsibility for that. Before rushing off to catch aeroplanes, we would have liked to sit down on the spot with management and deal with a lot of the issues that had come up. Whilst certain themes and general principles might then have needed to be followed up more broadly, I am sure that some of the minor points could have been cleared up on the spot. It was unfortunate.

Having said that, I feel it is very important to have a session such as this at which the committee can raise any concerns or points of clarification. You can brief us about those things before we deliberate about what we think is right, wrong or indifferent and before we draw any conclusions. I appreciate that there have been some logistical challenges. Richard is on leave; I am sorry to spoil your holiday, Richard. You were going to Tasmania?

**Mr Konarski**—I was.

**CHAIR**—I think it is pretty hot down there, so you might be better off in Canberra today. We will try not to make it too hot in here. We will probably have to adjourn this particular session at about 1.30 p.m. A crisis has cropped up in another committee in which several of us were involved and we must deal with it at 1.30 p.m. before question time at 2 p.m. My intention is to wind up about then. If there are outstanding matters still to be dealt with at that stage we have made arrangements to return at 3.30 this afternoon when we can continue our discussion.

I emphasise to everybody in the room that this is a private meeting; it is not a formal hearing. We are not broadcasting around the parliament and we have Hansard purely and simply as an aide-memoire to us. Unfortunately, we have not yet been provided with *Hansard* transcripts of our visits to the various locations—which, frankly, we would have preferred to have so that we could refer to them as well. That has not happened yet. I am not sure why, but it is a reality of life that we must deal with.

We sent you a list of some of the types of points that members might be interested in. They are a bit vague and general in some respects: they are rough points that the secretary made as we went around the various centres. It seemed to me that a number of key themes, as well as some individual situations, probably emerged. One of those themes concerned processing times generally; another is how we treat women and children and the appropriateness of holding them in detention centres. Committee members are clearly concerned about some of the methods and behaviour in terms of detainee treatment. There are a number of those sorts of themes, but there are also individual efforts. I do not want to hog the proceedings, so I propose to give committee members who went on the trip the first opportunity to ask their individual questions. I will let you decide who should field each question.

**Mr BAIRD**—Is it possible to quickly run through where everyone is? We are seeing you a bit out of context, and just associating you with the various centres would be useful.

**CHAIR**—All right.

**Mr Metcalfe**—Thank you, Mr Chairman and members of the committee. Certainly, we are very happy to be here today and to continue with your inquiries into this matter. Before taking up Mr Baird's suggestion, I might say that we, like the committee, were very conscious of the fact that the realities of timetables and aircraft availability meant that your visits were very quick and that in other circumstances you could usefully have spent more time in the facilities. If the committee or any members of the committee wish to go back and have a look at any particular centres, of course, subject to the minister's views, we are only too happy to make that happen.

**CHAIR**—On that point, we definitely want to go to Maribyrnong.

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**Mr Metcalfe**—Absolutely, and we expect that. I am aware that in some of the centres you were only there for a few hours, and the visits were rushed. I am sure that some of the issues that have come through from the questions we have seen will be able to be explained. But perhaps they would be best explained in a more considered amount of time so that you can have a look at everything you want to look at.

**Mr PRICE**—Is there anything that either the department or ACM wants to say at the beginning, before we proceed to questions?

**Mr Metcalfe**—I have a few general comments. I was planning to say them either at the outset or at the end of the day. If it is usually done now, I will say them now. They are by way of general observations, and they probably echo what we said when we appeared before the subcommittee in our initial briefing before Christmas. But I think it is important to make a number of points.

Firstly, I would like to reassure and restate to the committee that the department is absolutely committed to and very firmly focused on properly administering the laws that this parliament has laid down. It is a requirement of Australian law that unauthorised arrivals to Australia be detained until their status is determined and they are eligible for a visa, or until they are returned. Leaving aside the policy debate on that issue, we have the immediate task of implementing that law. It is our very strong objective to do that as professionally as possible and in the strongest and most accountable way. From that point of view—I do not need to say it, but I will—the department will continue to fully cooperate with this committee and any other inquiries that relate to this issue. We, like committees such as this, have only the interest of ensuring that we do our job as well as we can. To that end one of the key things that the department has done in recent times, back in 1997, was to develop some immigration detention standards. They were done in consultation with the Commonwealth Ombudsman and laid down for the first time a framework for exactly what standards were required in detaining unauthorised arrivals and immigration detainees.

No such standards had existed until that time and they were developed as part of the government's decision to open up the detention services function for competitive tendering and, of course, ACM won that contract. Those standards are the benchmark that we require in the performance of the detention services provider and the benchmark that they have to live up to.

One thing that I think is important is that the committee will have a number of observations, both about the conditions of detention as well as the actual services that are or are not delivered as the case may be. ACM have responsibility for service delivery. The Commonwealth, over many years, has had responsibility for the development of immigration detention infrastructure, and the government has recognised for some time that the infrastructure has been ageing and in need of upgrading. Indeed, in last year's budget announcements a long-term strategy to upgrade, improve and expand the facilities was announced and the department is now in the process of implementing that. With such major projects, that will take some time, but that is something that is well and truly under way.

Other facilities, in particular Curtin and Woomera, have been developed at very short notice and we have been through the reasons for that. Clearly, those facilities were basic and probably less than adequate in the early days as we struggled to cope with the unprecedented and the

unpredictable increase in numbers of unauthorised arrivals. Having achieved the objective of ensuring that people have a bed to sleep in at night and that there are secure facilities for people to remain within, there is a very strong emphasis on upgrading and improving those facilities to ensure that people who are in detention—administrative detention—are treated in the appropriate manner as required by the detention standards.

At the same time, our response to the unprecedented increase in numbers in 1999 and 2000 was also to significantly expand our visa processing capacity. Mr Illingworth can talk about those things, and we have talked about that to this subcommittee and to other committees in estimates and other contexts. Clearly, we were caught on the hop when those boats started arriving in those numbers. We did not expect it. I do not think we reasonably could have expected it and we had to scramble. We have done that scrambling and, as I am sure the committee is aware, processing times have dropped dramatically and processing is far more efficient. People are arriving, their cases are considered according to law and decisions made one way or the other in some period of time. We believe that that focus of dealing with the influx and then moving as quickly as we can to ensure that services—processing capacity, infrastructure and whatever—are among the things provided. If this committee had seen those centres six months ago, the centres would not have been as satisfactory as they are now. There are still things to be done, and I think in six months time you will see better facilities.

One issue of complexity about this issue is, of course, the fact that our expectations and our initial planning were around the basis that immigration detention could be provided in essentially a minimum security environment. From our experience of the caseload, we were largely aware that we had a group of people, some of whom would, in fact, be refugees and possibly many of whom are refugees. We were aware that they would cooperate with the detention authorities in terms of processing, telling us who they were, dealing with their cases as well as in the day-to-day life within the detention centres. You can go into a whole series of reasons as to why that situation changed. Unfortunately, halfway through last year, we saw a sea change in the security environment with the mass escapes from various centres and the criminal activity in terms of arson, riots and assaults on Australian officers.

One of the things that keep me awake at night is the fact that my centre managers like Richard regularly receive death threats from detainees. It is a complex environment for us to manage. I am not blaming any particular individual or any particular detainee, but the combination of a difficult task to do overlaid with sometimes a quite volatile security situation makes our job even more complex. Having said all of that, I think that is a good basis for us to take this discussion forward and we are very happy to respond to any questions the committee has.

**Mr Lewis**—ACM is contracted to DIMA. We have a contract and we have standards, which we are dedicated to delivering. There have been suggestions that detainees are treated with less than respect. I would like to make it clear that this company will not and does not tolerate any of our staff who do not (a) deliver the standards and (b) portray or deliver unacceptable behaviour. Once we know about it, we will certainly take action.

**Mr BAIRD**—I have had the opportunity of sitting alongside Philippa on the trip and plying her with questions. So I have raised quite a number of points directly with Philippa, who has an excellent knowledge of the issues. Mr Chairman, rather than ranging across many areas—I am

sure that we are all interested in lots of issues—it might be useful to raise some particular themes to which we could all contribute. I would like to move straight to the issue of Juliet. Of all the things that committee members saw, that disturbed us the most—although I was not with the subcommittee who visited Juliet.

I would like to direct my questions to Mr Konarski and an ACM guy who is now on sick leave. There was no mention of Juliet during our briefing but detainees then informed us that they had told you about Juliet. That concerned us. We are concerned about detainees being locked in and being given only an hour a day to exit that situation. We are concerned about the reluctance with which information was given. When my colleagues went to Juliet and asked whether there was anything upstairs, they were told, ‘No, more of the same’. In fact, they found people locked in upstairs. There were problems with the toilet—albeit that some people may have been stretching the truth—and access to toilet facilities that sounded horrific. Showers did not seem to be working, toilet seats were missing and there were dirty conditions within the centre. Would you like to comment about that as someone who has just finished a term there?

**Mr Konarski**—I will start by saying that there was no intention not to provide you with full information. I did only a very small part of the briefing, but it is my recollection that I said, ‘This is the general compound where people are free to roam’. I then spoke about separation areas and mentioned E and F blocks and I and J blocks. So there was no intention on my part not to give you the full briefing. I also indicated what I intended to show you on the tour, which involved a quick walk through the general compound and into F and E blocks. I think we ended up getting held up a bit in F block talking about processing matters. But there was certainly no intention not to—

**Mr BAIRD**—It was not mentioned to us in the briefing that Juliet was—

**Mr Metcalfe**—J block is Juliet block.

**Mr Konarski**—Yes. I simply mentioned it in the context of the separation of J and I and F and E blocks as part of separation versus general compound areas.

**Mr BAIRD**—Why were people locked in there?

**Mr Konarski**—ACM is probably better placed to respond to that question, but my understanding is that they were part of the riot that occurred on the Sunday. They were there specifically as a result of their involvement in that riot and posed a security risk at that time.

**Mr PRICE**—First of all, according to your standard 7.71, does the accommodation provided in Juliet block meet the occupational health and safety requirements set out in the Occupational Health and Safety (Commonwealth Employment) Act and its supporting framework of regulations and codes of practice?

**Mr Konarski**—I am not sure what the situation is, but I can say that my understanding is that all the toilets and showers are working. It is an old block that is in need of renovation.

**Mr PRICE**—Having been there, I do not believe that that statement is correct. Not all showers were working. Certainly, it does not seem that that was met in Juliet block in terms of standard 7.72, which states:

Toilet and sanitary facilities are provided for detainees to use as required, and these are kept in clean condition.

**CHAIR**—Is that actually a question for ACM?

**Mr BAIRD**—It is difficult because we do not have the ACM guide from—

**Mr Metcalfe**—I would like to make a comment, and I think Ms Godwin and Mr Konarski may supplement this. My understanding is that we had a very serious situation on the Sunday, and a number of people were, in fact, essentially detained because of what may have been criminal behaviour. In those situations there are a couple of choices—are they kept within the centre in more secure accommodation or are they removed to the local police lock-up at Port Hedland or wherever the case may be?

An interesting parallel to this inquiry is that the Commonwealth Ombudsman has been looking at the issue of transfers made by the department to state correctional facilities for very non-compliant detainees and will be making some recommendations. I think that the department should develop more maximum security facilities to avoid the transfers into the state system. Be that as it may, I understand that J block is the last in a long-term refurbishment project and is currently being refurbished, and that has now commenced. The only reason people were being put in J block is that the riotous behaviour a few days before had rendered other facilities unavailable.

**Mr PRICE**—But hunger strikers were flown to Juliet block, weren't they?

**Ms Godwin**—We transferred a group of people from Villawood who had been involved in a long-term protest and hunger strike. They were not transferred to Port Hedland specifically to go into Juliet block.

**Mr PRICE**—Did they end up in there?

**Ms Godwin**—Yes, some of them did. The reason is that, at any given time in the centre, what the managers need to do is look at the groups of detainees that they have, the accommodation they have available and the best way to use the available facilities. Generally speaking, we had been trying to stop using Juliet block so we could move to refurbishment given, as Andrew said, that it is the last building that has not been refurbished in the centre. As a result of disturbances last year, one of the blocks was rendered to be out of operation because of fire—and I think it has not yet come back into commission as that damage has been repaired—and there had been damage to other parts of the block. We have had to use Juliet at times when we would prefer not to. The rooms are lockable. It is certainly true that they are locked sometimes, but they are not always locked. You may recall that the people in the group downstairs were in similar types of rooms with locks on the doors, but they were not actually locked. The decision to actually lock the doors is an operational one, depending on the nature of the individuals.



**Mr PRICE**—Unfortunately, when we were downstairs we were told that the reason for the locks was to lock empty rooms or cells—

**Mr Metcalfe**—To keep people out rather than to keep people in.

**Mr PRICE**—Yes. I do not want to belabour the point, but you have said to us, ‘We’ve developed these standards with the Ombudsman. This is our framework.’ I must say that I feel really good about that, but the question that we are pressing is: do they meet the standards? There may be, as you have outlined, some reasons or contingencies that we need to take on board, but there is a simple question: do they meet the standards? Do they meet the standards that the Ombudsman has laid down or that you have worked out with the Ombudsman? Do they meet the state laws and the Commonwealth laws?

**Mr Metcalfe**—I have not been there for some time, Mr Price; you have been there. What I can say is that we believe that that block should be refurbished. It is being refurbished now. Having said the positive myself, you may draw the negative inference.

**Mr PRICE**—I understand that and I think every committee member would be supportive of that, but it is not answering the question.

**Mr Metcalfe**—We are refurbishing the block. That is part of a long-term refurbishment, and you could draw the inference that it is not currently meeting standards. But we have the dilemma that, if we have people to accommodate and nowhere to put them, we have to put them in the best place we can.

**Mr PRICE**—I understand. But your answer is that it is not meeting the standards.

**Mr Metcalfe**—I have not specifically commissioned anyone to do a check list—

**Mr PRICE**—Can anyone here tell us whether it meets the standards and complies with the relevant state or federal laws?

**Ms Godwin**—I cannot answer the question about the federal or state laws, and we would have to look at that. It is the least desirable accommodation in the area. The detention standards do not specify the amount of space, the paintwork or those sorts of things. The ablutions areas in those blocks clearly need upgrading. As Andrew said, you can draw the inference from that that they are below standard at the moment. On the question of whether some of the equipment was not working, we have not checked about the showers and we will go back to that. As far as the toilets are concerned, we did check with the maintenance officers at Port Hedland. There had been no reports of any of the toilets not working. When we asked the question, they went over and checked, and all of the toilets were actually working.

**Mr PRICE**—Did all of the toilets have seats?

**Ms Godwin**—I do not know about that; I would have to check—

**Mr PRICE**—I think you need to check that as well.

**Ms Godwin**—Okay. There is also often a fair bit of water around the ablutions areas, which can add to the sense of untidiness. That is essentially a cultural issue because most of the people there are from the Middle East. As a matter of practice, they usually wish to wash themselves after they have used the toilet. We do not have bidets, so usually personal shower arrangements are set up. If those are left running, there can be quite a lot of water around the ablutions area.

**CHAIR**—I will draw the inference—and you can argue if you wish—

**Mr Metcalfe**—I think that, in drawing the inference—

**CHAIR**—that from what we have just heard you are not claiming that the facilities are up to appropriate standards at this point in time. Perhaps the more relevant question is: when will the improvements be finished, and will they be up to standard when they are?

**Mr Metcalfe**—The other point—just in answering that—is that, as other facilities became available, we immediately moved people back out of J block. By Friday afternoon the group of people concerned were no longer in J block because whichever other block had been sufficiently repaired for them to move back into. So the committee can draw the inference that we are saying that, although not acceptable, they need to be refurbished, they are being refurbished and they are only used as an absolute last resort.

**Mr BAIRD**—It sounds like things have happened since we were there. But we were not long into the discussions before they told us about Juliet, and the stories came bursting forth of what the treatment was like: the toilet problems, people defecating in their rooms because they could not get access to the toilets, and so on. Shouldn't there be a situation where somebody takes hold of this problem? In having regular meetings, we could act within 10 minutes of them telling us. It is my concern that what has happened in terms of liaison is not being addressed. We hear what you are saying, Andrew, and that is good. But it is about fixing issues that are probably not major but which, in terms of the perception, are not good.

**Mr Metcalfe**—That is a very fair point, and Philippa might be able to talk in some detail about liaison arrangements and how we want to improve them.

**CHAIR**—Before you do, the deputy chair might have something to say on this.

**Mr HOLLIS**—You said that you have got detention standards. Can we have a copy of those standards?

**Mr Metcalfe**—We have given them.

**Mr HOLLIS**—Who monitors these standards?

**Ms Godwin**—There are a couple of points to make about that. We monitor them. One of the duties of the DIMA detention manager is to provide regular reports to us in central office about a range of issues including performance of the contractor against the standards and so forth.

**Mr HOLLIS**—I do not want to labour the point of the ablation block unduly, but when someone said they worked in the toilet, I suppose it comes down to your definition of working. Are you talking about a hole in the wall where a bit of water comes out—and you call that a shower? I went there and I had a look at each of those showers. One of them had a bit of a hole in the wall where I suppose water came out, but none of them had shower tops or anything. When you talk about the toilets, one of them might have flushed, but no toilet there had a seat on it. Are other people who are incarcerated in Juliet block paying \$60 a day?

**Ms Godwin**—Nobody pays \$60 a day in that sense.

**Mr HOLLIS**—What do you mean ‘pays’? Are they charged or debited? This is a problem that we always have. Immediately we put a question, everyone tries to weasel word around it. We were told, and tell us if we are wrong, that people are debited \$60 a day. Is that wrong?

**Ms Godwin**—I do not know if it is \$60.

**Mr HOLLIS**—What is it then? You are the Deputy Secretary.

**Mr Metcalfe**—I am the Deputy Secretary. Ms Godwin is the First Assistant Secretary.

**Mr HOLLIS**—I have promoted her.

**Mr Metcalfe**—The short answer is that people who are in immigration detention accrue a debt to the Commonwealth for every day that they are in detention. I can check whether it is \$60 or \$65. It is a debt due to the Commonwealth. People are in effect accruing a debt for every day they are in detention.

**Mr HOLLIS**—So when they are in Juliet they are accruing \$60 a day?

**Mr Metcalfe**—Whenever they are in immigration detention, whether it is Woomera, Juliet or wherever, they are accruing a debt. Whether that debt is ever enforced in terms of liquidated, and restitution sought, is another issue.

**Mr HOLLIS**—We were told that, until it was ‘liquidated’, to use your word, they were not allowed out and it became a catch-22 situation.

**Mr Metcalfe**—No. If a person is a refugee and granted a refugee visa, that debt is not enforced. Ordinarily people who are removed from Australia, not being a refugee, the debt is not enforceable because they have left the country, and the law requires us. If they ever wish to return to Australia, it would be a debt due to the Commonwealth and they would have to pay.

**Mr BAIRD**—Can we ask about the question of waking up in the middle of the night. It is again a Port Hedland issue. They all seemed to say in one particular group that they were woken up at 1 o’clock in the morning. All during the day, there were muster calls. At 1 o’clock and 3 o’clock in the morning, they had people coming into the rooms to demand their passes, disturbing their sleep and so on. It was only at Port Hedland that this was raised. We are not

sure whether it only applied to Juliet block or whether it was a widespread practice. But it certainly was agreed to by all that that was the case.

**Mr Konarski**—Port Hedland does not actually use a muster system. It is more a case of officers going around and checking photos against people to make sure they are present. Certainly since the January escapes, there has been additional muster included in that. It is a mid-morning one, about 3 a.m. I am not sure about the 1 a.m. one; there is a midnight and 3 a.m. one. I believe that has been discontinued since.

**CHAIR**—Whether it was 1 or 3 o'clock, the point that was made was that around the middle of the night, 12 o'clock, 1 o'clock, there was a check and again in the middle of the night 3 or 4 and then again probably about 5 or 6. The point was made that checks were made six times in 24 hours, three times during day light hours and three times during darkness hours. Specifically at Port Hedland, even when people were asleep in the middle of the night, a check consisted of somebody going in the room and waking the person up. They had to have their card and the photograph was checked against the face. In other locations, statements were made that there was a check by just head counting basically. There were complaints about torches being shone in faces while a count was going on in the middle of the night. That is an issue in itself. Specifically, the Port Hedland thing was that, if a person was in his bed fast asleep and if I were doing the check, I would wake him up. I would require him to produce his pass so I could look at his photograph against his face, and that would happen three times during darkness hours while he was asleep. That is the allegation, and we are asking if that is the truth.

**Mr Metcalfe**—Perhaps ACM can answer that. I will just say that their answer will be in the context that they have a contractual obligation to prevent escapes. Whether it is appropriate is something I will ask ACM to talk about.

**Mr BAIRD**—Mr Lewis, you are the managing director of ACM. Don't you consider that to be excessive?

**CHAIR**—Let us hear what he has to say.

**Mr Lewis**—I will ask Mr McCormack to address the issue first.

**Mr McCormack**—Perhaps I can answer that question. The practice was not exactly as you described it. The practice, I believe, was only instituted after the last escape when, to cover the escape, the escapees made their bed spaces up to appear as though somebody was in bed. As a result of that, the manager, in order to check that everybody was there, instituted a check where the officer responsible for that block was given a booklet with a photograph of every detainee in his block and was tasked to check that that detainee was in his bed space. There was no need to wake the person. Mind you, I imagine that a torch in the face certainly wouldn't leave you sleeping, but there was no need to wake people physically if they didn't have to. It was only instituted for that period, and it has certainly stopped.

**Mr BAIRD**—Can I ask about handcuffs? There was lots of claims about how their hands were damaged, but we didn't actually see any evidence of that. To what extent are handcuffs used?

**Mr McCormack**—Speaking from the service's point of view, very rarely. If physical restraint is used, it has to be at the centre manager's authority. Once the cuffs are removed—generally they are not metal; they are the plastic ones—the person must be inspected by a medical authority and a report submitted on the condition of the person.

**Mr BAIRD**—How do you determine who is going to be handcuffed? We asked them who had been handcuffed, and in a group of 25 almost every hand went up.

**Mr McCormack**—Detainees can only be restrained if there is a control reason. If there is a riot and detainees are extracted from a riotous occasion, they can be cuffed as they are taken out of the group. If the detainees have proven to be dangerous as they are being taken elsewhere, they can be cuffed. It is certainly something that is not undertaken lightly. It must be at the centre manager's authority, and the detainee must be medically examined once the cuffs come off.

**Mr BAIRD**—When you put someone into J block, for example, is there any recording of why they are put in? According to that same group, guards had it in for individual people and, by the guards' own decision, people would get in and out. If you were out of favour with a particular guard, he would get you back and off you would go to J block on an arbitrary basis.

**Mr PRICE**—Or be threatened.

**Mr BAIRD**—Yes.

**Mr McCormack**—I cannot answer for individual relationships between officers and detainees, but it is certainly not our policy that that happens. There is a requirement to report, on an incident report that is distributed to DIMA as well as to me, any occasion where there is confrontation between a guard and a detainee. Without knowing the specific circumstances I could not answer that. It is just not policy; it is just not the way we do business. There is no point in confronting.

**Mr BAIRD**—No. I just want to deal with some themes.

**CHAIR**—Senator Harradine has something to say.

**Mr BAIRD**—He could speak. I do not have a monopoly.

**Senator HARRADINE**—I had the privilege of looking at J block. I am not going to ask questions about the physical appearance or the physical status of J block. I think it is fairly well admitted that that is substandard. How many people are now in Juliet block and for what reason?

**Ms Godwin**—There are now none. That was the point that was being made before.

**Senator HARRADINE**—Where are they?

**Ms Godwin**—Some of them have moved back into their accommodation in the main compound and some of them have moved into I block. I block was the one that was damaged a couple of weeks ago. All the windows were broken so people could not be in there. As those windows have now been repaired and repairs have been made to the other damage, people have moved across into that building, which has been refurbished. The number who moved across—we checked this out because of the issues about J block. I think when you were there, there were 21 people upstairs and eight people downstairs.

**Senator HARRADINE**—Twenty-four and nine. There were 24 upstairs and nine downstairs, according to the information that we were given.

**Ms Godwin**—I would need to check that, but that is broadly consistent with the numbers that I had. Of the people who were upstairs, 14 have now gone back to their accommodation in the main compound.

**Senator HARRADINE**—What were they put there for?

**Ms Godwin**—They were involved in the major incident on the Sunday night, the 21st and, after that, there were ongoing investigations as to who had been involved. As you are probably aware, there were some assaults during that event and also some—

**Mr Metcalfe**—This was the incident when the Western Australian policeman was assaulted.

**Ms Godwin**—Yes. The Western Australian police attended that one and a policeman was assaulted as well as some ACM staff.

**Senator HARRADINE**—When you say assaulted, was he put in hospital?

**Mr Konarski**—He did seek medical treatment later on. Mr McCormack might be better placed—

**Mr McCormack**—He received concussion.

**Mr Konarski**—An object was thrown and it struck him on the head, I believe.

**Senator HARRADINE**—So it was not an individual direct assault. It was a missile?

**Mr McCormack**—No, I would say the rock was thrown at him.

**Senator HARRADINE**—And 24 people were responsible?

**Mr Konarski**—I do not believe it was just assault issues. There were some criminal damage issues as well—damage to property.

**Senator HARRADINE**—What I am getting at is under what provisions of what IDS or anything else can you hold persons in detention, in confinement, locked up and not able to get

out for one hour into an exercise yard, which is pretty ordinary. That is inhumane treatment, is it not?

**Mr Metcalfe**—As I said at the outset, a decision had to be made as to whether that group of persons who were under suspicion of criminal activities against persons and property were transferred to police custody or whether they remained within the centre in facilities that were less than appropriate, which were being refurbished, but which were the only available facilities because other facilities had been destroyed by people. I do not want you to have the impression that we are saying that J block was appropriate, that J block is terrific or that the need to use J block was appropriate in the circumstances. What I do want to say is that when you have a look at the totality of the situation, there was damage to the only other available accommodation, a number of people had been involved in a violent incident, police inquiries were under way as to who was responsible and who was not and there was a need to continue security of a detention centre. In all of those circumstances, those decisions were made.

**Senator HARRADINE**—By whom?

**Mr Metcalfe**—By the centre manager.

**Mr BAIRD**—Isn't it an appropriate point that one rock was thrown and 24 people were locked up? Is that right?

**Mr Grant**—There were a lot more rocks and there was quite a large disturbance there, which was covered pretty well by the local media and TV stations. It took a police riot squad and one of our squads to go in to disperse the detainees in a safe manner.

**Mr PRICE**—What prompted the incident? Do we know what caused it or was it just a vicarious sudden outburst with no explanation?

**Mr Konarski**—I think there is probably a range of issues. The incident on Saturday night resulted in ACM extracting a number of people from the compound that were identified as instigators in that incident. My understanding is that, in the course of that extraction, people went to their support to protest that extraction.

**Mr BAIRD**—From sitting and talking with the people there, we know there is a real sense of frustration in terms of, firstly, the length of time it takes for processing—and I know you are working on that—and, secondly, the lack of information and the sense of helplessness which they start to feel after a while, that requests would come in to you as the DIMA officer and they say it would take three months to get in. This was a fairly common theme that applied, not so much to Villawood but to the various institutions. Then when they got in there, they claim they were given five minutes and no answers. That sense of frustration must be one of the reasons why they act the way they do. Is that true that it takes months to get in to see the DIMA officer when people put in a request?

**Mr Konarski**—I do not have any figures in front of me, other than to say that one of my staff and I see between 40 and 90 people a week on a formal basis; that is, we sit down with an interpreter to explain the process or explain aspects of the process. On top of that, we see people on an informal basis and hold meetings. In addition to that, the first point of contact we suggest

is their migration agent and their case officer, who has a better handle on exactly where the case is. There is also the issue of not being able to necessarily provide a great deal of information on the specific stage of processing, other than to say that it is with a case officer and a decision is being made. Mr Illingworth might be able to expand on that.

**Ms Godwin**—I would like to add something to the point Richard has been making. I think it is true that the issue of information, people feeling that they do not have information, is a major issue in all of the centres. It is something we have struggled with over the years, and we have tackled it in different sorts of ways. You are probably aware that, in some of the centres, they have tried newsletters and those sorts of things to try to increase the flow of information and give people a sense that there is information.

We have been talking about this issue as a result of your visit last week, and we will be increasing admin staffing in the centres. We will be introducing deputy centre managers. Most of the centres have had a process a bit in the way Richard describes it—people request to see someone and the centre manager tries to see them as soon as possible. It might be that day, but it might be in a few days, depending on other pressures. Clearly, that could result in an individual seeing someone reasonably frequently, and another individual maybe not seeing someone as frequently if either they have not asked or, for whatever reason, they have not been able to see someone. What we are looking at putting in place with the new staff is a process of regular scheduled appointments with each of the detainees so that, depending on how much staffing time it would take—whether it is fortnightly or once every three weeks or something like that—every detainee would be seen by the DIMA officer. It may well be that the DIMA officer cannot give them much more information—that is, they are still being processed or this is the stage—

**Mr Metcalfe**—Or that you have been screened out as a refugee and you are in a court process or, indeed, that there are no processes and, unless you can help us with a travel document, we have got a difficult issue. I know that is another matter the committee wants to look at.

**Ms Godwin**—The question that we ought test and that we are looking at testing is: would it assist people to feel that they have got a better flow of information if they knew there was a regular appointment? As I say, that may not result—

**Mr BAIRD**—I think it is great.

**Ms Godwin**—in better information individually but it may give people more of a sense that they are not being forgotten.

**Mr BAIRD**—I have cut across Brian Harradine's questions.

**CHAIR**—Brian has got another question and then Alan Ferguson has got a question.

**Senator HARRADINE**—And no doubt we will go to the frustration that some of the ACM people felt as well.

**Ms Godwin**—Yes.



**Mr Metcalfe**—Sure.

**Senator HARRADINE**—They are working under pressure as well. Coming back to the question that I asked: when were those detainees in the Juliet block? And are we to understand that a centre manager has the power to lock up people—in this case, 24—letting them out only once a day for an hour, on the suspicion, an unproven suspicion, of a misdemeanour. Isn't that rather contrary to the human rights obligations that we have? When were they taken out of the Juliet block?

**Ms Godwin**—Perhaps we will just deal with the timing, and then I will come back to the other point you were raising. All of the people upstairs were there from the Sunday night of the incident—

**Senator HARRADINE**—That was Sunday—

**Ms Godwin**—The 21st. So that was about a week—

**Senator HARRADINE**—They had been there eight or nine days when we saw them.

**Ms Godwin**—Yes.

**Senator HARRADINE**—Were there any from Villawood in that lot?

**Ms Godwin**—Not that I am aware of, but we would have to specifically check that. The group who moved back to their own accommodation did so, I think, on Wednesday 31.

**Mr Konarski**—That is correct.

**Ms Godwin**—The others moved on Friday 2 February. That was essentially because the other accommodation became available as a result of the repairs being completed.

On the question of the powers, the Migration Act requires that people be detained. I think there is a reference in the act somewhere to the use of reasonable force necessary to achieve that. ACM are charged not only with keeping people detained but also with maintaining the good order and security of the centre. All of the people who were there had participated actively in the disturbance, which included breaking into a maintenance shed and stealing rakes and things. There was a question at one point of just what had been stolen, and there was a search for that. Going back to a point that Mr Baird touched on—

**Mr PRICE**—Were they suspected of doing this?

**Ms Godwin**—No, they had actually broken into it and things had been taken out and had been dispersed around the centre.

**Mr PRICE**—So at law it was not an issue that there was a prima facie case against them. They had been proven guilty of it.

**Ms Godwin**—They had been involved in the disturbance, which had included breaking down a fence, breaking through a gate, breaking into the equipment shed and taking things out of the equipment shed. All of the windows in the lower floor of one block were smashed, and a door was broken through—that sort of thing.

**Mr PRICE**—I am sorry, but I am a bit slower than Senator Harradine. I am struggling to understand the legal process involved. Does this mean that a statement is made by an ACM officer and that is it? Or does the detainee have an opportunity to challenge and to say, ‘I wasn’t—I was an innocent bystander’? What is the status and how is that determined?

**Mr Lewis**—Following on from the disturbance, the detainees were isolated from the others. Those who were identified as suspects by ACM staff and police—bearing in mind that this was a joint police and ACM operation—were isolated whilst the evidence was gathered and decisions were made as to whether or not these people would be charged.

**Mr PRICE**—So they were suspects?

**Mr Lewis**—They were suspects.

**Mr PRICE**—I beg your pardon. Thank you, I just wanted to be clear in my mind about that.

**Mr Lewis**—They were suspects. In other centres, when this occurs and there is sufficient space available in the police cells, those suspects are often taken to the police cells and held in police cells, occasionally requiring ACM officers to support the police to do that. On this particular occasion it is my understanding that they made the decision to hold them in that block until such time as they could determine whether or not charges would be pressed. Once the decision was made that those charges would or would not be pressed, if they were not, those people were moved from there. I believe that that process is now completed and charges are either being laid or there is not enough evidence available and so they have been released back into the area.

On the tools that were alluded to before, a tool shed was smashed in during this process and fairly large tools of the weapons type were dispersed throughout the centre and they had to be recovered. There was a fair amount of evidence against most of the people who were contained away from the rest of the population.

**Senator HARRADINE**—How many of those who were held on the first floor of the Juliet block have been charged?

**Mr Lewis**—I do not have a figure for you as at the moment.

**Mr Konarski**—We can give you that figure on notice.

**CHAIR**—Richard, you said that in your briefing you talked to us about J-block. I have to say to you that one of the reasons why I regret we do not have the transcript available is that I am fairly confident—and I will confirm it when I see the transcript—that no mention was made of J-block in the briefing. The reason I am fairly confident is that when we were at Curtin we were given a briefing about the camp and, in passing, there was a mention of India block as just being

another block, and it was only when we were going around and in subsequent discussions that we found out that that had a not dissimilar function, I suppose, to J-block at Port Hedland. When we came to Port Hedland, we actually specifically asked about that type of single-cell detention type facility and we are fairly confident that we were told that that did not exist. All I am flagging is that when we get the transcript we will come back to you on that because I think that was the nature of our concern. We went into those meetings with detainees fairly clear in our mind that there was no such facility at Port Hedland and so, when it was raised with us, we actually said to the detainees, 'That's rubbish, there is no such facility.' That is when they said, 'Go and look at J-block.'

**Mr Metcalfe**—I have looked at this issue because I have been aware since the committee was there that there does appear to be a genuine either misunderstanding or a mishearing or whatever on this issue. When I spoke at the outset about how we have nothing to hide and we want to cooperate with the committee, I was very genuine in that. I have known Richard for a number of years and I have absolutely no doubt that he is a thoroughly professional and responsible officer who is completely accountable within the department and to the committee. If he says that he said it, then I think he would have said it. If it was not heard, then I do not know what was happening in the room—whether there were a lot of people talking or whatever—but the point is that J-block is well known. We have talked about J-block before Senate estimate's hearings and the fact that there are isolation facilities within Port Hedland. That has been there for many years. It is a matter that is on the public record. We have no interest in saying that it is not there. If it was inadvertently not heard by the committee, or if in some way it did not come out the way it should have, then that is a sin of omission at best. There is certainly nothing more to it than that.

**Mr McCormack**—I can also add that I can distinctly remember Senator Harradine asking other questions about Juliet and the questions being answered. I can distinctly remember somebody from near Mr Hollis's seat asking further questions on the India and Juliet block or the I&J block and the questions being answered.

**CHAIR**—We will look at the transcript of evidence.

**Senator FERGUSON**—Mr Nugent, you covered one of the areas that I was going to raise. Having been to Curtin and seen the display of weapons that were used in the disturbance, I do not underestimate the difficulties that can arise in maintaining security and order in a detainee camp particularly where there are long-term detainees. I do not have any problem with you isolating people—troublemakers, for want of a better word—and putting them separately. The real issue is whether or not when you do that they are being treated humanely. Following on from what the chairman has said, the thing that disappoints me most about our visit to Port Hedland, without going into the debate on whether Richard told us about Juliet block, is the fact that, when we were given that briefing, you did not say to us you had an isolation block which was substandard, because that block was substandard. I did not see it, but I am quite prepared to believe my colleagues. Three of us stayed talking to detainees while the other three went. I believe their description, which they gave us soon afterwards. We are a committee looking into detention centres, their facilities and the way the detainees are treated. I cannot come to grips with the fact that you did not say to us, 'We have an isolation block. We have a centre where we keep people under lock and key and it is a substandard centre.' You have already said it is substandard. From the descriptions that have been given, it has to be substandard. I have no

objections, in your difficulties in maintaining security and order in those camps, to your isolating people, provided it is done in a humane way. Can we have a guarantee that Juliet block will never be used again until such time as it has been refurbished?

**Mr Metcalfe**—I would like to give that guarantee. The only caveat I would put on it is if we find ourselves again in the situation that refurbished blocks are destroyed by fire or demolished by actions of detainees and we have nowhere else to put people. It is not as if we have a large variety of accommodations. We hear very clearly what the committee is saying. We are determined to ensure that people are held in appropriate facilities. It would be an absolute last resort but I cannot rule out a major disturbance occurring at Port Hedland tonight in which five blocks are destroyed and we have got people to accommodate. With that caveat, I am prepared to give that undertaking.

**Senator FERGUSON**—I do understand that. The detention centres around Australia are not at capacity. There are rooms vacant at Woomera and other places where there is spare space.

**Mr Metcalfe**—I take that point.

**Senator FERGUSON**—If something happens in the way you describe, surely they would only just spend one night there because you would ship them out.

**Mr Metcalfe**—Precisely. That is what I meant.

**Senator FERGUSON**—I could understand that. Going on from what Mr Price, Mr Hollis and Senator Harradine saw, I think we really need some sort of assurance that that block would never be used again. It is not the fact that people are separated; it is the fact that those that are separated are not being treated humanely. We also have the difficulty of course that we have to make sure that everything that is said to us is the truth. I do not know whether the truth is being stretched. It is very difficult for us. In their desperate position I am sure that some of the evidence we received from detainees was quite elaborated on and garnished so that it made their position sound much more desperate than it was. But we do not know that. We can only make those sorts of assumptions.

I want to ask a question about Woomera partly because it is in my home state and I do have a bit of interest there. I like Woomera in wintertime but I am afraid I do not like it much in summer. Woomera is going to be used as a long-term detainee camp. It is a very kind word detainee camp because if you go to Woomera, it does look like a jail. You have a surrounding fence. It is like a jail.

**Mr PRICE**—They all look like a jail.

**Senator FERGUSON**—They do all look like a jail. They are very kindly described, but I do not have a problem with that, because we are detaining people who have entered the country illegally. Is it the intention—

**Senator HARRADINE**—They are asylum seekers.

**Senator FERGUSON**—Senator Harradine, we can debate that at another time.

**CHAIR**—We will debate that privately.

**Senator FERGUSON**—I have no problem with asylum seekers as long as they do things in the legal way. At Woomera, it would appear as though conditions have improved markedly in six months. All of the reports we had from Woomera prior to Christmas and at the time of the break-outs say that conditions were not that flash. Do you expect Woomera to ever reach its full capacity? As it is at present, it was the only place that I saw where a family could actually have a demountable on their own and where the parents had a separate bedroom. It was not flash, it was not the Hilton, but they had a separate bedroom and they had an area with two beds in it and an area for kids to play in. Is it the intention at Woomera to try and use all of the space that will become available, so that people are spread out as far as possible and living in much better conditions?

**Ms Godwin**—Can I make a couple of comments. Woomera has a long-term life. The numbers in there will depend, as is always the case, on the number of unauthorised arrivals. The numbers in there will also depend to a large extent on how we manage it after Darwin is built. The intention is that—once we have got Darwin—if people arrive on that top coast there and are brought across, usually from Ashmore Island to Darwin, to the extent possible they would stay there and they would not have to then be moved. Of course, if that proves not adequate for the numbers, we will continue to use Woomera.

How the available space will be used will depend a lot—Mr Hollis picked me up on this when we were on the visit—on operational requirements. If, for example, we have got groups that need to be separated, either because they are at different stages of processing or because there are tensions between groups in the centre, or whatever, and we need to spread people out, it may well be that other people coming in cannot then have the same spread-out opportunity as they might otherwise have had. Broadly speaking, it is our intention to make use of all of the centre in a way that gives people the best amenity they can possibly have.

There is another thing, and it is the same caveat that Mr Metcalfe made on one of the other issues: if it came to it and we had numbers that filled up the centre, we would have to fill it up and then there would be a loss of amenity for the people there, which is essentially the situation that was there this time last year. There were a lot of people there, and they were all in phase 1. At that point, we did not even have what is known as Sierra or the induction India compound at the back.

**Senator FERGUSON**—Sierra was being used.

**Mr Metcalfe**—Not a year ago.

**Ms Godwin**—Not this time last year. Sierra only came on in about March or April. So, in those first few months everyone was in that main compound area, and it was crowded.

**Mr Metcalfe**—Senator, I think it is a very good point you make. As a principle, yes, we will use the facilities as flexibly as we can to provide the greatest amenity to people. But, as Philippa says, the detention population is ultimately conditional upon three things: how many people are being released from detention; how long processing takes for those who are in detention—and the proportion of those who are releasable in terms of being refugees and how many are not

refugees and therefore must be held pending removal—and how many people are arriving. We have been fortunate in seeing about a 40 per cent reduction in arrival numbers, but all the information we have and all the intelligence we receive is that there is a very healthy market out there and people smugglers are very active. There is a bit of a seasonal lay-off at the moment because of cyclones and whatever, but the demand is strong and the criminals are active. Our interdiction and other work through the chain has been effective to a certain extent, and we will always try and do more on that. But, as the UK Home Secretary has been saying in the last day or two, this is a major business. So our capacity is always going to be dependent upon the overall populations that we are dealing with.

**Senator FERGUSON**—Darwin I understand is only going to take 500, isn't it?

**Mr Metcalfe**—I think the intention, from memory, is to have a capacity of 500 with a quick expansion capacity.

**Senator FERGUSON**—Does that mean that Curtin would close?

**Mr Metcalfe**—The intention is that that would allow Curtin to close and to restore it to being a RAAF presence only.

**Senator FERGUSON**—But also the site at Curtin is probably the least desirable?

**Mr Metcalfe**—Yes, but again, that decision will be contingent upon numbers at the time.

**Senator FERGUSON**—Is there a policy or a strategy that a place like Woomera would be kept for new arrivals and short-term detainees and that longer term detainees—and I am talking about 12 months plus—would be kept at a single centre, whichever one it would be. I ask that question because it would appear to me that amongst the new arrivals that we spoke to at Woomera there are not the complaints because they have not been there long enough. There is more harmony and it would seem a sensible decision to keep those sorts of people in one camp because it is less likely that there will be trouble? You know there is likely to be more discontent amongst long-term detainees and it would seem sensible to keep those together so they are not influencing others who are new. Also they would probably require extra surveillance and maybe extra medical treatment as well if depression and psychiatric things happen.

**Mr BAIRD**—And different recreational pursuits?

**Senator FERGUSON**—Long-term schooling, for instance—all those sorts of things.

**Mr Metcalfe**—I absolutely agree with that proposition. As the facilities are expanded and become available that is exactly what we want to do, try to ensure that we can basically tailor the facility to the type of population that we are dealing with and, if necessary, move people between centres. It is fact of life that there is an increasing proportion of the population who are now screened out. There are long-term detainees and the sorts of issues you are raising in terms of how we can remove people. It depends to a large extent on their cooperation and other circumstances. The ability to use the overall network of centres to allow us to deal with people in the most appropriate way is exactly what we want to achieve.

**Mr PRICE**—The point is, it is already in the standards that you are supposed to provide these things. These are the standards agreed between you and the Ombudsman—appropriate recreation, appropriate education—and you are saying in response to Senator Ferguson, ‘We’re going to do this in the future.’

**Mr Metcalfe**—No, to be fair, Mr Price, what I am saying is that there may be some facilities which are set aside for people who are screened out, who are awaiting removal, and for those who may be looking at a reasonable period of time there may be different types of facilities and programs.

**Mr PRICE**—I agree with the proposition and I agree with your response. The point I am making is that you have the responsibility now. There are no exemptions in these standards that you worked out with the Ombudsman, are there?

**Mr Metcalfe**—I am not disagreeing with you that we have a responsibility now and we have been working overtime to try to meet those standards.

**CHAIR**—I presume those standards are minimum standards? You are suggesting that in some places you might provide way above them?

**Senator FERGUSON**—Can I ask how much Darwin is going to cost?

**Mr Metcalfe**—I do not have that figure; I will take that on notice.

**Senator FERGUSON**—Any ballpark figure?

**Mr Metcalfe**—Millions, less than \$10 million, I suspect.

**Senator FERGUSON**—More than \$6 million?

**Mr Metcalfe**—Involving the Public Works Committee, yes.

**Senator FERGUSON**—It takes time.

**Mr Metcalfe**—Exactly. Unless it is a completely privately owned structure which is leased by the Commonwealth, because there is that issue as to the terms of reference of that committee. But we are certainly conscious of that and we have stayed in touch with the committee on those issues.

**Mr BAIRD**—Can I follow up on that in terms of the questions that Senator Ferguson has been asking. You plan to expand Woomera and at the same time develop Darwin. Wouldn’t it be better if further expansion were made somewhere that looks less like a gulag in the middle of one of the worst locations in the whole of Australia?

**Mr PRICE**—Only in summer.

**Mr BAIRD**—Is it some bizarre sense of oppression? If you had to choose in the whole of Australia, where would be the worst hellhole we could put these people? Woomera must be up near the top of the list.

**Mr Metcalfe**—Woomera is in many respects a very attractive town. I agree that the optics of the palisade fence was an issue that was debated within government. The reality was that we had 400 people smash through a fence and walk down and occupy the town. These are people who are meant to be in detention. If they are not prepared to comply with reasonable demands then unfortunately we have got to put barriers in place. The issue you are raising is location. The reason that Woomera is there is because we had 4,000 people turn up unexpectedly. We had to put them somewhere. You could say, ‘We will look around capital cities and go through planning processes—

**Mr BAIRD**—I know you may put them there initially, but if you plan to expand it as a place to—

**Mr Metcalfe**—There are no plans to expand Woomera beyond its current size—

**Mr BAIRD**—All right.

**Mr Metcalfe**—apart from, if necessary, we have made some prudent contingency planning across the road from phase 2, so that if 2,000 people turned up next week we would be able to do something very rapidly to respond. The intention is that Woomera will have a total capacity of around 2,000 people. We hope we never get to anything near that capacity.

**CHAIR**—But it will be a permanent location. The question surely is whether that is the best permanent location.

**Mr Metcalfe**—It has a 10-year life span. A lot of money has been invested at very short notice—while in an ideal world you might move it somewhere else, \$25 million worth of taxpayers’ money has been invested in that facility.

**Mr BAIRD**—In terms of seeing them, I was a bit surprised at how absolutely basic it was. There was not a blade of grass at Curtin or Woomera. There were no playing fields, no gym—nothing. People were just standing around aimlessly. Villawood was no different, although it is greener. Having visited Long Bay towards the end of last year, my observation is that the jails are far better on basic standards than these are. I know there are a lot of illegal migrants, but there are also asylum seekers.

**Mr Metcalfe**—I have to agree. We have caught up with the building program and are now able to focus on issues of amenity; however, it is not easy to grow grass at Woomera or Curtin. We will try. Certainly, there are landscape plans.

**Mr BAIRD**—At Port Hedland there were signs of it starting to look okay. It had a better look and feel.

**Mr Metcalfe**—There are active plans to try and soften the environment. The real focus—and this in no way detracts from the need for the detention standards that we have established to be



met—is that the objective is for people to be in detention for as short a period as possible. I am sure that Bob Illingworth can talk to us about some recent arrivals who were processed through everything that we need to do and out in the community in a matter of weeks if they were refugees. It then comes to the issue that Senator Ferguson raised: there is a proportion of people who are not refugees. Return of them to their countries of origin or countries of long-term residence can be difficult if those countries do not cooperate and if the people do not cooperate. The need to have facilities for people who may be with us for a longer time is absolutely crucial. Information, recreational facilities and programs are all things that we absolutely understand and are working on.

**Senator FERGUSON**—Did the Commonwealth build the facility at Woomera? Did the Commonwealth pay for the building of it?

**Mr Metcalfe**—What was at Woomera was basically some disused facilities used by the Australian Army. That formed the nucleus of the centre. Essentially, the first phase was to rapidly bring in some mining camp dongas which you would have seen in phase 1 and then to move on to erect long-term temporary structures which are potentially portable—we could move them—in phase 2.

**Senator FERGUSON**—But they have managed to escape the scrutiny of public works.

**Mr Metcalfe**—It is a temporary facility.

**Mr PRICE**—In terms of the physical standards, we talked about Juliet block. The transcript will show that, although you have not said that it does not meet standards, it is something you want to replace and we all agree it is below standard. Are there any other buildings or blocks in that category which you wish to identify for the committee?

**Mr Metcalfe**—Throughout the entire network?

**Mr PRICE**—Throughout the entire network.

**Senator HARRADINE**—Bearing in mind that we were not able to see what we wanted to see in Curtin.

**Mr Metcalfe**—Again, I make the invitation that if the committee members do wish to go back and spend more time at a facility—I realise your timetables are extremely tight—

**Senator HARRADINE**—That is a great offer.

**Mr Metcalfe**—That is something which is a standing offer. I am sure the minister would endorse my saying that.

**Mr PRICE**—You are aware that, following our visit in Western Australia, the minister was interviewed on ABC radio and was critical of the committee—apparently of either the time we spent at the centre or the time we were briefed by the business manager of the centre and ACM. I did not hear the broadcast.

**Mr Metcalfe**—I have not heard that.

**Mr PRICE**—I thought I would lay that on the table for you.

**Mr Metcalfe**—The minister says a lot of things in the media. In response to the question: are there any other areas? I personally believe that stage 1 of Villawood is not an appropriate facility—

**Mr PRICE**—Hear, hear!

**Mr Metcalfe**—and it is something that we have been struggling with. We want to find a way to ensure that it is replaced. There is a long saga, and I could spend hours talking to you about that. There are firm plans to establish a new, more secure facility on the Villawood site. That was part of last year's budget process as well.

**CHAIR**—We have a division in the House. So I think we will resume at around 3.30 p.m.

**Proceedings suspended from 1.26 p.m. to 3.37 p.m.**

**CHAIR**—We will reconvene. I thought I might exercise the chairman's prerogative and, in the absence of a large number of my colleagues who have not yet returned, ask a couple of questions. The first is a minor, more broad brush question. We talked this morning about handcuffs—plastic or otherwise. I well understand the need to restrain in a violent situation and during police investigations. So that we get a feel for the facts, if I am a detainee with a toothache and I must be taken outside the detention centre to see the local dentist, would I be handcuffed going to and from? I understand that I would be escorted.

**Mr Myers**—Detainees are escorted like that. They are not generally handcuffed.

**CHAIR**—Not generally handcuffed?

**Mr Myers**—From my experience, if you had to be escorted to the court as a matter of law after an incident at the centre you would be handcuffed when travelling to the court, but the handcuffs would usually be taken off in the court. For ordinary escorts—for medical or dental visits—it is just an escort. It is more accompanied than anything else.

**Mr Lewis**—However, there is a risk assessment of detainees. For example, a detainee who escaped very recently and was recaptured may well be considered a risk and, yes, could be handcuffed when going to the dentist. It is not a matter of routine: it is a matter of assessing whether there is reasonable justification or need to handcuff.

**CHAIR**—Who makes that assessment?

**Mr Lewis**—That assessment is made by the ACM officers in conjunction with the DIMA centre manager.

**Senator HARRADINE**—Is it a risk assessment or a high risk assessment?

**Mr Grant**—You could be talking about two things. One is the risk assessment we would do of the way that we manage a detainee on escort. We have another process that we call a ‘high risk assessment team’.

**Senator HARRADINE**—Program.

**Mr Grant**—It is a high risk assessment team; it is called HRAT. It has a particular emphasis towards detainees who might self-harm, but it also covers other forms of risk. The main detainees managed on it are detainees who have a history of self-harming through slashing or whatever. We establish a period of observation—it could be as short as a two-minute observation for someone who is very high risk or an hourly observation for someone who is of a lower risk. For example, unaccompanied minors would naturally go on to the high risk assessment team list to be considered, observed and monitored on an hourly basis at least.

**Senator HARRADINE**—You have a document which outlines this HRAT program?

**Mr Grant**—Absolutely.

**Senator HARRADINE**—Would you be kind enough to provide us with a copy of that in due course?

**Mr Lewis**—Yes.

**Mr PRICE**—I apologise for my lateness.

**CHAIR**—Mr Lewis, we obviously got a number of complaints from people about the treatment they received from your staff.

**Mr PRICE**—Have we finished with standards and buildings?

**CHAIR**—In the absence of anybody else I was pursuing the new issue, but we can go back to that.

**Mr PRICE**—Thank you.

**CHAIR**—We got a lot of complaints about people’s treatment at the hands of your staff. I am talking mainly about the junior staff. I am not so naive as to believe everything we were told is true. But, equally, some of the allegations were so persistent and consistent that most people believe there is some element of truth to some of those complaints.

**Mr PRICE**—I think we need to make the point that the detainees did not complain about all staff, just some staff. I would like to put that on the record. That was consistent at every location.

**CHAIR**—That is right. There were complaints about people being beaten up. There were complaints that, when they had to perhaps put in an application to see DIMA and there was a process to hand forms to whomever amongst the security people, those things were not passed

on. There were complaints about racist comments and general offensive and nasty remarks to people. In any community—and even, God forbid, amongst the members of this parliament—there are occasionally rotten apples.

**Mr PRICE**—None present at the moment; I will clear that bit of ambiguity up.

**CHAIR**—Quite apart from what your standards may be or what you would expect to happen, what mechanisms do you have in place to identify when this happens? Obviously, if a detainee is not being treated properly there are often limited mechanisms for them to get to somebody at a sufficiently senior level where it can be looked at independently. What sort of mechanisms are there for you to find out about people behaving incorrectly and what do you do about those situations when you do find out?

**Mr Lewis**—I believe our staff are well trained and well prepared. We have a well documented staff hand book and code of conduct so that staff are left in no doubt right from their first commencing work with us as to what we expect from them and what our standards are. With regard to detecting inappropriate behaviour, at the first level we monitor every incident report that comes through. From those reports, quite often you will start to see an officer's name appearing. If it starts to appear too regularly, then we start to make inquiries because underneath that we may well find that there is inappropriate behaviour. We also rely on our own management within the centres, and our staff visits and auditing process to pick it up. We also have a grievance and complaint procedure for the detainees where they can write up a grievance and pass it on. I would be the last to suggest that that could not be corrupted if you have officers that are dealing with that.

However, we have the mechanisms in place. Perhaps the most important thing is that, once we are aware of it, we do act on it. We will not—and I have said it before—tolerate inappropriate behaviour. Unfortunately, right at the moment I have a couple of those cases going on and I can use those as good examples. Some of them may not surprise you. Late last week after you were at Port Hedland, an ACM officer who had been deployed over to the centre from another facility, wrote a report saying that she had witnessed an operations manager at Port Hedland assaulting a detainee. On receipt of that information, under our procedure I had the officer immediately suspended, the police called in and our own investigating officer appointed. As a result of that action, as I have been advised this morning, the ACM operations manager has been charged with assault occasioning bodily harm. We will call our own administrative investigation because we rely on the police to do the criminal and we do the administrative, which we will complete fairly shortly. That person will probably not be an employee of ACM, although I do not want to pre-empt the hearing. The criminal charge in the civil court will continue. I had a further case at about the same time of a less senior person using abusive language to detainees. Again that person has been suspended and the investigation is under way. I do not have the results of that yet, but I would not be surprised if, in fact, that is also proven because it is one of those that we have been picking up on the incident reports and tracking along.

**CHAIR**—That second one was reported by another officer?

**Mr Lewis**—Yes, by another officer. So there are two examples there. They are not very tasty examples, but I do use those. They are not the only ones. Whenever they have come up, we will

either suspend the person and investigate, or find an appropriate position for the person while they are investigated and then deal with it.

**CHAIR**—Those two examples you have quoted, where obviously your action is commendable, have both relied on another officer blowing the whistle, so to speak. If I am a detainee and I do not speak English and I do not understand the culture or my rights or whatever, what can I do if I think that there is a group of officers who have it in for me, or who are doing the wrong thing? How does somebody in that environment who does not have the command of English or the understanding to stand up and do something against those they think are oppressing them, really get their complaint across? Presumably the procedure means that they write out a report, but if they do not write English that is a problem for a start—even if they understand the procedure, which may also be another problem. Then it has to go through a particular process and they might be worried about retribution and so on.

**Mr Lewis**—No, I do not believe so. Firstly, they tend to write in their own language. They tend to seal it and then it is passed on through, in a case where they are concerned, to the centre manager who deals with it. An occasional one comes through to my office. It is interpreted and then we put it back through the system and investigate it. Again, if it is extremely serious, such as allegations of assault, we will bring in the police and investigate it ourselves. We have had a few of those. A few of them have occurred, but when we have dealt with them and the police have come in and spoken to the detainees through the interpreters and worked it out, it often turns out to not be as serious as they perhaps considered, but it certainly should have been brought to our attention and dealt with. I cannot think of a case that I am aware of that has not been dealt with.

**Mr BAIRD**—It might be necessary for both sides to have an independent person because it is a bit like complaining to your mother-in-law about your wife—reporting to ACM about a particular officer. I am concerned from their point of view as well, although it is true to say that the report was not all bad. There were some very positive things in terms of Woomera, in terms of Perth. People were quite positive. So I am concerned from their point of view—that allegations can be made and may not be taken up appropriately—but also from your point of view, that is, that there is protection for you guys to have someone independent there to assess the case.

**Ms Godwin**—Kevin, just before you answer the question, I would like to add one other thing about complaints. People can complain to the Ombudsman or HREOC—and do. If they do, the Ombudsman and HREOC will often put it to us either as a formal or an informal complaint. They can do it both ways. We always investigate if something is raised with us. The other thing is that detainees can speak to the DIMA manager—notwithstanding the issue that was raised this morning. Interestingly, in the example that Kevin mentioned about the assault, simultaneously with the officer drawing it to the attention of ACM—and Richard may want to comment on this—Richard had been speaking to that detainee and the detainee had raised it with him. He had said, ‘Do you want it drawn to the attention of the police?’ The detainee had said, ‘Yes.’ Richard was preparing to do that when this other report came in. So, in a sense, even if that had not happened, there would have been that other thing.

**Mr BAIRD**—I hear what you are saying, Philippa. But as Brian Harradine and I have noticed, it was difficult to find the HREOC notices and the ones about going to the Ombudsman. Maybe there needs to be someone specifically for problems in detention centres?

**Ms Godwin**—Sorry, my comment was not intended to answer that particular point. It was just to say there are these other mechanisms.

**Mr BAIRD**—Especially if there are other issues such as difficulties in the centre at Woomera.

**Mr Lewis**—In other areas where we work in correctional centres, we have an official visitor type structure, which is an independent person that comes in—

**Mr BAIRD**—Which is also good.

**Mr Lewis**—and drops in at any time. In fact, they also have roles whereby we call them in. For example, if we are doing a forced move from one location to another, we actually call them in, be it 4 o'clock in the morning or whenever and ask them, 'Would you observe?' And then we do not get complaints about—

**Mr PRICE**—But isn't that one of the problems of the detention centres—not only their remote locality but the fact there is not an external presence in the detention centres?

**Mr BAIRD**—There is a follow-up to that. The priest and the nun, who I thought seemed to be very nice people, when asked at Woomera, 'Who else visits?' said that was it. There is no other church in town. Not that that is the only source but it just highlights it.

**Mr Metcalfe**—I think that the point you and others are making, Mr Baird, is a very good point as to whether there should be someone who is completely independent of the department or the company and is impartial. That is an issue that I think the minister would probably be thinking about.

**Mr PRICE**—I would like to ask about standards—

**Mr BAIRD**—Before we start on standards, I have got one question. I raised with Philippa the question of the screening of the guards. I was very pleased to hear that you actually put them through a battery of psych tests. I understand that 16PF is one of them. When I raised it with my wife, who is a psychologist, she said it was a very good test. Does every applicant go through that?

**Ms Godwin**—Yes.

**Mr BAIRD**—That is good. That is all.

**Mr PRICE**—On the standards of the building, not necessarily the construction, but is there a requirement that they meet the local government regulations and the relevant state law? You can take that on notice if you like. We know that you are supposed to meet the Commonwealth

ones. Could you advise the committee which facilities meet those requirements and, obviously, which ones do not?

**Mr Metcalfe**—We will take that on notice and give you a comprehensive reply.

**Mr PRICE**—In relation to the standards that you have developed with the Ombudsman, firstly, I think that is a good thing. Is there also, as part of that, an auditing process? It is one thing to establish the standards but how are they audited? Secondly, which standards are not being met? Clearly, a number of the standards are not being met.

**Mr Metcalfe**—To return to a point I made in my opening comments this morning, Mr Price, the standards are largely about the services provided by the contractor. It is a separate issue, and a very important issue, as to the capacity or the ability of the infrastructure itself to meet minimum standards for detention. We freely admit that we are dealing with an ageing building stock in the case of Villawood and, to an extent, Maribyrnong and Perth and rapidly expanded facilities, starting from scratch, at Curtin and Woomera. I suppose Port Hedland falls into the former category as well. That was precisely what the government addressed in the detention infrastructure and the agenda in coming times. The standards are very important and are monitored in terms of the performance of ACM against those standards. There are some issues for the Commonwealth itself—

**Mr PRICE**—So DIMA does the monitoring?

**Mr Metcalfe**—DIMA does the monitoring. We can certainly talk to you about how that is done. There is an element of the fees payable to the company that is withheld subject to satisfactory completion of those standards. So there is that sort of performance aspect. In terms of the point you have been driving at, which is: are the facilities appropriate and do they meet appropriate standards? Some probably would; some probably do not, and we will come back to you on that. The key issue is that, to a certain extent, the company have little control over that. It is something that they inherited when they took on the contract. The Commonwealth itself has responsibility for that, and that is something that is being addressed and will continue to be addressed.

**Mr PRICE**—There is the physical aspect, if you like; that is, the health standards and building standards and things like the number of people you can keep in a confined space. There are all sorts of rules and regulations, but the standards with the Ombudsman go to the client—

**Mr Metcalfe**—Service delivery.

**Mr PRICE**—Are we able to say that Port Hedland fully complies with these agreed standards set by the Ombudsman?

**Mr Metcalfe**—I see where you are coming from. To paint a little picture as to how those standards are monitored, there is essentially a quarterly assessment of the centres in terms of their service delivery, so there is a series of criteria which flow from the service standards. Our centre managers are involved in working through and providing advice—

**Mr PRICE**—They were called business managers at every—

**Mr Metcalfe**—Yes. Our centre managers or our business managers. In addition, our people in Canberra would work through the various incident reports that we received in relation to the centres over that period of time, and there is a process gone through in terms of making an assessment at the end of the day as to whether the company has met the standards or not met the standards or met them in some areas or not met them in others and whatever. There are issues that go to the payment of money under the contract as to whether they are meeting the standards or not.

The question you are driving at is: are we the only people who assess that or do others? Last year, Philippa initiated the establishment of a panel of independent experts whom we, the department, can draw upon to provide advice in relation to particular aspects of performance of the contract. They would work for us but they would be advising us as to whether, in their opinion, particular parts of the service standards were being met—be it quality of food, quality of education, quality of medical services, quality of security or whatever it might happen to be. That process is now becoming established, so we are getting more input to our assessment process.

In terms of other people looking at whether the standards are being met, HREOC has had a number of inquiries into this matter. The former Human Rights Commissioner said fairly early on into the contract that he was impressed by the quality of service being provided by ACM and that it significantly exceeded the services that were being provided by the people before ACM. Certainly, HREOC has raised issues from time to time which clearly need to be addressed. In the same way, the Ombudsman has taken a very close interest in this area, and I think it is well known that the Ombudsman will be reporting in the next few weeks on his views about some of these issues. So there is a degree of external scrutiny which may not necessarily inform a DIMA view in terms of our responsibilities for administering the contract but which certainly are inputs to that process and which we certainly take a great deal of notice of.

**Ms Godwin**—There is one additional thing. In a sense there is a dynamic nature to a number of the standards, so it may well be that in a quarterly assessment we will say to ACM that we are not satisfied with what they have done in relation to a particular detainee against a particular standard. I am looking at a page here and there are things in it about detainees' property and how it should be managed. If we believe that there has been some breach there, that will show up in a quarterly report. It is not a flat 'they are met or they are not met' because they might be not met in relation to that detainee for that quarter. In the next quarter there might not be any breaches of that sort. So it moves around.

**Mr PRICE**—But there is a dilemma. You have a contract with ACM, and ACM have some real constraints in operating that contract, which we have already agreed on. But when we sit here as a human rights committee we want to look at what it is the department aims to provide for detainees and whether that is fair and reasonable. We do not, in a way, give a bugger whether it is the department or ACM. If you look at the standard for recreation facilities, we imagine that means that people should have a choice of a reasonable suite of recreational facilities—or schooling, cleanliness or whatever other standard is laid down. You may modify your view by constraints, but clearly there ought to be a standard that we ought to be able to say is being met or not being met. I would put it to you that at a number of centres they are not being met.



**Mr Metcalfe**—We would agree with that. As I have said a couple of times during the day—

**Mr PRICE**—That is clear unsatisfactory, isn't it?

**Mr Metcalfe**—We agree that it is unsatisfactory, but there are some reasons for that, which we were addressing. The point I want to leave the committee with this afternoon is this: some very good issues have been raised and recognised by the committee, and we are aware of them; there may be some that are new, and we will certainly address them. There is a context to this though. It is not as if we started with a series of purpose built detention centres lying empty. We have had to deal with a dynamic, changing situation as quickly as we could. We have been doing that, and we will certainly continue to do that. In the areas the standards are not being met, we are very determined to ensure that they will be met.

**Mr PRICE**—Are you able, on behalf of the department, to indicate when you believe you will reach the point when all the standards have been met? I am not trying to give you a loaded question, by the way.

**Mr Metcalfe**—I do not want to appear to be cagey at all but, if I am going to answer that question, I would like to satisfy myself about all of the centres, for example, in response to the issue that we have discussed a fair bit today: J block. As we discussed, no-one will be in J block until is refurbished unless there are absolutely extenuating circumstances. At this stage I am of the view that it would meet the standards in terms of basic accommodation. When will J block be refurbished? I will need to get advice on that. In the same way, we have had a view for some time that Villawood stage 1 needs to be demolished and replaced with a new centre. There were plans to do that. When we have actually completed that new centre, we will be in a position to say, 'Yes, the standards are being met to our absolute satisfaction'. There are shades of grey throughout this area, but I just want to keep repeating that there is a commitment to improvement.

**Mr PRICE**—What about the other issues like cleanliness, people receiving adequate clothing and the recreational, educational and child-care standards?

**Mr Metcalfe**—Many of those issues are capable of being addressed. If they are issues, they are capable of being addressed far more quickly.

**Mr PRICE**—I will put it another way. Would it be appropriate for the committee to develop a view that we need to define these standards a little bit more tightly?

**Mr Metcalfe**—I accept that the standards are more qualitative than quantitative in their nature—that was a quite deliberate decision taken by the people who framed the standards: the Ombudsman and others. Isn't your question: should we be more prescriptive about what the standards are—that may be part of the answer—and are they being met? If they are not being met, why aren't they being met and how quickly can they be met? Some issues such as infrastructure may take some time, depending upon what needs to be done. There are other issues, such as making sure that meals are nutritionally balanced. I think we believe the meals are nutritionally balanced and that various standards are being met. But if there are problems, smaller issues or more immediately deliverable issues, I would expect them to be fixed immediately or very quickly.

**Ms Godwin**—May I make another comment? I think one difficulty is that, in some respects, the standards are a framework and it is not necessarily a static situation. For example, children are required to have educational opportunities. That clearly varies from centre to centre. You have not yet seen Maribyrnong, but it has no school facilities in the centre because it is relatively small. So, if there are children, they are in small numbers and they usually go out to school. Because Curtin is a fair distance from Derby, it is clearly not practical to take large numbers of children into Derby to school. Therefore, the school facilities have to be in the centre and we expect ACM to provide them.

The question of whether standards are being met is variable, depending on the circumstances of the population from time to time. For example, if there were no school facilities at the Maribyrnong centre and children were not being taken out to school, that standard would not be met. But the question of how the standard is met and whether it is met in relation to a particular detainee at a particular time is variable. That is why standards assessments are conducted on a quarterly basis. For example, we could say at the beginning of the year that the standards are being met in relation to a particular group of detainees in a particular centre. However, if there is some change in the population three months later or some change in the needs of a detainee that has not been responded to, it would constitute a failure to meet the standards. Once you get beyond the physical stuff, the assessment and how standards should be met have a more dynamic nature.

**CHAIR**—Many of us were particularly concerned about the treatment of women and children and the impact of detention upon children. Regardless of what the parents may have done—right or wrong—being locked up for a long time in the environments that we saw will clearly not have a positive long-term impact on the children, many of whom are obviously quite young. It is probably particularly hard on many of those kids to see other kids come in and leave relatively quickly while they have been there for a year or whatever. I suppose the general question arises: is the department looking to do anything about that situation? You might want to defer that question to the minister when he comes to talk to us in a couple of weeks.

The other question is: what about giving some special treatment or service—whatever word you want to use—to kids within detention centres? I direct that question to Fulvio as this particular issue was raised while we were at Villawood. I will repeat what we were told; I do not know whether it is true so I will ask the question. We saw a separate compound and block for women and children—which was clearly a lockable, secure compound—within the overall centre. We were told that, within the compound—we did not tour it; I think we walked past it—there were no real facilities for children to play, no equipment and things like that.

**Mr PRICE**—Toys.

**CHAIR**—Toys, swings or whatever. Often, therefore, when they came out of having their evening meal, which I understand was probably at about 5 or 6 o'clock, the women and the kids were told that they had to go back to their block. They were not allowed out wandering around the general compound, and the play areas are in the general compound. Therefore, these kids were told, 'You've got to go back to the women's and kids' block and you can't play.' They were required to stay there until the next morning.

I do not know whether that is true, and I am not suggesting you brought the rule in. But it seems to me that, if that were the case, with a bit of sensible administration and management of those things life could be made a bit easier for some of those kids without any real adverse impact on security. It was frequently suggested to us that the kids had to have the same food as the adults. I have teenage stepchildren at home, and I had my family a few years ago as well. I know a child often does not have the same appetite as a mature age person. If they go to the canteen and basically one menu fits all, clearly that can be a problem, particularly for younger children. I would be interested in comments, whether from Fulvio or anybody else, on that particular issue.

**Mr Metcalfe**—I might make an initial comment and then Fulvio will pick up the detail about Villawood. You mentioned the treatment of kids. I assume it is more the issue of their being detained as opposed to any specific issues of their treatment or mistreatment.

**CHAIR**—I think there are two questions. The first is whether they should be detained—that is one issue. The second is whether you go to what I understand is practised elsewhere, where the women and children are given the option to be outside. Also, even if they choose to be inside and they are given the other option, it is about their actual treatment within the thing. I am not suggesting people are raping them, beating them up or committing criminal acts; I am talking about what we would regard as normal, sensitive behaviour with young kids who are not there through their own fault, whatever their parents may have done.

**Mr Metcalfe**—There are several layers to that. I will take the first bit, Philippa might take the second and then Fulvio will possibly take the third. The long-term detention of children is an issue that we are obviously very conscious of. Under the migration regulations, it is possible for a child to be released from detention if it is seen to be in the best interests of the child. However, the advice invariably is that the interests of the child are best served by being with the parent or parents of that child, and the law requires the parents to be detained. At the moment, in the way that the law stands, that is usually the situation. As we have discussed this morning, and we have not touched on processing times yet—

**Mr PRICE**—Can I be clear on that. If we have a child who is being traumatised and the medical advice is to get them out, you do not have the discretion to consider whether the parents should be released as well to effect the keeping of the child outside of the detention centre?

**Mr Metcalfe**—I will take that on notice to make sure I am absolutely correct, but my understanding is that—

**Mr PRICE**—It is just the child. If you would take it on notice, that would be fine.

**Mr Metcalfe**—There are separate arms within that regulation that deal with the release of people from detention who may be suffering for medical reasons, such as very old people suffering as a result of torture, trauma or whatever. The intersection of a child and parents who are also eligible is probably quite rare. The usual response that occurs in relation to the question, ‘Why not let the children out?’ is, ‘Yes, if it is in the best interests of the child, if it is not in the best interests of the child to be separated from their parents and if there is no provision for the parents to be released.’ That is the current law. But, as I said, to be precise I will check it.

On the issue of alternative models, the minister has had a bit to say lately and I suspect may well talk to the committee about these when he sees you in a couple of weeks time. There has been some publicity about the so-called Swedish model of detention, which is quite different to an Australian situation. The Swedes have got about 16,000 asylum seekers arriving there per year. They only detain very small numbers and usually detain those people if they are basically about to remove them from Sweden, even though Sweden really is only removing them to the neighbouring country. They are not doing much more than that. I think there was some interesting observations and lessons around that. There are a number of issues that, if you were to release women and children from detention, any person is going to have to consider in constructing such a model. For example, were you to release them from detention, what sort of care arrangements would be provided and what facilities might be available in the proximity of the detention centre if, in fact, there is a male parent who is still detained? What sort of visitation rights and contact between the family should occur? Should they be in some other form of looser detention perhaps and what is our duty of care in that situation? What is their responsibility? What if something happens to the child?

**CHAIR**—You are asking all the questions I am asking.

**Mr Metcalfe**—Precisely. I think there are a number of issues that we are certainly thinking about and I know the minister is thinking about. He may well be in a position to elucidate further on that issue in coming weeks. On the next level of questions that you asked—what can we do at the moment within the centres?—I might ask Philippa to talk a little bit about what is able to be done. On the specific issue where there are some facilities in Villawood which may arguably need enhancing, I will ask Fulvio to talk.

**Ms Godwin**—Just in general terms, the standards talk about the requirement for the service provider to assess the individual care needs of detainees and those with special needs. Clearly, women and children, or particular children, are detainees with special needs. As I say, that is our requirement and we do spend quite a lot of time talking to ACM in individual centres and in contract management discussions about how they are doing that. How are they doing the assessments and how are they identifying special needs? What are the management plans and programs in place to address those? I would not for a minute like to suggest that there are not things that we could do more than is already being done, or that there are not individual detainee children where there are questions about whether we have put the right sort of program in place for that child. There are also instances where we can clearly point to particular management plans to address particular difficulties.

The question that we have been looking at most recently, particularly as we have got through the basic infrastructure question, is whether we can do more in some of the centres to create within the centre separate areas, particularly for women and children, or for families with children, depending on the particular needs at the centre and whether we should designate particular areas as family areas. You will probably recall that in Woomera as we work through the provision of internal fencing, the proposal is that the area where the schoolroom is and so forth, at the end of the main compound, would be identified as the family area, so that single men would be in another area and that would be the family compound. It is the one with the school in and it is the one with the play equipment and so forth.

Fulvio will talk in detail about Villawood, but there is an immediate issue with Villawood which is that the area that was the area where women and children were has in fact moved and the area with that big open square, which in a sense was more suitable for children and so forth has now been refurbished as a higher security area and the women and children have moved. That has happened only recently and I do not think we have really got to the point of getting all of the things in place that we should have.

The general question you asked about whether there can be freer flow between the areas is one that bears looking at. Consistent with one of the obligations in here is that, where children have got their parents in the centre, it is the expectation that the parents will take responsibility for the children. Clearly we do not want the children to, in a sense, be cut adrift even from their parents within the centre. But there have been some particular reasons in the past in Villawood—although I am not sure whether the population in there at the moment is quite the same—where the background of some of the women with the children has been such that there have been security requirements about keeping them separate from the main compound, just because of their background and what they have been doing in Australia. I am trying to be discreet. Fulvio might talk in more detail about that.

**CHAIR**—We met the Tongan lady with six kids and one on the way who had been here for 17 years or something like that.

**Mr PRICE**—Philippa, is it according to the standards, or higher than the standards, that a mother at, say, Woomera, should be able to give a child a cold glass of milk on a summer evening or a biscuit at night to settle them? Is that possible?

**Ms Godwin**—It is hard to achieve that at the moment in Woomera stage 1, phase 1, because of the nature of the accommodation and the fact that essentially all the dining areas are in that single area. If you recall the new accommodation, which we will hopefully move into within a matter of weeks, at the end of each of the accommodation areas there is a small communal area where there will be a refrigerator, a sink and those sorts of things. It would be possible then to do exactly what you are talking about.

**Mr PRICE**—It is not being done now?

**Ms Godwin**—I do not think so.

**Mr Myers**—When the committee visited Woomera we had a discussion about that. Subsequent to that visit we reinstated a small supper pack for families, especially for those people who had children, so that they could take something with them or it would be delivered in the evening. That was something that was considered very seriously and we took that up with the centre. We are now able to provide those suppers for the families.

**CHAIR**—There is no question that there was a fairly general complaint at a number of locations, particularly in respect of kids or women who were perhaps feeling a bit off colour, that you really had to go a long way to the dining room; you were discouraged or disallowed from taking food back to your room; if the kids were not all that crash hot, or were just young, they had to walk a long way in the heat; and there was none of that sort of refreshment in the

evening which, particularly for women and kids, is probably appropriate. So I am delighted to hear you have done that.

**Mr Lewis**—However, Mr Chairman, while you were in Woomera I watched the evening meal being served and I asked why they were being allowed to take large bundles of food back to the dongas, which is something that, as you know, we had discouraged. It was because there were families that they did not want to have to trudge all the way down in the heat, so they had made arrangements for that to happen. That was actually happening while we were in Woomera.

**CHAIR**—That is good. In other places we were told that was not allowed because they did the muster as people went in and out of the dining room.

**Mr Lewis**—That is correct—we do the muster as they come in and out of the dining room. The other thing we have to be very careful of is that if we open the door too far, or allow it to be pushed, we end up with a lot of food going back into those dongas and then we end up with real health and hygiene problems.

**Mr Grant**—Health, hygiene and vermin problems.

**Mr Myers**—Mr Price asked about whether they can get a drink of cold water for their kids. Throughout all of those accommodation areas there are chilled water drinking fountains that people can go to.

**Mr PRICE**—I am not trying to be a bastard, John, but I tried the unaccompanied bubbler because I had asked about it. To be frank with you, it was dirty and the water was lukewarm. I do not think it was particularly hot that day, or not as hot as it gets, but I would not like to drink warm water out of a bubbler.

**Mr Lewis**—It was about 38 degrees.

**Mr PRICE**—That is fairly warm, and the cool bubbler had lukewarm water.

**Mr Fabreschi**—I can only speak for Villawood. As Philippa said, there is a dynamic with the children's population. To give you an idea, last month we had 21 male minors and 18 females. Now we have 18 male children and 16 female children. There is an ongoing dynamic with that that intrudes on education. The female quarters are predominantly for working women. To my knowledge, there is only one instance where there is a female there that has an infant child with her. All other females that have children are out in the general population. Therefore, they can avail themselves of not only the child-care facility that is undertaken by Sugra Nixon but also the primary school facilities by Kylie Farraday. We take them on a regular monthly excursion. Every evening supper is provided for all of them.

**Mr BAIRD**—A Tongan lady said that after the meal served at night at six o'clock the playground was not available for the kids. It sounded a bit tough. The guards prevented—

**CHAIR**—She had six kids. After 6 o'clock she was told to go to her room and take her kids with her. That was the import of what she was saying.

**Mr Fabreschi**—She is not in the female quarters. She was in the general population. My understanding is that she was heavily pregnant.

**CHAIR**—Yes, she was.

**Mr BAIRD**—She was talking about taking the kids to the playground. She said that after the meal at 6 o'clock she could not take them to the playground.

**Mr Fabreschi**—The only concern there would have been the supervision of the children if she could not go with them.

**Mr BAIRD**—Can I ask a general question on children. Andrew is coming back. The question is why you cannot let the children—I know it is a problem at Curtin—go to the local school. I understand there is a problem in state governments not allowing it to happen. One of the things that stand out in my mind was Curtin, where they had four girls that they said were particularly bright. They were trying to provide ways of stimulating them. They were terrific girls, bright and knew English. I thought it was a dreadful pity. Obviously if there is a scheme where the women and children are able to leave the facility and stay outside then that partly could be resolved. It just occurred to me that we could have them, where possible—Woomera, Port Hedland, Villawood and Maribyrnong—go to the local school.

**Mr McCormack**—I was there just after you and I spent 2½ days there. I met the four girls. Their English was not the best. But there was one teacher for the four girls.

**Mr BAIRD**—No criticism. I thought those people you had there were pretty good and very nice people, the three teachers.

**Mr McCormack**—I am agreeing with you.

**Mr BAIRD**—It is a problem at Curtin, but at the other places why don't we allow them to integrate into local schools? Through no fault of theirs, their education is being held back, and their social development. Even though I thought the teachers were good and the atmosphere was a very good one, the conditions at Curtin were pretty awful.

**Mr Myers**—I know from our experience at Woomera that there were concerns because of the new arrivals in identifying who would be acceptable to go into the community. There is a lot of community apprehension—

**Mr BAIRD**—I am sure that is true.

**Mr Myers**—about taking 30 or 40 kids into a school and no-one knows about them. There are certain language barriers that have to be overcome there. But, if you could overcome some of those things, it would be a positive thing.

**Mr Metcalfe**—This goes a bit to the discussion we were having earlier, I think, which is appropriate facilities depending upon length of stay. For example, for those people who are in the process, through the process and out, there may be one set of things that are appropriate. For

people who have exhausted remedies or are in very lengthy processes who are going to be with us for some time, quite possibly there may be other facilities involved.

**Mr BAIRD**—These four girls, as I understood, were in that latter category.

**Mr Metcalfe**—Yes.

**Mr PRICE**—Do you have benchmarks for processing?

**Mr Metcalfe**—Yes. Certainly, if you want to move onto the processing issue, we can talk about that.

**Mr BAIRD**—I think that is a very good question. That is one of the most significant questions to be asked, and one of the reasons why there is a problem, in terms of advice to people who are in there, because they have got no idea. I understand, having talked to Philippa at length, the problems of individual variations, checks, et cetera, that go on.

**Mr Metcalfe**—I will ask Bob Illingworth to talk about that.

**Senator HARRADINE**—That is fine, but there are a number of questions that I have in respect of education of children.

**Mr Metcalfe**—Sorry, Senator Harradine, I was just going to say that some issues that would be considered in terms of whether kids could go into a school in the community would be the obvious ones about initial processing, particularly health checking. We have seen typhoid cases just in the last week or two, and while typhoid is of itself not a particularly communicable disease, so I am advised, it requires some certain conditions to occur. The health department have now told us that we have to mandatorily test all new arrivals for typhoid which requires a certain period—

**Mr BAIRD**—It fits in with your concept of the two.

**Mr Metcalfe**—Precisely. So having said that, those are the sorts of issues you would need to look at. Sorry, Senator Harradine, I just wanted to make that point.

**Senator HARRADINE**—Thank you. You can be assured that when we spoke to the women, for example, in Curtin, we raised the question of how the detention affects the children. I know they were from various backgrounds, but one observed the tears in the eyes of some and they were very concerned about their children and the odd behavioural manifestations which were caused by stress and the like. I will be very happy to see Mr Ruddock when he comes, and there are all those questions you raised in regard to splitting up the families and all that.

I would like to ask a few questions about the children. Also, we should not forget the initial period where they feel absolutely isolated. For example, we had one person who had been in detention for 40 days. He had taken 25 days to get here, and he and his son had not been able to contact his wife. She would not have known whether he was dead or alive.



**Mr Metcalfe**—Just on that very specific point, we are aware of your interest in that particular case, and I think Philippa may have some material that she has passed to the chair on that.

**CHAIR**—I actually raised it with the manager on the spot and also briefed Philippa during the travels. This afternoon she handed me a response to that and a couple of other specific issues that I raised which I will obviously copy and circulate to the committee.

**Senator HARRADINE**—Thank you, Mr Chair. On the children, did I hear somebody say that there were three professional teachers in Curtin?

**Mr BAIRD**—I saw three.

**Senator HARRADINE**—Were they three employees of the firm contracted by ACM?

**Mr McCormack**—I do not think we have any teachers as employees ourselves. We contract that side of it.

**Senator HARRADINE**—What are the qualifications of those teachers? Is it the job of one of the teachers to coordinate detainees to act as teachers?

**Mr Lewis**—I will have to take that question on notice, Senator Harradine, and get back to you.

**Senator HARRADINE**—I would also like to know the number of hours per day and days per week that children spend in formal education in that centre and the other centres.

**Mr Lewis**—If you are agreeable, I will take that question on notice. I can start running through the statistics. For example, in one month at Woomera there were 30 adult females, 180 adult males, 52 unaccompanied male/female minors, 124 students, averaging preschool one to four, 28—with a total of 414 students enrolled for the month. We will put those statistics into a table for each of the centres.

**Senator HARRADINE**—Yes. Could you also indicate whether they are taught according to the Australian curriculum?

**Mr Lewis**—Yes, I can answer that now—but we will confirm it later. They are taught against the state standards.

**Senator HARRADINE**—In respect of English, the extent of the—

**Mr PRICE**—Can you elaborate on that point? I asked about accreditation in schooling and was told ‘No, it is not accreditation.’ The answer was ‘We try to follow the curriculum.’ But when we are talking about the curriculum, we are interested in whether they are getting a full dose of education daily. Are you doing the best you can within the constraints of a detention centre environment, but not delivering the full measure of education? That is the issue.

**Mr Lewis**—I will confirm that answer later. May I highlight the fact that we cannot compel these people to go to school in the camps?

**Mr BAIRD**—That is a different question. We are talking about what is available and the curriculum provided.

**Mr PRICE**—We will take any information you can provide.

**Mr Metcalfe**—We will provide as fulsome a response as possible.

**Senator HARRADINE**—As to the question of teaching and training in English, people would obviously be interested in that if they thought they had a shot at staying here.

**Mr Fabreschi**—We have an English as a second language teacher and she teaches in both stage one and stage two.

**Mr PRICE**—There were complaints about a lack of exercise books and materials, so it will be useful to have information about what students are provided with to assist their studies.

**CHAIR**—In considering your answer, I think you have to say, 'If I am a detainee, I have kids with me and we want an education, what is available if I speak English? What can I do if I am keen and what can my kids do if I decide I want them to be educated? If I do not speak English, what happens to me if I want education?' It is not just a question of education being available: there are three teachers, depending on the numbers. What happens if I am a detainee and I want my kids to be in full-time education, for argument's sake? You can argue whether or not that is a reasonable request, but I am trying to get a handle on what we deliver in individual cases.

As I understand it, the majority of people who go to detention centres ultimately get through the system and are released into the Australian community. Therefore, I might make the judgement that there may be a case for holding people in detention but, if they are ultimately successful—they are not criminals and all the rest of it—they are entitled to be treated reasonably while they are in detention. I do not deny that there are crooks, robbers and bad people who should ultimately be shipped out—I am not arguing that case. I am saying that, if the majority of detainees are ultimately accepted, they are entitled to be treated quite reasonably, with the expectation that they will go into the community. Therefore, I want to understand what facilities are available. You may not be doing that at the moment for all the reasons that we talked about in respect of the buildings, but we want to know where we are heading.

**Mr Metcalfe**—We will certainly give you a very full and detailed response. In broad terms, the answer is that it is being done. Certainly, many in the current population we are seeing are successfully obtaining protection visas. In earlier days we saw populations who were not qualifying for protection visas. We will give the committee as comprehensive a response on these issues as we possibly can.

**Mr BAIRD**—Fulvio, one of the advantages of you being here for Villawood is that you do not have to be fully accountable, seeing that you have only just arrived there. But I have to say that I was pretty unimpressed by the standard of the place. I thought it was grotty, dirty, there

was water all over the floor and there were mattresses slung over the floor. I think we saw 32 beds in one room.

**Ms Godwin**—This is stage 1?

**Mr BAIRD**—Yes.

**Mr PRICE**—Can you tell us what would pass local government and state regulations, and what have you?

**CHAIR**—Also, Bruce, while you were out, Mr Metcalfe made the point—

**Mr PRICE**—So you are taking that one on notice?

**CHAIR**—that they regard stage 1 at Villawood as unacceptable and to be pulled down or replaced.

**Mr Metcalfe**—I have been wanting to pull it down for some time. That is another aspect.

**Mr PRICE**—Could I talk about medical facilities?

**Mr Lewis**—Mr Price, we would like the opportunity to answer the question of why stage 1 was wet, dirty, with paper strewn around and generally in a state of disrepair.

**Mr PRICE**—Is it different to what you told us?

**Mr BAIRD**—The detainees, I understand, might have helped the process a bit to give a bad impression.

**Mr Lewis**—They knew you were coming, and my understanding is that they tore up the paper, they got the hoses, they threw the water around and they pulled the mattresses off the beds.

**Mr BAIRD**—I understand that. But underneath—

**Mr PRICE**—Even with all that, it is still grotty.

**Mr Lewis**—I am not saying it is good. I want to just make the point.

**Mr PRICE**—There was a general complaint at every detention centre about the difficulty of getting dental problems seen to. Could I ask about the contract? Who bears the cost of dental work? Is that an add-on, or is it met within the overall contract?

**Ms Godwin**—I would have to take the details on notice, but I think that up to a certain level it is just part of standard treatment. If the treatment goes beyond a certain level or amount it is an add-on. We have had people, for instance, who have been on kidney dialysis or who have required hearing aids, cancer treatment or major dental work.

**Mr PRICE**—Are there any disincentives in the contract for the operator in sending people out for dental work or specialist treatment?

**Ms Godwin**—I do not believe so. I know this issue came up in relation to Port Hedland, and we specifically checked that. We can check all the other centres as well. At Port Hedland, as I understand it, there are two dentists in the town. One is a private dentist and one is employed by government. ACM routinely makes appointments for people with the dentist in town, and people have to wait for an appointment, understandably. If it is an emergency they try to get them into the government clinic. Over Christmas, when the dentist was on leave, ACM actually flew a dentist up for four days to ensure that people who were awaiting appointments or treatment could get it.

**Mr PRICE**—Are there statistics you can give us about the dentistry, like reporting the delay?

**Mr BAIRD**—The delays in each location?

**Ms Godwin**—I do not know that there are statistics. We could probably look at people's individual records. It is clearly the case that, if somebody needs an appointment with a dentist and it is not an emergency, they may not get an appointment until there is an appointment available. That might be two days or it might be a week or two weeks, depending on the availability of the dentist's time.

**Mr PRICE**—Senator Harradine and I were greatly—but not exclusively—interested in the administration of drugs. We were reassured, and I am not disputing this, that any administration of drugs—other than Panadol, or what have you—was always authorised by a doctor. The doctor, in authorising it, has both an ethical and a legal responsibility to that patient, which has been well tested in law. Do you have a protocol for the doctors you contract that they are required to see a patient who is unknown to them within a certain time of authorising the administration of drugs?

Let me give you a civilian example. In a hostel or a nursing home, different GPs have a range of patients. It is not uncommon for the supervisor to ring and say, 'Doctor, patient X is exhibiting this, and I think this is what is required. Do I have your permission to administer it?' They administer the medication, and either the next day or on a routine visit the doctor will check that patient—and they are familiar with the patient. That is the essence of what I am trying to get to: what is the protocol at detention centres, where doctors authorise the administration of drugs remotely rather than actually seeing the patient?

**Mr Myers**—In Woomera's case, because we have a doctor on the staff, the doctor would as a matter of course see the patient or review the case and the notes to see if that prescription needed to be continued.

**Mr BAIRD**—What they said at Port Hedland, though—

**Mr PRICE**—No, not Port Hedland.

**Mr McCormack**—In Port Hedland, if the doctor is not at the centre, they are on call. So there would be no need to do that.

**Mr PRICE**—You have just lost me. You say that there is no need to do it.

**Mr McCormack**—There would be no need for the doctor to give a remote prescription.

**Mr BAIRD**—That is what they said at Port Hedland.

**Mr PRICE**—That is how they got the authorisation.

**Mr BAIRD**—They got the authorisation by phoning up. They did it over the phone.

**Mr Myers**—I think you need to keep that in context—that is after hours, when the doctor is not there or there is some emergency. That is when you do that over the phone.

**CHAIR**—But the doctor only comes to Port Hedland for a limited number of days.

**Mr PRICE**—And Villawood as well, I think, is limited.

**Mr Fabreschi**—We have two doctors at Villawood: Dr Greenwood and Dr Amir.

**CHAIR**—The first one that you have just mentioned got outstanding praise from a number of the detainees. It is a lady, isn't it?

**Mr Fabreschi**—Yes.

**CHAIR**—You should pat her on the back. We heard very complimentary remarks about her.

**Mr Fabreschi**—She is the doctor responsible for stage 2. Because of cultural issues, we cannot use her in stage 1, which is all male. Therefore, we are obliged to use a male doctor.

**Ms Godwin**—Can I make a comment about Port Hedland. I understand the question that is being asked, and we will specifically check exactly what the timeframes are. My understanding is that the doctor attends the centre at least three days a week for a set clinic, if I can put it that way, and is also available on call. So the doctor would come back to the centre at other times. My understanding, from talking to the nursing supervisor and the staff while I was there, is that from time to time it is necessary to get an authorisation from the doctor at night.

**Mr PRICE**—Yes, I got that information, too.

**Ms Godwin**—My understanding is, if that is the case, the doctor then attends the next day to see the patient and to confirm the medication and the treatment.

**Mr PRICE**—I am very interested in establishing—

**Ms Godwin**—That is what I will check, but that is my understanding from the conversation I had with the nursing staff there.

**CHAIR**—On the health front I would like to make one point. We were warned by somebody from DIMA or ACM quite early on that a lot of people were unhappy about the treatment—when they were sick they were given a Panadol and told to drink water. You were not wrong, because we got that complaint quite frequently. I am not disputing that that may not be the right thing to say to them. Clearly the message has not got through to large numbers of detainees. What I am saying is that I think you might want to give consideration to a much more effective communications program in that respect. There is, quite clearly, widespread concern amongst the detainees when they think they are ill and they are told to take a Panadol and drink a glass of water. In their psyche and with their background, they do not understand why you would say that, other than the fact that it is inadequate treatment. The message has not got through. I am not complaining; I am making a constructive suggestion.

**Mr PRICE**—I would like to put on the record that they consistently complained of the difficulty of getting in to see doctors.

**Mr Myers**—Yes, they did.

**Mr PRICE**—It is a serious issue of concern to us. If that can be checked out in some way, I would be very grateful. I was surprised to find in Port Hedland that, with mosquitoes being a problem there, you have to go to the medical station to get sprayed. Is that correct?

**Mr McCormack**—No.

**Mr PRICE**—They get issued sprays for mosquitos?

**Mr McCormack**—If they go to the medical centre and ask for it, they will get it. But it is put in the common rooms at the ends of the block, either in bulk or in tubes.

**Mr BAIRD**—They claim they do not get it. The women were showing people all the mosquito bites they had on them and the children.

**Mr PRICE**—Some of the children, yes. At Woomera, I understand you have a rat and a fly problem. The inmates claim they did not get fly spray.

**Mr McCormack**—At Woomera?

**Mr PRICE**—Yes.

**Mr Myers**—At Woomera, there is repellent.

**Mr PRICE**—Yes, that is what I am talking about.

**Mr Myers**—My experience is that there was repellent at every officer's station. It is just a matter of saying, 'I need it,' and it gets issued. That is how it works.

**Mr Grant**—They take heaps of it.

**Mr McCormack**—It is there. It is freely available. There is no-one saying, ‘We’re not going to let you have it.’ Again, maybe there is a communication problem.

**Mr PRICE**—There does seem to be some variability in the centres about this point system. Did you develop the point system at DIMA, or is this a contractor initiative?

**Ms Godwin**—Are you talking about points for work?

**Mr PRICE**—Yes. Spare points for immigration would be great—I will have some of those!

**Ms Godwin**—I certainly get points deducted anyway. I think that system certainly predates me, and I do not have any personal information. I do not know whether Greg does. If not, we will have to take it on notice.

**CHAIR**—Perhaps you could take it on notice.

**Ms Godwin**—Yes.

**CHAIR**—There is no doubt that there appear to be great variations in the value of points at different locations.

**Ms Godwin**—Yes, that certainly came across.

**Senator HARRADINE**—For example, I think it was 60 points for restaurant duty at Woomera and 28 at Curtin—or vice versa.

**Mr BAIRD**—In terms of work, one was 160 a week and one was 60 a week, so there are inconsistencies.

**CHAIR**—All right. If you could take that on notice, we would appreciate it.

**Mr Metcalfe**—We will.

**Mr PRICE**—Are there 11 or 12 hours of work available a day for an inmate, or is it more restricted? What can someone do? I suppose to DIMA there is also the issue of people having access to a phone. The inmates were quite insistent that if they had no money they could not make any phone calls.

**Mr McCormack**—They are detainees.

**Mr PRICE**—Involuntarily and administratively detained persons—how is that? There has to be an acronym for that.

**Mr Metcalfe**—Richard might like to answer Mr Price’s last question.

**Mr Konarski**—In terms of Port Hedland, if a resident does not have sufficient funds, we will offer them a free phone to use to contact their lawyer or organise for their lawyer to contact

them. Alternatively, ACM can provide them with a phone card. So there is access in those terms, even though they do not have money.

**Mr PRICE**—So, if someone arrives there destitute, they will be allowed to make—

**Mr Konarski**—Normally, depending on the circumstances, we would pay for an overseas call, for example. We would give them access to a DIMA phone so that they can make an overseas phone call if they wish to somewhere down the track. But we give them access to phones to contact their legal representative, or we will organise their migration agent or representative to call them and do it that way. We will facilitate access. Similarly, ACM have a policy of providing a phone card in those cases.

**Mr PRICE**—Is there one phone call and that is it? Is there a limit?

**Mr Konarski**—There is no fixed limit as such. There is no general rule, no. It would be reasonable access more than anything else.

**Ms Godwin**—It may well be that it does not stretch to unrestricted phone calls for people who just want to ring friends or contacts that they have. In the examples that I am aware of, if someone has not got the funds for a phone card themselves, we make the phone available to them if there is a family emergency, if it is to contact a lawyer or a migration agent or if it is something of that nature. If it is simply for a phone call to a contact somewhere, that may be obviously restricted. If someone says, 'I could not get a phone call,' that may well be true in that sort of circumstance.

**Mr PRICE**—In a given month at each centre, what would be the value of the free calls allowed to detainees?

**Ms Godwin**—I do not know. We could have a look at the phone records.

**Mr Metcalfe**—We could see whether we can desegregate the phone records for the centres. We will make an honest attempt to try to do that.

**Mr PRICE**—I get confused about which centre, but I am sure the point was made that, at least at one centre, if you had only \$5 it could be the case that ACM was selling only \$10 or \$20 phone cards and that was it. I do not have the transcript, but that was a complaint that we received.

**Mr BAIRD**—Was it Villawood where they said it was only sold in the canteen, they were there for only a limited time, and you had to have the exact money—so they made it as difficult as they could? I think it was Villawood.

**CHAIR**—I thought it was Hedland, but I remember the point. Essentially, the person who had the cards just made it damn difficult to buy. You may have only \$10 and you want to buy a \$5 card, and when you ask they say, 'We've only got \$20 cards available' or whatever. I suppose what all of this comes down to—and some of these might seem fairly petty points—is that, in each of the centres, there was nobody who could sort out all the petty irritants that were going on around the place. Maybe people were inventing or exaggerating isolated instances or



whatever. With a lot of the points that were being made, I would have thought that the ACM staff would be the people you would turn to and say, 'My kid's got mosquito bites, can I get some spray?' And you would expect it to happen—

**Mr Grant**—It does happen.

**CHAIR**—or, 'How do I get a phone card?' and there would be some regular availability of a reasonable range of phone cards or whatever.

**Mr Fabreschi**—With phone cards, at Villawood they are sold at the conclusion of every meal, and there is a range of \$5, \$10 and \$20 phone cards.

**CHAIR**—I think it was at Hedland where that came up. The general thing I am getting at with all these minor things is that it seems the ACM staff are not being particular helpful. I am not saying that they are doing things wrong, that they are doing things illegally, or that they are behaving badly. They may not see it as their role and maybe it is not their role, but there needs to be somebody in each facility who can be helpful. I remember coming to this country as a migrant, and I went into a migrant hostel, which was far less intimidating than the detention centres. If I had been asked, a week after I got there, all the details of the things that I had been told on the day of my arrival, there is no way I would remember. I was in a strange country, I had a wife and kids, and we were worried about what was going to happen to us. In my case, I was worried about where I was going to get a job and that sort of thing. In the case of these people it is a different issue.

I have never lived in an institution like a migrant hostel. I almost went to Villawood but I finished up in Eastbridge, I think it was called, in Nunawading in Victoria. I went initially to Coogee and then down to Victoria. What I am saying is that it doesn't matter what the systems are, what the notices on the wall are or whatever. When you are in that sort of environment, you do not absorb it all. It seems to me that you almost need a welfare officer—to use an old phrase—or someone of that sort who is available to sort out the little niggles of life.

**Mr BAIRD**—It is true. I am interested in people's backgrounds, and I asked several people on my way around what they had done before. People seemed to have been predominantly at detention centres, they had been security guards, they had worked in hotels as bouncers and so on. So that is the atmosphere, and these people probably see it that way. But it seems to me that there needs to be a bit of TLC from a few people with social work-type backgrounds.

In terms of the mentality, the mentality seems to be detention and that is how they are going to be assessed and if people escape and so on. Fine. Obviously that has to be a key criterion. No-one is trying to decry that and I think you do that very successfully, so it is no put-down. It just seems to me there is something lacking in terms of showing interest, being able to access inquiries. If these people end up going through into the Australian community, they could turn into a lot of bitter, twisted people if they do not get a bit of better treatment.

**CHAIR**—To give you another example, if you talk about telephones—I am not talking about the initial period. I think at Curtin we were told there were two telephones for 800 or 900 people.

**Senator HARRADINE**—There is one, incoming.

**Ms Godwin**—There are two incoming lines at Curtin and four public phones for external use.

**Senator HARRADINE**—I am sorry. I have written it down here. I will see what the transcript says.

**CHAIR**—One of the points that was made to us was that, because there are limited lines to that number of people, you queued like hell. That in itself, given the general atmosphere and people are going to be on edge and all the rest of it, often caused difficulties and frustrations and friction.

**Senator HARRADINE**—And the location of those phones.

**CHAIR**—At Villawood there were three phones, as I recall, in the old stage 1, on the wall, a couple of feet apart from each other, virtually in the open air—

**Senator HARRADINE**—No privacy. In the corridor.

**CHAIR**—If I come to this country as a genuine refugee and I understand that I have got to be secured for a period of time while you check me out and all the rest of it, nevertheless, I have standards. Not all of the detainees are going to have the same living standards or behavioural standards as me but, on the other hand, it seems to me you are really forcing everybody down to the lowest common denominator. Let us take Villawood as an example. I am not having a go at you at all and I am not talking about any individuals; I am talking about process and environment. I do not see why after several months—it is a long time since we have had the sudden rise and so on, so numbers is no longer the issue in the same way— it is not possible to have those phones at least in a covered area where people can have a degree of privacy on the phone, and perhaps have more phones.

**Mr Metcalfe**—There are quite a few points for us to talk about. We can talk with Bob Illingworth later. The unauthorised arrival who is in fact found to be refugee, providing there are no issues that have to be worked through in terms of character, security or health or whatever, is frequently through the process very quickly. That does not excuse the fact that the phones are inadequate or improperly positioned or whatever. I have already talked about my own concerns about stage 1 at Villawood and the fact that it is something that we are working on.

There are a number of points that came through that discussion about the attitude of ACM staff, the qualifications, welfare officers—

**Mr BAIRD**—I do not want to go too hard on that. I am just saying that is their role of detention.

**Mr Metcalfe**—I was going to ask Mr Lewis to perhaps talk about that, because I think that is an important issue for us.

**CHAIR**—Yes, I agree.

**Mr Lewis**—There are also quite a lot of welfare officers, and there is a welfare officer in each of the areas as well.

**Mr BAIRD**—Is there? We never found anybody that was called welfare officer.

**Mr Lewis**—In Woomera Alley Crace, who is at the door, is the welfare officer. She is the one who could tell all about the bits and pieces around the centre; she is very well educated in it.

**Mr BAIRD**—Is it only Woomera?

**Mr PRICE**—That was not the activities officer, Mr Lewis?

**Mr Lewis**—No, the welfare officer. They are in the others as well. They organised that. All of the staff are trained in looking after the detainees. Correctional officers' whole training is to look after the prisoner or detainee, treat them with respect, provide a humane environment and so on. We have already mentioned earlier on that there are bad apples in every barrel. There is no question about that.

**Mr BAIRD**—Yes, that is true.

**Mr Lewis**—I would not be surprised at some of the things that come up. There are perhaps some apples we have not found yet in the barrel. Maybe they are not rotten enough to get at yet. I am a little surprised that some of the things I am hearing about are widespread. I am assuming from what I am getting from the committee that these things are very widespread and not limited to some. I can pick up some of them and my people here at the table—not even knowing who you spoke to— could actually put names to people who would raise some issues which were particular to them and not necessarily widespread. I come back to the staff and the small amount of wandering around that I get to do. I do not see this sort of stand-offish anti-detainee attitude. I just do not see it.

**CHAIR**—They are hardly likely to do it when you are wandering around, with the greatest of respect. They did not do it while we were wandering around.

**Mr PRICE**—Let me give you an example, Mr Lewis. I left Villawood early, at one o'clock, thinking that it would have been finished by then. I saw a detainee, as I was exiting, who was not treated with any disrespect but he wanted to access some of his property. He had to attract the attention of someone that he could not see to come to see him, and he did. Then he had to poke his bit of paper through a wire and then that guy went away. He came back and, for understandable reasons, the person who is the custodian of the property was not there and the bit of paper gets poked back through the wire. That just physically creates an intimidating atmosphere.

**Mr BAIRD**—There were stories also about how—

**Mr PRICE**—You can say that that is pissant and, in a sense, it is but it just all adds up to the atmosphere of the place and that we can do some things, I think, to loosen it up a little bit.

**Mr BAIRD**—There is the story about the complaints and having to go to some central office. When they were there some people would speak to them, ignore them and turn their backs on them. There were a number of them who corroborated that type of deal. I think it was at Villawood, but I cannot be sure.

**Mr Lewis**—I think you are aware that we have a detainee committee which operates in each of the centres. They meet regularly with the centre manager and the DIMA managers and, again, they get an opportunity, as a representative group, to bring the issues forward. I would hope those issues get addressed, and certainly in the minutes that I see, although I do not see all of them, I believe they are. The comment was made about them being pissant things. I do not treat them as that because in the people business the important things are the little things. The big things tend to get addressed and it is the small ones that cause the problems. Yes, you can be assured that I am very concerned about the small things like the phone cards, the mosquito repellent and so on because that is what it is all about.

**CHAIR**—I would make the point that I think we had 13 meetings overall, and certainly there were variations. There were perhaps particular issues at Port Hedland amongst one of the groups—Juliet block became quite a dominant issue. Obviously Juliet block was not an issue at Villawood and other things came up there. Clearly, there were local issues and, I think it is fair to say, there were significant differences between those groups who had not been there in the respective detention centre for very long compared with those who had been there for a long time. We all understand why there were those differences. But, nevertheless, having said that, we are trying to give you some practical examples of a lot of the things, rather than just making the sweeping statement that it is unacceptable. We are trying to give you some practical examples of the sorts of things that are said. One can pick up an individual thing and perhaps examine it to death, even knock it on the head or explain it away. But we felt that the stories quite often were so consistent across most of the centres, if not all of the centres, with all these different groups, that the consistency meant that there had to be some substance to them. That is what shook us as much as anything.

**Mr BAIRD**—It is also fear of intimidation. In most areas that we went to people came up to us afterwards concerned about ACM getting access to the transcript and whether they knew and would they find out who made the comments. I suppose that is a paranoid reaction and it is not unknown in politics. To be honest, considering all, the overall review was not that bad, but there were a number of areas that did come out. I think Peter's comments are valid.

**CHAIR**—At one of the locations, one of the ACM staff said to one of our members as we came out of a detainee meeting, 'When do we get our chance to tell our side of the story?' Today is partly about that—to make sure that it is balanced—but also let me make a personal statement again: I do not think there are many members of this committee who would want to be working at the type of work that your staff do. I am talking to Mr Lewis and to a lesser extent DIMA. You people are out in those compounds a lot of the time, often with difficult people and in a difficult environment. I would not want to be an ACM staff member or a DIMA staff member at Woomera, Hedland and, frankly, even less at Curtin. The staff at Curtin are living in exactly the same sorts of conditions as the detainees. I would like to move on to a different area,

bearing in mind that we are interested in processing as well as environment. I would like to talk a bit about processing time.

**Mr BAIRD**—Should we have a separate one with immigration people on that issue because it really is not an ACM thing.

**CHAIR**—Are there any other issues for ACM?

**Mr PRICE**—You were going to give us information. If you remember, you were going to give us a snapshot of every centre. I was also interested in the throughput of every centre.

**Ms Godwin**—That is right. I have given the secretariat a bundle of tables, which show the total number of detainees as at last Friday and where they are up to at stage of processing. There is one set of tables that we have not yet been able to pull together because it means actually doing—

**Mr PRICE**—They are on their way.

**Ms Godwin**—Yes. I have to apologise; I had forgotten about the throughput question so we will add that and give it to you.

**Mr PRICE**—We have not raised a couple of issues that were raised with us, for instance, the woman and detainees with only the clothes they were standing in.

**Mr BAIRD**—Yes, that is true; there were a number of comments about that. At Woomera they claimed—

**Mr PRICE**—And also at Port Hedland.

**Mr BAIRD**—A number of them claimed that they were given no issue of clothes and that they had to root through the garbage bins to find their thongs. Unless it was a set-up and they chose those people specifically to try to give a false impression, they certainly did not have flash footwear or clothes. But that is by the by. One woman was claiming that in Port Hedland they had to wash out their clothes every night because they had only one set.

**CHAIR**—Was that at Port Hedland? I thought it was at Woomera.

**Mr BAIRD**—No, do you remember that woman who was sitting in the front row?

**Mr PRICE**—I am sure it was Port Hedland; she was a Moslem.

**CHAIR**—You are right.

**Mr McCormack**—Perhaps I could speak on that. It is just not true. I am sorry but it is just not true. At every centre we have stocks of clothing that are available to people and they are given to people freely as part of our contract requirement. There are systems by which detainees can order clothing from stores in town.

**Mr PRICE**—And pay for them themselves.

**Mr McCormack**—Detainees, in the main, have clothing put away in the property office for after they get their visa—clothing they do not wish to wear in the desert, which you could understand. Thongs are the footwear they wear.

**Mr PRICE**—Is there any checking? We are getting into a difficulty. The detainee says one thing and you are saying another. Is an inspection done of each quarter just to see that there are in fact two sets of clothes?

**Mr McCormack**—No, you would not do that because that is far too intrusive. But when a detainee comes to a centre, his or her property is catalogued.

**Mr PRICE**—I think there was a claim at Villawood that that was true for their property but not their passport, that they were not given a receipt for their passport.

**Mr McCormack**—That could not be so. Valuables and accountable documents must be by number, by person, and then that is secured in a secure wallet.

**Mr PRICE**—There have never been claims that property has been lost in the property office?

**Mr McCormack**—Yes, there have been lots of claims.

**Mr BAIRD**—Are the women provided with Western clothes only?

**Mr McCormack**—They can make their own.

**Mr BAIRD**—They may be able to make their own, but when they arrive are the women provided with a pair of shorts, a T-shirt and a pair of thongs or a Western style dress that they will never wear? Eighty per cent of them are from the Middle East. We have been talking about their food issue but what about their clothing?

**Mr Fabreschi**—They may well wear their chador outside, but when they are inside a lot of them do dress in European dress. Notwithstanding that fact, Sister Helen, who is responsible for the distribution of clothing at Villawood, is quite happy to assist any of these ladies.

**Mr BAIRD**—But if they are off a boat and they arrive at Port Hedland, all Western clothes are distributed?

**Mr Fabreschi**—Yes.

**Mr Myers**—In saying that, when we go through the suitcases that they all come with, invariably they are full of Western clothes as well—they bring those types with them. The women wear their traditional garb when they are out in public, which is part of their standard.

**Ms Godwin**—I would like to make a couple of quick comments. It would presumably be possible to provide the committee with a couple of suitably anonymous examples of how the

clothing is assessed when it arrives and whether people have been given clothing. That obviously will not give you an answer to some of the issues that have been raised, but we could give you an example of what people bring with them and what they have been issued with so you can get a feel for that, if that would be helpful.

The other point, which we touched on this morning, is that as part of our general monitoring of arrangements in the centres we are moving into more external checks and the occasional spot check, if I can put it that way, whereby—to use this sort of thing as an example—we might ask someone to have a look at the clothing arrangements in every centre or a couple of centres, or something of that sort. At the moment we essentially work very heavily from individual incident reports and the quarterly assessments we do. What we are looking to do is supplement that sort of assessment with other inputs.

**Mr Metcalfe**—Almost an internal audit type of approach.

**Mr BAIRD**—I think that is worth while. Do they have the ability to buy clothes as well? We had a claim from the people in Perth—I do not know whether it was a separate group that gathered around after our formal meeting—that the price they have to pay for them was very high, as opposed to if they were to buy them at a second-hand place.

**Ms Godwin**—They can buy their own clothes. I do not know about the prices. Maybe it would be worth getting a few examples from each of the centres for you.

**Mr BAIRD**—It varied a bit, but it was obviously a big issue in Woomera with the men and in Port Hedland with the women, who were crying frequently—and it may be a cultural thing—about the clothes.

**Ms Godwin**—There have certainly been examples in the past—I would not like to say they are current examples—where someone has said, ‘I asked for additional clothing and it was refused.’ That may well have been true, but when we have checked back through the detainee’s record what we have found was that they had been issued with three sets of clothing or something of that sort—

**Mr BAIRD**—They did not like them.

**Ms Godwin**—Within a very short period they have come back and said that they want some more. That is all perfectly understandable in a preference sense, but it may not actually be that they have not got adequate or appropriate clothing.

**Mr BAIRD**—Yes, I understand that, but it may need a bit of tightening up, as Roger said, in terms of the standards so that when people come in they are formally ticked off as having been given three sets of clothes and that is it.

**Ms Godwin**—It may well. That is why I am saying that if we got a few examples from each of the centres that would perhaps give you a bit of a feel for it.

**Mr PRICE**—Can I have some elaboration on the disappearing property that is secure. When people come in, you take a catalogue of their possessions, you secure most of it in the property

section and give them a receipt. I asked if any of it had ever disappeared and you said yes. That is the elaboration I need.

**Mr Lewis**—Yes, we have had some difficulties at Villawood with property. Some money and valuables have disappeared. A camera and a few other items have been lost. On each and every occasion when that has occurred, irrespective, we call in the police. A number of slip-ups have occurred in the procedures that have led to that. We have reviewed the procedures a number of times, and I might also add there very quickly that in the case where something goes missing from the property while it is in ACM's possession then we replace it. If money goes missing, for whatever reason, and we believe it is our responsibility, we pay it. The detainee is not affected by it.

**Ms Godwin**—There are also instances where people have lost stuff as they have been transferred between centres—a bag, clothing or something of that sort goes missing. ACM and we do everything we can to avoid that, but it does happen and that is all there is to it. When that happens, as far as I am aware, as Kevin said, it is replaced. The times when it is difficult is if it is something that is not replaceable—if someone loses, for instance, photos or something like that in a bag, that is obviously extremely distressing to the detainee and, in a sense, there is no way to make that good. The other thing is that things do get lost in the mail. We have had instances where, in one case, a detainee's passport went missing in the mail and, despite strenuous efforts on the part of us, Australia Post and the couriers, we have not been able to locate it and we have had to try to seek another one. Things do go missing and if people have said to you that they have lost things, that is possible.

**Mr BAIRD**—The other thing raised with us by a few people about when they are actually deported is that they do not have the opportunity, when they have been living outside and are then brought in as an illegal migrant, to go back and get some of their property that is out there. They are just sent straight off.

**Ms Godwin**—That would essentially be the compliance caseload in Villawood—that is people who have been in the community and have been picked up.

**Mr BAIRD**—Yes.

**Ms Godwin**—Generally speaking, we try to give people 48 hours notice or more of their impending removal, in which they should have time to contact relatives, friends or whatever.

**Mr BAIRD**—If they have been here for a number of years—and some of them we struck have been here for 16 or 18 years and—

**Mr PRICE**—Twenty-one.

**Mr BAIRD**—they have been suddenly shipped off and they have a house full of stuff—

**Mr Metcalfe**—Yes. I might just see whether Greg Kelly could assist on this because, having been regional director in Parramatta which has an active compliance activity, he might be able to describe a little bit more about how we actually handle this.



**Mr PRICE**—I can attest to that.

**Mr Kelly**—The opportunity is given for many of the detainees to be given notice, in terms of their removal from Australia, to give them the opportunity to make arrangements—either through friends, relatives or through somebody on their behalf—to pack up goods and chattels and sell things if necessary. We have had people who have had cars, furniture, et cetera, that they need to dispose of before removal from Australia. Obviously, the opportunity of releasing them into the community to do so—

**Mr BAIRD**—I understand that.

**Mr Kelly**—They would have been released on a bridging visa if we had been able to trust them. If not, that is why they are in detention so they are given every opportunity to make suitable arrangements. It would be rare that they are given less than 48 hours notice of an impending departure and, certainly, very rarely in relation to compliance field locations which are the ones who are likely to have been into the community for quite a number of years.

**Ms Godwin**—Can I clarify that 48 hours notice is of the specific time of removal? For example, that the plane is booked and it is for Monday next week or something of that sort. Generally speaking, most of those people would know that we are making arrangements to remove them well in advance of that specific, ‘We’ve got the plane booking and it’s two days from now’, or whatever it is. I guess that people would have a bit more notice. The question is whether people take advantage or that or whether they hope, right up to the last moment, that it is not going to happen.

**Mr PRICE**—In relation to telephones, if a view was formed that we needed to, for example, provide privacy for individuals because, after all, some of them are talking to their lawyers and the courts get very sensitive about people’s access to lawyers so it may be mandated. I have forgotten how many we have got at Villawood but let us say we decide the appropriate level is to double it. Does DIMA pay for that or does ACM pay for it? Who controls the number of phones at each establishment?

**Ms Godwin**—I think it is us. Can I make a couple of points? Generally speaking, if someone needed to talk to their lawyer what we would encourage them to do is to get the lawyer to call them. That is, they ring the lawyer and ask them to call back. We would try and get them into one of the interview rooms or something of that sort so they could have a private conversation.

**Mr BAIRD**—They complained at one of the centres—again I think it was Villawood—about the noise. They cannot hear and they have to rush down early in the morning because of the time differences when anybody calls somebody overseas.

**Ms Godwin**—Certainly in stage 1, if you recall where the phones were, that is true and it is not something we regard as desirable. In the rebuilding of stage 1, hopefully we will be able to do something a lot better than that. It is less of a problem in stage 2, except in stage 2 the phones are a bit more exposed in the sense that they are like public phones on the wall of one of the buildings so that is not particularly desirable either.

As part of the refurbishment of that whole area, or the redevelopment of Villawood Stage 2, there has been someone looking at the whole communications and acoustics thing. Nobody has raised it but by way of comment I think there was discussion when we were there about the noise from the public address system—

**Mr PRICE**—It was bloody terrible. If you did not think you were in a gaol you certainly knew after that.

**Ms Godwin**—It dates back to the days when it was actually a migrant hostel and—

**CHAIR**—You can see what we used to go through.

**Ms Godwin**—but we have had an acoustics engineer in there looking at that to see if there is something better we can do. It is a spread out facility so there is that question of how you make contact with the people.

**CHAIR**—Can I raise a totally new issue before we specialise on the DIMA side, and when we do that—

**Mr PRICE**—Just on the phones, my colleagues probably would not agree with me, but you do have computer facilities there. I think Internet access on one or another—

**CHAIR**—That is what I was about to say.

**Mr PRICE**—Sorry, Chair.

**CHAIR**—It seems to me that a number of the problems that we are talking about are about people's access. We have not mentioned it here but it was on the list. People complained about lack of access to information, just newspapers but what is going on in the world or their part of the world or whatever, and the ability to get messages in and out. I am talking about people who are legitimately entitled to have communication. It seemed to me that a lot of the problems could be overcome if things like Internet were available and certainly a lot of the people we talked to thought that would be a great idea. A number of them suggested it. Obviously there is a cost associated with that and so on. Has any thought been given to that? What is ACM's reaction to having a few Internet sites?

**Ms Godwin**—I do not know if it has previously been looked at. I cannot remember who raised it with me when we were on the way round. From the conversations we had, I have listed a few things that we are taking a look at.

**Mr PRICE**—That was a private conversation.

**Ms Godwin**—Pardon me?

**CHAIR**—Were those the conversations where you have the microphone up my right nostril!

**Ms Godwin**—I am not reporting the conversations; but if, as part of the conversations, there was an idea that we should look at—

**Mr BAIRD**—As Andrew said before, it might be according to which group we were talking to—the long-term ones more than the short-term ones.

**Ms Godwin**—Yes, indeed.

**Mr Metcalfe**—It is certainly a good suggestion and something that is on the list. An issue that we have been grappling with within the department and, indeed, will be promulgating next week is Internet access for all staff and the access of appropriate and inappropriate material on the Internet. If we move down that path, there are issues—

**Mr BAIRD**—Absolutely appropriate.

**Mr Metcalfe**—of how you can appropriately censor—and I use the word advisedly—access to particular sites to ensure that it is being done out of a respect for those people around you. In doing that, we will obviously be mindful of a range of issues.

**Senator HARRADINE**—Just to set the record straight, although I have noted in Curtin one incoming phone for 900 persons, I accept what Philippa has said and I will change that. Also, the specific complaint about a person with no money being unable to have a telephone call was actually first raised in our Curtin discussions, and the first time that collective punishment was mentioned was at Curtin as well. There were a number of detainees who were quite bitter about the approach taken by the management on collective punishment. For example, at Curtin there was no sugar or tea for three days. Those who obviously regarded themselves as innocent of any wrongdoing or misdemeanour were pretty bitter about that.

**Mr Metcalfe**—I am sure Mr Lewis or his colleagues will say something on that, but the guidelines for detention standards are quite clear on the issue of collective punishment. There shall be no collective punishment, withholding foodstuffs or what you have just described. We would regard that as being completely inappropriate and the subject of great concern, should it have occurred. I am sure Mr Lewis or his colleagues will no doubt take up the issue, whether they believe it has occurred or not.

**Senator HARRADINE**—Again, I add this qualification: I could be wrong twice. I have written this down, but I would like to have a look at the transcript.

**Mr BAIRD**—Was that what was said?

**Senator HARRADINE**—Yes, it was.

**Mr BAIRD**—At Port Hedland?

**Senator HARRADINE**—No, it was Curtin—poor old Port Hedland.

**CHAIR**—My recollection is that it was said in the context that there had been a disturbance not long before we went there, that everybody's movement had been restricted more than it would normally be restricted—there was the tea thing, as Brian said—and that these restrictions and so on were applied not just to those who were suspected of being involved in the incident but right across the board. People who had nothing to do with it were effectively suffering along with those who had been involved in the riot. As I recall—again, it will be in the transcript—there was an allegation that somebody who was actually trying to separate a couple of combatants got clobbered by the staff as if they were guilty. That was a separate issue. But there was definitely this thing that everybody was being penalised because—I was going to say the 'camp'—the detention centre was in lock-down mode, if you like, and that disadvantaged the innocent as well as the guilty. That was the allegation. Apart from talking to people, we did not actually get a chance to see a lot at Curtin.

**Mr Godwin**—Yes.

**Mr Myers**—In any sort of disturbance, there is a certain amount of discomfort that everyone wears while you get things back to normal.

**CHAIR**—This was for three days.

**Mr Myers**—Sometimes it takes three days to identify the perpetrators and separate them out. It might be a slight disadvantage, like 'Stay in your certain areas' or 'We do not want everyone mass moving'. There is a certain amount of discomfort, but our goal is always to get any centre back to normal operation as quickly as possible with the least amount of disruption. If you have been wandering around and have not had any problems for a period of time and then you suddenly have a disruption to normal routine, people might see that as a collective punishment when it might be just a little bit of a disruption to routine while we settle a particular part down. I hear what you are saying, but it is not our philosophy or practice to collectively punish people as a whole. I certainly cannot speak for Curtin and what happened there.

**Mr PRICE**—Apart from isolating people, who makes the decision to transfer a person from one centre to another and against what criteria?

**Mr Myers**—It is a joint decision; we would have an impact on it. If we saw a health or security reason to move a person, we would make a request to DIMA. In the past DIMA have always asked us to explain in full detail what benefits would accrue to everybody involved in the transfer and have required the case notes involving that detainee to show the reasons for the transfer. In some cases they have declined to approve the transfer; in other cases they have agreed to it.

**Mr PRICE**—I ask DIMA: what criterion allows you to approve some over others? Do you have a criterion?

**Mr Godwin**—There is a set of criteria—again, I am sorry Mr Hollis is not here because I am about to use the phrase he does not like. It is essentially about operational requirements in the centre. We would take advice from ACM very seriously. If they advise us that, in order to maintain the good order of a centre, it is necessary to move a group of detainees, we would take that advice very seriously. But we would certainly ask them questions such as: why do they

believe it is necessary and have they thought about the consequences of that move? Some moves are more straightforward than others. If the operational requirement is essentially around the needs of a detainee—moving someone for health treatment or bringing a family together, which we have done—

**Mr PRICE**—They are easy to understand.

**Mr Godwin**—That is right. Those criteria are essentially easier because they are about the individual detainees and the appropriate place for that detainee to have their needs met. For moves that are about managing the centre and the good order of the centre there are no specific criteria. It would be a matter of consultation between us and ACM about what would enable the best management of that centre and, if we did indeed move people, whether that would impact on the management of the centre to which we moved people.

The context of all of this, of course, comes back to a point that Mr Metcalfe made this morning, which is that the Ombudsman, in consultation with us, has made the point on many occasions that, to the extent possible, it is our responsibility, as a matter of duty of care to that detainee and to all of the other detainees, that these matters should be managed within either the individual detention centre or the network of centres and that we should only transfer people, for example to a state corrections facility, as an absolute last resort. That is something that we endeavour to do absolutely. We do sometimes transfer people to state corrections facilities, but we try to keep that to an absolute minimum. In the absence of moving someone to another facility outside our network, moving people within our network is sometimes the best option.

**Mr PRICE**—I am not going to belabour the point but I am surprised the Ombudsman has not sought for you to establish some formal criteria. The ones about the family and about health I understand.

**Ms Godwin**—This is an area of ongoing discussion between us and the Ombudsman, and that may well be something that we could pursue.

**Mr PRICE**—The people on hunger strike were seen as being real threats to the good order of a centre?

**Mr Grant**—No.

**Mr BAIRD**—We were told that was the reason they were transferred.

**Mr Grant**—No.

**Mr BAIRD**—The guy that got all the publicity with his child about going up to Port Hedland claims it was because he was on the hunger strike.

**Mr Lewis**—No, he went there because he was identified as being one of the ringleaders in stirring up the disturbance in Villawood. The so-called hunger strike in Villawood was not a classic hunger strike. They barricaded themselves inside the recreation hall and refused to come out. They had women and children in there and every time we attempted to try and take medical evaluation to the women and children they had razor blades at their throats. He was very much

in the middle of that. There were a number of others in there as well that were moved, but they were not moved because they were hunger strikers—absolutely not. In fact, a hunger strike is not a problem. Hunger striking is very easy to manage.

**CHAIR**—I am conscious of the time and I know that some of my colleagues need to go and get aeroplanes, so we will adjourn. We have asked the vast bulk of questions we have or are likely to have of ACM, but if we think of any others in the next few weeks we can put them in writing. I thank Mr Lewis and the ACM team for coming; it is very much appreciated. It is far better to have a face-to-face and talk about some of these issues than for us to write and for you to then reply. This is very important, but I know you have other concerns, pressures and priorities so I very much appreciate your time. As I said before, I think nobody on this committee would want to have to work for your company—and that is not a reflection on your company; it is the nature of the area in which you function. We do understand the difficulties. I thank the DIMA people for coming. Greg, where are you based?

**Mr Kelly**—Canberra.

**CHAIR**—Richard, I think you can go back on holiday and then to wherever it is you are going after that. Mr Illingworth, you are in Canberra?

**Mr Illingworth**—Yes.

**CHAIR**—Andrew, if it is all right with you, we might arrange a time in the next sitting week when we can have a further session with the Canberra based DIMA people and go into the processing times and some of the issues of principle.

**Mr Metcalfe**—Absolutely.

**CHAIR**—I am wilting now, but you are not human, you are a public servant, so you could go on all night!

**Mr Metcalfe**—We are not allowed to wilt, Mr Chairman.

**CHAIR**—We will arrange a date for you to come back and talk to us again. Thank you all very much indeed.

**Mr Metcalfe**—Thank you.

**Mr McCormack**—Mr Chairman, I wonder if I could come back to you on the joy of working for ACM. Also, I am sure committee members are aware of the fact that their going to a centre was seen as a chance for complaints to be heard. If you had broadcasted the fact that you were going to hear the good stories, then you probably would have heard a few of those, too. I have been working for the company for 11 weeks. I was given a good look at the company before I accepted the position, and I am overwhelmed with the attitude and the way in which the staff work. I needed 50 officers to go to Woomera full time; I was given 98. I have asked for a couple of officers to go to Curtin full time; I have got over 60. The officers are really keen to be seen to be doing things, and they do get job satisfaction out of being with and operating with the detainees.

**CHAIR**—Thank you for that. If I lose my seat at the next election, I will come to you for a job.

**Mr Lewis**—Mr Chairman, thank you for allowing us to come and attempt to answer your questions, it is very much appreciated, and also for the recognition of the staff. I agree with you, but I am very proud of them. Thank you very much.

**CHAIR**—Thank you.

**Committee adjourned at 5.46 p.m.**