



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON PUBLIC WORKS

**Reference: Maribyrnong Immigration Detention Centre - Additional accomodation  
and related works**

MONDAY, 7 MARCH 2005

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**JOINT STATUTORY COMMITTEE ON  
PUBLIC WORKS**

**Monday, 7 March 2005**

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

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

**Terms of reference for the inquiry:**

To inquire into and report on:

Maribyrnong Immigration Detention Centre—Additional accommodation and related works.

**WITNESSES**

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**Committee met at 10.12 a.m.**

**CHAIR**—I declare open this second public hearing into the provision of facilities for the Maribyrnong Immigration Detention Centre—additional accommodation and related works, Maribyrnong, Victoria. The project was referred to the Public Works Committee on 9 December 2004 for consideration and report to the parliament. In accordance with subsection 17(3) of the Public Works Committee Act 1969:

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

The committee will now hear evidence from the Department of Immigration and Multicultural and Indigenous Affairs.

[10.14 a.m.]

**DAVIS, Mr Steve, First Assistant Secretary, Unauthorised Arrivals and Detention Division, Department of Immigration and Multicultural and Indigenous Affairs**

**LAVERS, Mr Warwick, Director, Infrastructure Projects Section, Department of Immigration and Multicultural and Indigenous Affairs**

**McKIRDY, Miss Lynn, Manager, Detention Services and Travel, Department of Immigration and Multicultural and Indigenous Affairs**

**WILLIAMS, Mr John, State Director, Victoria, Department of Immigration and Multicultural and Indigenous Affairs**

**CHAIR**—Welcome. The committee has received from the department answers to questions on notice. Does the department wish to propose any amendment or provide any additional material?

**Mr Davis**—Yes. In particular, the answer to question 4 that we provided answered the question but I thought that it might be useful to put it in the context of the total numbers of people who had been through Maribyrnong during that financial year, so we have provided a supplementary answer which gives a little more information. There are 12 copies. Unfortunately, we omitted the attachment that was referred to in the answer to question 6.

**CHAIR**—I noticed that.

**Mr Davis**—We have here the attachment for that particular question. We indicated that we would seek some supplementary information on one aspect of question 9, about the size of bedrooms in particular in comparison to prisons or correctional facilities, and we provide some supplementary material on question 9.

**CHAIR**—I now invite you to make a statement in support of your submission and relevant to some of the other evidence that the committee heard at the first hearing.

**Mr Davis**—Firstly, I thank the committee for the response on the request for concurrent documentation and assure the committee that we will not go to any tender process until such time as the matter is concluded by the Public Works Committee. I do not want to add a lot to what we said previously. The thrust of the issues that arose in our previous hearing went to the available space and whether in the circumstances 50 additional units of accommodation were feasible in that space. We do have some preliminary advice from our architects—which we want to confirm before we forward it, but we will do that in the next few days—which have advised that the available space within the existing facility is likely to be increased by using spaces that are not used at all or that are underutilised space. The increase in the space available could be up to 50 per cent on top of the existing used space. That includes the administration building going out the front, using car park space which is essentially not used; the family area, which will be using space behind the buildings; and a reduction in the sterile zone.



We also believe that the enclosed space could increase by around the same amount, up to 50 per cent. Our architects have estimated that—and, as I said, we wish to work this through with them and confirm it—once we do the reconfiguration there could be almost a doubling of accessible space for detainees in the facility. In conclusion, as we stated at the previous hearing, based on our architectural advice and the pressures that we see on the existing facility, the department consider that an increase in the occupancy levels or beds available is important to the department to deliver government policy as we are required to. The increase is available in the sense of the space of the site, and through better use of the space of the site we will be able to accommodate that.

In particular, I have asked Mr Williams to come along today to talk as needed about some of the demands put on Maribyrnong from the compliance and broader perspectives of airport management and so forth, which are the drivers for the need for additional space. Other than that, we do have some more information on various aspects of what was discussed at the last hearing, but I am happy to provide that follow-up in writing. But the key issue for us was what I have just gone through in terms of space, in terms of previous discussions.

**CHAIR**—During their evidence, the Asylum Seeker Resource Centre people were fairly concerned about crowding on the current site. You might like to correct me on this, but I am sure that during the inspection I was told that the visitor centre could accommodate up to 50 people. Was my understanding correct?

**Mr Davis**—Yes.

**CHAIR**—And that organisation was surprised at that. On page 43 of the transcript you can see their comments on that. A number of issues were raised by Mr Karapanagiotidis. He asked: if you cannot provide basic access and proper facilities now with the number you have then how are you going to do it with 50 more people? He went on to talk about a number of issues which relate to the overcrowding situation, and one was the length of time people spend in the facility. He talked about one man who spent 40 days in the isolation unit, and he also talked about the length of time people stay in the facility. There seemed to me to be quite a number who stayed for longer than two, three or four weeks. Do you want to comment on that?

**Mr Davis**—We indicated previously that around 70 per cent of the people who come into Maribyrnong depart within the four-week period. Indeed, the statistics that I have just given you supplementary information on indicate that, for the financial year 2003-04, only around 25 per cent or 26 per cent of people are there for longer than four weeks, so the statistics that we provided to you reinforce the information we previously provided. The reasons people are there for longer do vary. The department does not deny that there are people there for some considerable period of time. Usually, people in those situations are people who are appealing processes who may not want to leave. Particularly if you are talking about six months or more, people may be held in Maribyrnong who may have a link with or a reason for being in Melbourne as opposed to perhaps being held in Baxter, which would be our preference.

**CHAIR**—The point I am making here—and I do understand the difficulties confronted by you in trying to manage this, where you obviously have more people than you have satisfactory places to accommodate—is that it is a worry that some people, according to Mr Karapanagiotidis, are there for one to three years. He estimates that a quarter spend between six

and 12 months there and probably about 10 per cent spend one to three years there. He said that a handful of people that the ASRC are acting for have spent two to three years there.

**Mr Davis**—I would dispute those figures in terms of the size of the concern that he has raised. I believe we indicated at the previous hearing that only a handful of detainees had been in Maribyrnong longer than six months at the moment. I do not have the exact statistics here but it is certainly true, as we said, that the statistics, as we see them, are that 70 per cent go within four weeks. There are a number who will take several months. One of the families in there at the moment is an example of that. They are a Tongan family for whom we require documents and it takes some time for the system to provide those documents to them. It takes longer than four weeks. We would expect that it would take less than six months and consideration is being given to moving that family to Baxter while we are waiting for those documents. With respect to the people who have been in Maribyrnong the longest—and I may have to ask Miss McKirdy to comment on them—there are certainly reasons that those people are there. They are in very small numbers. Perhaps if I get the exact statistics for the last 12 months to you so that—

**CHAIR**—Have they not been provided in this new set of data you have given?

**Mr Davis**—No, we have only provided the statistics for 2003-04 for those staying over four weeks. I did not break it down further into six months or further blocks, but I can do that.

**CHAIR**—Even if only 10 per cent of people are there for long periods of time, given the conditions that we saw children living in, it is a very unsatisfactory situation now for children.

**Mr Davis**—In terms of children, we have a particular focus that anyone who is not able to leave fairly quickly is offered the opportunity to move to the residential housing project. That is indeed what has happened with the family of six who are there right now. Unless there is a medical type issue—there is one child in the centre at the moment who has a medical type issue where treatment in Melbourne is important—then we would not want to hold children in Maribyrnong and never have held people in Maribyrnong for long periods. We have certainly used alternative detention in the Melbourne community before as a way to avoid holding people in Maribyrnong.

I do not know about the prevalence of this in Victoria, but we use motels and other places in other states to avoid holding people. For example, in the Perth facility, we are very reluctant to have children in there for more than a few days even if that is necessary and so we have an arrangement with a motel to use it. I do not know how often we have done that in Melbourne. So we are seeking strategies that avoid holding children in particular. The family in there have been there since about November. This is the family who we are hoping to move to the residential housing project in the very near future. I guess there was an expectation that they may have got documents earlier. It is now clear that there have been delays in that. We are seeking to move them out of the facility, because we do not believe it is appropriate to hold them there for any longer.

The people who are in there for the longest period tend to be adult males but again those are fairly unique situations. As an example, in one particular case an adult male, who has been in Maribyrnong for quite a while, is there because the courts have ordered that we are not permitted to hold him in Baxter, which is where we would prefer to hold him. So we are in the situation

whereby, for legal reasons, our preference is unable to be accommodated and he is in Maribyrnong. So I believe it is the exception. I certainly do not believe it is 10 per cent and I would want to get numbers that are more specific. As I said, I believe it is a handful who have been there for longer than six months. Do you have the figures on how many are there at the moment, Miss McKirdy?

**Miss McKirdy**—I am just trying to work it out. Two come to mind but I would have to check. It is more than two but I would have to check the exact number.

**CHAIR**—I think it is quite an important issue if more of the grounds are going to be taken up in buildings and there is less space for children in particular to play. I noticed that children and families have the smallest courtyard and the men have both quite a large gymnasium area and quite a large courtyard. It would concern me that we have children crammed into such a small area with little opportunity for adequate outdoor play.

**Mr Lavers**—As you say, the children's area has some restrictions and, what is more, the new area that could accommodate the children will not be as large as ideal. However, with the corridor coming straight down to the rear area it will give access to a large green area at the back for children to use. At the moment it is difficult to manage that area because the children have to be escorted either out through a fire-escape or through the single male area—

**CHAIR**—Yes, we could see that.

**Mr Lavers**—and that is one of the dysfunctional elements. We are seeking to overcome it so that the children have greater access.

**CHAIR**—We certainly appreciate the effort that has been gone to to try to get that better separation of areas. Nevertheless, it leaves this question of trying to get more people onto a site that is not really adequate to meet current needs, let alone meet the needs of another 50 people.

**Mr Lavers**—Again just for clarification: on the additional plans we distributed I tried to mark them up to show how much of the site is underutilised or poorly used at the moment. We have gone to some effort to try to utilise every spare part of the site so that we can get the maximum benefit within the restriction of the current security fence.

**CHAIR**—I appreciate that you have done that; there are clearly areas that are not fully or well utilised now, so that is helpful. But there are areas such as the medical area where even if you doubled it in size it would be adequate to meet the needs appropriately now but perhaps not the needs of another 50 people.

**Mr Davis**—I guess that is something that we can test further with our medical professionals. Clearly, the current medical area is inadequate: it is small, it is cramped, and there is an issue of flow of people through there as well. Adding 50 people does not necessarily mean, in our mind, that doubling is inadequate. It also depends on how it is used by our medical professionals. Perhaps we can get a bit more information on that issue from our medical professionals to put to the committee to explain why they believe that is adequate. But if, for whatever reason, they consider it is inadequate then I guess that in the more detailed design work we would perhaps rethink whether there are more ways to facilitate even more space. I am not clear as yet whether

we have got to that level of detail in our design work to answer that question, but I could seek some more information.

**CHAIR**—Mr Karapanagiotidis from the Asylum Seeking Resource Centre said that it is already difficult. He said it is already hard enough to get someone medical care. Do you want to respond to that?

**Mr Davis**—We have nurses on site every day and an on-call arrangement overnight so if, for example, a detainee enters the facility overnight then the nurse is called in to do the medical induction associated with their entry to the centre. Likewise, under our contract, we have a medical clearance upon exit from the facility. So the medical servicing is full-time positions on site during the day, and they come in as needed depending on the demands overnight and on-call arrangements. Also, there are arrangements with local hospitals and others for emergency situations. Essentially, there are doctor clinics—they are every day at Baxter but how often are they at Maribyrnong?

**Miss McKirdy**—Twice a week. I think it is worth pointing out that Maribyrnong is five minutes from a number of major hospitals and facilities. We are not isolated—we can provide all the services but not on site. What we have got is a clinic—we go and see specialists et cetera and then we have a clinic that just manages medications and things.

**CHAIR**—I can appreciate that, but some of them may be fairly basic things—for example, in his evidence Mr Karapanagiotidis said that volunteers take bandages because they see someone with an infection and the nurse will not treat it in a timely manner. Is this partly to do with the crowding?

**Miss McKirdy**—That is a particular case. It was a wound that was being dressed every day. They decided a different bandage was, in their opinion, better. It was not a matter of it not being dealt with.

**Mr Davis**—We have had a range of situations in detention facilities—I am sure Miss McKirdy can talk about specific cases—where people claim they are not getting adequate medical care in facilities, and people bring in a bandage or bring in a tablet or whatever to provide to a detainee. The department's view, we would say, is that that is incorrect. Our view is that we have medical professionals on the site every day providing service to these people.

There are times when detainees refuse medical care and may object. Then when a friend or someone else brings a bandage, a bandaid or a tablet, they will claim that they were not provided service. My view, in investigating each of the cases I have had experience with, is that they have been situations whereby medical care has been available and professional medical people were trying to deliver that care, yet for one reason or other the detainee refused or someone thought they knew better than the medical professional.

The department's view is that we employ medical professionals because they do have those skills and we follow their advice. I assure the committee that medical servicing across our facilities in my view is of a high standard. The people who provide the services, both nurses and doctors, are the people you and I would see in the community. In Maribyrnong in particular we had our expert panel member who is a professional doctor do a review of the medical services of

Maribyrnong in January, which was part of our regular monitoring process of the contract. The report I have is highly complimentary to the medical providers within the facility. I object to people claiming that detainees are not getting adequate medical care. It is not just in Maribyrnong; in all centres it is a high priority for us and I do not accept concerns expressed that people are not getting adequate medical care. Do people have different opinions as opposed to our medical people? Sure. Like everybody, medical professionals can express different opinions.

**CHAIR**—It is not our committee's job to question the adequacy of the care given. Where I am coming from in exploring this a little more and where Mr Karapanagiotidis was coming from was that conditions are crowded and that does not necessarily make for good practice. That makes it difficult, particularly if you have to call in additional specialists and so on.

**Mr Davis**—I accept that. That is why we want to provide more space and make it more functional. The current facility does constrain the medical provider but the report I have says that they are doing a very good job in what is a difficult facility to manage.

**CHAIR**—We appreciate that, but that is the reason we wonder why we are trying to look at a program to put another 50 people on a site that is clearly not coping now. We now go to further questions.

**Mr BRENDAN O'CONNOR**—The recent exhibit, which goes to question 9, outlines some of the comparable sizes of facilities in other detention centres or remand centres. Do you have that document, headed 'Addenda for 7 March—Comparison with codes used for correctional facilities'?

**Mr Davis**—Yes.

**Mr BRENDAN O'CONNOR**—Under the heading 'Bedrooms' you make reference to remand facilities in Australia and New Zealand and talk about single occupancy cells of 7.5 square metres in, for example, the 900-bed remand centre in Silverwater, Sydney, and you make reference to other corrections facilities. Are you aware of the average length of time detainees may be in those facilities when compared with Maribyrnong?

**Mr Lavers**—I am sorry, we do not have specific data on the times of stay there. The architect who provided this information considered that the remand centre would be a better comparison to a detention centre basically because it is a non-punitive, short-term arrangement, which is a better comparison with what we have here. But I do not know the actual stays in these particular remand centres.

**Mr BRENDAN O'CONNOR**—My understanding of the remand system generally is that there would be short stays, as is the case with a high proportion of detainees at Maribyrnong. What I want to know is: are you aware of any people staying in these centres longer than three months or longer than six months?

**Mr Lavers**—I only have anecdotal information about that. At times remandees may stay longer than three months. However, once again it is drawing on my personal experience from before I joined Immigration. I could not quote specific figures on these centres.

**Mr BRENDAN O'CONNOR**—These figures are referring to cells that would house up to four remandees—is that right?

**Mr Lavers**—The cells in the remand centres?

**Mr BRENDAN O'CONNOR**—Yes.

**Mr Lavers**—Generally speaking, in the correctional system people tend to be accommodated in one- or two-bedroom units, whereas we have the model—

**Mr BRENDAN O'CONNOR**—No, I am talking about the figures relating to the remand centre at Silverwater. Does the 7.5 square metres refer to a cell that houses one person, two people, three people or four people? Do you know that?

**Mr Lavers**—Are you looking at the table?

**Mr BRENDAN O'CONNOR**—I am looking at the additional—

**Mr Lavers**—The table on the next page helps answer that question. It shows a comparison between the various centres for single occupancy and double occupancy. It is in the supplementary material that we brought in today.

**Mr BRENDAN O'CONNOR**—I appreciate that.

**Mr FORREST**—None of the examples give us quad occupancy per cell arrangements.

**Mr Lavers**—Typically, in correctional facilities, quad occupancy is not common. I asked Mr Pedavoli about the quad occupancy and whether there is a particular code or standard that we could draw comparisons with. He said, 'Not really.'

**Mr FORREST**—That is probably because it is unacceptable.

**Mr Lavers**—No, that is not what he said.

**Mr BRENDAN O'CONNOR**—I want to continue with my questions, if Mr Forrest allows me. Obviously we received the document today so it took a little while for me to glean every bit of information from it, but thank you for your assistance in pointing me to the actual chart. I want to follow up what Mr Forrest was talking about. The concern I have is when you compare, as Mr Forrest indicated, the average space for a single occupant in those centres with what four people would be faced with in an 18-square-metre cell. It seems their space would be diminished quite considerably, not to mention the fact that they are sharing a cell with three other people. There is no sense of privacy; there is no capacity to do all sorts of things. It seems to me that is a real issue. Maybe that is one of the reasons why you have not been able to find an adequate benchmark to compare it.

**Mr Lavers**—I addressed this issue in discussions with Mr Pedavoli and it is summarised in the final paragraph to some degree. There are some essential differences between the levels of freedom that people have within a detention centre compared to a correctional facility. In a

correctional facility, there is usually a lock-down at six o'clock: they have an early dinner and they are locked in their cells all night. The proposal that we have has a doorway for privacy: there is 24-hour access to the recreation areas, to television, to Foxtel, to active recreation. If people do feel confined within those cells, they can get up, they can leave and they can find a space to give them a bit of a break. They can go out and have a smoke if they want to. There is a difference there. The architect tried to take into account those aspects of civil liberty, or liberty within the centre, in considering whether it was adequate or not.

**Mr BRENDAN O'CONNOR**—It means, however, that there is no capacity whatsoever for a person to have privacy, doesn't it?

**Mr Lavers**—In the single bedroom area, which is the orange area shown, the detail of it is such that there can be four people in there as a separate zone, or there can be two separate single rooms which link into the single male area. I gather from Miss McKirdy that it does happen from time to time that someone feels that they need time out and they do request a single room. We have designed it so that those people can either have a single room and be linked into the single male area or have a single room in a completely separate area.

**Mr BRENDAN O'CONNOR**—Would that be based on people's preference or the length of time they stay at the centre?

**Mr Lavers**—I should probably defer to Miss McKirdy on this.

**Miss McKirdy**—While there is one room which serves many purposes, when it is not in use for other purposes it is the short-stay room, located near the offices. For a variety of reasons, detainees will come up there and stay for a few days, just for time out—to have some time on their own.

**Mr BRENDAN O'CONNOR**—Which area are you referring to?

**Miss McKirdy**—It is directly opposite the offices, next to the observation room, near where the medical centre was.

**Mr BRENDAN O'CONNOR**—What is the room called?

**Miss McKirdy**—Short-stay room.

**Mr BRENDAN O'CONNOR**—In relation to this chart, it was explained by Mr Lavers that in some circumstances the comparisons are unfair because in some cases there is 24-hour access to other parts of the centre, unlike a lock-down situation. Leaving police cells out of it, can you tell me which of the centres on this chart are lock-down centres.

**Mr Lavers**—I cannot comment on the management regimes in those centres. I would have to take that on notice,

**Mr BRENDAN O'CONNOR**—Why, then, is your evidence relevant to me? I do have regard to what you mentioned; I think it is a very valid point to say that if there is access beyond the cell or the room, it is a different situation altogether from being locked into a relatively small,

confined space with three other adults. But it is important for the committee to know, when we are looking at this comparison, whether these centres share the same entitlements or indeed are different. If these are not lock-down centres, I am looking at the square metreage per occupant and I am comparing it unfavourably, I suppose, with the quad occupancy.

Can this committee be provided with information about whether the mental health assessment unit and the remand centre—both at Silverwater—the remand centre at Ravenhall, Victoria, the women's correctional facility, the Auckland Region Women's Corrections Facility, and the Otago Region Corrections Facility in New Zealand are lock-down situations. If they are not, and there is access, as detainees have at Maribyrnong then there is still a disadvantage regarding the space issue at the Maribyrnong detention centre—even under, we have conceded in some respects, what are superior designs to what currently exists. The overall concern for me and other members is that I do not think we are entirely against what is being attempted but we find that you are up against the difficulty of convincing us that it can be achieved with the increase in population. Certainly, the capacity increase of 50 seems to be a real challenge. This is not a reflection on anyone who is appearing before us; I think there is just a real conflict in our minds that the purpose of the department may not be able to be achieved through all the best efforts of the people involved. I would like to know whether we are comparing apples with apples when we are looking at those centres. Mr Lavers, your point was very relevant—if, indeed, they have a different situation altogether in terms of access.

**Mr Lavers**—As a broad principle there is generally lock-down in correctional facilities, and that tends to be the way that they are operated. Mr Pedavoli outlined that to me in my discussions with him last week. From my own inspections of correctional facilities, that has been the case. However, on these specific ones, I would have to take that on notice and get back to you.

**CHAIR**—Senator Troeth?

**Senator TROETH**—That was my point, so I am happy with that. I have no further questions.

**Mr FORREST**—I am a bit confused about which of the rooms on the drawings have got four people in them and which have not.

**Mr Davis**—I can hold up a plan and talk to it.

**Mr JENKINS**—On Mr Forrest's question, this might assist the committee. The proposal is to increase the capacity by 50, so when we go through these rooms, could we work out how we get to 50. I got to 36 and now I think I have got to 56! I now realise that what I thought was a two-bedroom set-up is actually a four-bedroom set-up. But I think that is the point of Mr Forrest's question. That might assist us.

**Mr FORREST**—Obviously these schematic floor plans are showing double bunks. I need you to go through how you get the total number of beds you desire. You want a range. These plans show a double bed with a single bed as a family room, but I do not see any so allocated on the larger plan, so I am a bit confused. Can you run us through what you actually propose in terms of bed allocations, and also in the existing rooms as well? They are already small. They have four bunks in them. I need you to run through the details, referring to the plan.



**Mr Lavers**—I went through and marked up a plan before this meeting, because I asked myself the same question.

**Mr FORREST**—I want you to write on that plan how many people are in each of the rooms, including the existing rooms, so I can get a feeling for how many are allocated for per room. At this stage I have no idea.

**Mr Davis**—Would you like Mr Lavers to talk to that initially and then provide it in writing?

**Mr FORREST**—Yes.

**Mr Lavers**—I will talk to the coloured plan so that we can cross-reference it. In the green zone we have what is termed zone B for families and females. They are the motel style rooms. The motel rooms all have single-level beds, so each room shows three beds—so the total accommodation is 12.

**Mr JENKINS**—So there are four rooms which accommodate three people each.

**Mr Lavers**—Correct.

**Mr FORREST**—So it is 12 for the green zone.

**CHAIR**—So they are not bunk beds—they are just single beds.

**Mr Davis**—Yes.

**Mr Lavers**—The next zone is the orange zone—it is a sort of terracotta colour. That zone is referred to as area C. We have four single rooms in that area.

**Mr FORREST**—So there are four beds.

**Mr Lavers**—That is correct.

**Mr Davis**—They are not bunk beds—they are single beds.

**Senator FORSHAW**—Who are they for—males, females?

**Mr Davis**—The purpose of those is for multi-use. Two of those four rooms are the ones that I think I referred to that will have cameras inside them for medical or management observation type purposes. The other two are, as Mr Lavers mentioned earlier, for the purpose of time-out or for an individual who needs a room on their own for a period.

**Mr Lavers**—The detailed layout of those rooms—two of them are superseded—will be modified slightly to work more efficiently. The design of the lower two rooms is accurate, but the upper two may have some additional design refinement done to them. But basically that zone has single rooms and, as we said, you can see the corridor next to the courtyard and that corridor

can link with the single male area—the blue area—or it can link back into the main single accommodation area, depending on the needs of the centre at any particular time.

**Mr FORREST**—In the blue area you have one, two, three, four, five, six, seven, eight, nine rooms plus a single room—how many beds?

**Mr Lavers**—In the blue zone?

**Mr FORREST**—Yes.

**Mr Lavers**—There are four in all of them except the last one which is a double bunk, which is two in the last one right next to the gym. It is a two-bed room.

**CHAIR**—With these single rooms, if some of the males needed to access them, there does not appear to be a facility to isolate them from female use—say you had two women at the time and two men who wanted to use those single rooms.

**Mr Lavers**—You can. The door at the end of the corridor there is a fire door. It can be secured. What is referred to as C3 and C4 could be occupied by males and C1 and C2 could be occupied by females.

**CHAIR**—Thank you.

**Senator FORSHAW**—Did you say it was nine rooms by four and the last one is by two?

**Mr FORREST**—I have 54 so far.

**Mr Davis**—My understanding, Mr Forrest, is that 54 is the number based on the plans there at the moment. It is a bit like when we talked about the capacity of the centre being 76 and having a surge of 80. When we build such things, we prefer not to have every single bed occupied all the time. Fifty is the nominal number, but the floor plan, as it sits at the moment, does indicate capacity for 54 beds. I would also say that the units for observation and/or management purposes, which I talked about a moment ago, are not the sort of rooms that in most centres we consider to be accommodation. They are the sort of rooms that we need if we have a problem and need to take someone somewhere. In that sense, I would not classify at least two of those four rooms in the orange area as having accommodation capacity. They are there for flexible use but I would not build them into my base numbers in terms of saying they were for ongoing accommodation purposes.

**Mr FORREST**—Can we go to the existing brown or mauve area—

**Senator FORSHAW**—In the blue area, are they double bunks?

**Mr Davis**—Yes, that is correct.

**Mr FORREST**—I have 54 so far. What about the existing area?

**Mr Davis**—I will start with the family courtyard area where there are four family rooms. Each of those family rooms has a capacity of four people.

**Mr FORREST**—So that is 16.

**Mr Lavers**—You can see where the little kitchen is shown on the plan. Underneath that there should be a doorway on this plan—there is a drafting error there—which provides access for the females to go through a corridor into what appears to be the male area. These have sliding doors. It is a modular approach where you can actually block off the hallway and convert some of the rooms for females. In terms of the numbers that we quote for females, it actually can vary as to how we block that off. If we look at those rooms that go down, all of those bedrooms off the corridor are four-bed rooms. There are two sets of bunks.

**Senator FORSHAW**—Are there seven of them?

**Mr FORREST**—What is the measurement in square metres of those bedrooms?

**Senator FORSHAW**—Could we get the numbers first?

**Mr Lavers**—It is bigger than 2.5 square metres but it is smaller than what we have in the new plans. I think it is 3.8 by 3.8 but I would need to scale that.

**Mr FORREST**—So there are one, two, three, four, five, six, seven rooms there with four each?

**Senator FORSHAW**—Are they the ones down the outside?

**Mr FORREST**—So the two that do not say anything but BR—

**Mr Lavers**—They would be four-bed rooms. There are 13 of them.

**Senator FORSHAW**—Hang on! I am getting numbers from all over the place and I think Hansard is getting totally confused.

**Mr Davis**—In that area there are seven down the right-hand side, there are another eight down the bottom and then there is one in the corner.

**Mr Lavers**—I think the one in the corner is the mosque.

**Miss McKirdy**—Yes.

**Mr Davis**—So that is not used as a bedroom.

**Mr Lavers**—That is correct.

**Miss McKirdy**—But it has got 'bedroom' written on it.

**Mr Davis**—It has got ‘bedroom’ on it.

**Mr Lavers**—But it is actually used as a mosque.

**Miss McKirdy**—It is actually used as a prayer room; they call it the mosque.

**Mr Davis**—So there are 15 rooms with four people in each. You can see from those figures—the 15 rooms with four each—that there are 60 in those four-bed rooms. There are four rooms in the family area which also have four each so that is 76. And there have been times when we have had to fit in more than that, when we have gone past 80. In those situations, that is where that room may be used. How do you accommodate them when you go past 76?

**Miss McKirdy**—We would use the short-stay room; that is quite a good size and can hold three people fairly comfortably. The shortest stayers would move into there because it is separate from everybody else.

**Mr Lavers**—That is the area labelled ‘medical’ on the plans in front of you. In the existing plans they are observation and short-stay rooms.

**Mr FORREST**—You are going to give us this plan with these numbers written on it. I have now added it up to 130 people—is that right?

**Mr Davis**—Yes. But, as I said before, some of those rooms, such as the observation room—

**Mr FORREST**—Are you going to put 130 beds in the centre?

**Mr Davis**—We would not put 130 beds in; there are some rooms we would seek not to have occupied because we need them for the flexibility to place people there at very short notice. The capacity will be set at a lower level than that.

**CHAIR**—Are we all set now on the actual layout of rooms and bed numbers?

**Mr FORREST**—About this principle of four beds per room, the suggestion is that it is of a comparable standard to a backpacker hostel. A backpacker hostel is a place where people might like to stay like that for one or two nights by choice, but I cannot see it as an acceptable standard for the longer term accommodation of anybody—even hardened criminals. Going back to my original question: is there a standard anywhere in the world for four per room?

**Mr Lavers**—You asked in the world.

**Mr FORREST**—It has never been done anywhere?

**Mr Lavers**—I cannot answer that question about in the world; we have not done a world search. The standards have been quoted in the answer by leading architects Perumal Pedavoli in Sydney. They have certainly quoted the standards that are in the response, which appear to me to be quite comprehensive.

**Mr FORREST**—The only standard that they can compare it with is tourist hostel backpacker type accommodation, which is short term and by choice—is that right?

**Mr Lavers**—That is what they have said. They have also said to me that, in their professional opinion, it seems quite reasonable, and I respect their professional opinion.

**Mr FORREST**—Can I have a bit of time to absorb what I have just been told?

**CHAIR**—Sure. Would you like to ask questions, Senator Forshaw?

**Senator FORSHAW**—Mr Forrest is asking the sorts of questions that I am interested in as well. I have one general question, which may or may not be relevant to our charter. You mentioned earlier about underutilised or non-utilised areas and so on. I find that comment interesting. I can see that it is relevant in one sense, in making the best use of what you have got. If you have got wasted space or underutilised space then it is supposedly not value for money or whatever. But the other side of that coin is that this is a detention centre. As a philosophy, do you have to start from the position that because an area is not utilised then somehow there is something wrong? To me, it could be like a prison; you are saying that just because it is not full, it means we are not getting value for money—and we might actually be getting value for money overall.

The point I am getting to is this: did you actually consider, anywhere in the consideration, what it would cost, what would be needed to be done to this facility, to bring it up to what might be said to be an acceptable standard and provide all of those improvements that you have listed in here—separation, and just generally improving the place—without necessarily looking to accommodate an extra 50 people—maybe an extra 30 or an extra 20? One of my concerns in this whole exercise is that there is a priority here, which is to get this place up to a better standard. But to me, talking about getting better utilisation of space by being able to put more people into it is somewhat contrary to the philosophy that we should be looking at, which is that it is not a matter of seeing how many people we can put into this joint.

**Mr Davis**—I think I have to go back to first principles to answer your question.

**Senator FORSHAW**—I appreciate that; that is part of the difficulty.

**Mr Davis**—I think it is true to say that, when going back to first principles, one of the first questions we asked ourselves was: what could we do with the Maribyrnong site? Ultimately, that led to the government's decision to reserve a new site, because the government considered that the best way forward was to look at a new facility which accommodated both improved amenity and increased size, because of the demands being put on the department and because of the way that the government viewed that we needed to move in going forward.

Hopefully, this will answer your question but I might come at it from a different angle: the government having agreed that the best way forward was to have a new site and a new facility, the issue then became one of timing and one of what we could do in the interim period to achieve multiple objectives, one of which was a facility which better supported the amenity of detainees. The other issue was that we have significant demands on the existing site and its capacity to manage the flowthrough issues. In a sense we have gone into this not with one

priority or the other but with both priorities, in terms of looking at what we could do within the facility to improve the amenity and also what we could do within the available facility in the interim period, ahead of a new facility, to accommodate the pressures and demands of having a facility that is at or over capacity most of the time. We saw those not as alternative priorities but as joint priorities in terms of looking at what we have done here.

In a sense, the answer to your question, Senator Forshaw, is that we had two priorities to try and address in the context of this redevelopment and we sought to address both.

**Senator FORSHAW**—When I read the initial submission, it seemed to me that the emphasis was being fairly and squarely placed upon the need to improve the existing facility, bring about greater separation and deal with problems that you already had, rather than saying, ‘By the way, we can add another 50.’

**Mr Davis**—It is unfortunate that it has come across that way but—

**Senator FORSHAW**—I appreciate that it is a policy issue but it is something that concerns me, because I can see—and I cannot speak for any other member of the committee—that if you were putting forward a proposal which said, ‘We’re going to spend X million dollars on improving this facility in whichever way,’ and saying that that could be justified expenditure, while at the same time saying, ‘We’re going to put other 50 people in,’ I start to have serious questions about that aspect.

On another point, you talked about a comparison with other facilities, such as correctional facilities and so on. I interjected about this earlier. We now have a position in the aged care sector where all nursing homes must go back to no more than two per room. I find it pretty hard to accept that we are going to continue to have a substantial number of units which have four to a room in this facility. I do not necessarily say the two are directly comparable. But if we are getting rid of outdated nursing home accommodation that in some cases did have four people to a room because it is just not acceptable any more, and they are people who are very often totally bedridden most of the time, then I find it a bit hard to accept an argument that says we can have a substantial amount, if any, accommodation that is based on four to a room, unless it is a family arrangement. That is a point you might want to respond to.

**Mr Davis**—Other than taking it on board, I am finding it difficult to respond to. As you say, with family groups there are certainly issues where going past two is probably desirable in some cases—

**Senator FORSHAW**—I do not have an argument about to the family room type of approach.

**Mr Davis**—In terms of the other rooms here that we are seeking to add on, I guess we have sought to balance the issues of a level of amenity which supports our immigration detention standards as well as the additional space, and this is what our architects have come up with. On the issue of relevant standards, whilst we do not absolutely accept the comparison with prisons I guess that, for the purposes of building codes and standards of that nature, that is what we have drawn on. On the point you make about aged care and the directions there, that is something I am not familiar with and perhaps we do need to take it on board in terms of a comment.

**Senator FORSHAW**—I would not want to suggest that the two are in any way comparable, except that there it is a case about acceptable standards for the number of people that can be accommodated in a room.

**Mr Davis**—Certainly in the past I have said—if not to your committee last week or the week before then in other places—that our facilities have from time to time been compared with hospitals as a type of facility that is relevant. Again, it is not a direct comparison but it has some similarities. I would be aware—

**Senator FORSHAW**—But those hospital rooms are much bigger and there is a different scenario there.

**Mr Davis**—That is the sort of question that arose in my mind as you were talking about the aged care—as to whether we should be looking at some of those other types of facilities as well in looking at this. We will take that on board.

**Mr FORREST**—Can I ask Senator Forshaw’s question in a different way. Where he started was the point about the existing service. Other than for some security, there is no provision in the estimate for any refurbishment at all in the existing facility. There are no doors going on; there is no painting. Senator Forshaw made a good point where he started: that where we would expect a refurbishment we do not get any of that in the existing facility.

**Mr Davis**—I think Mr Doherty indicated at the last hearing that we have an ongoing maintenance and refurbishment program going on across all facilities. That would include things like repainting and other things that would be part of normal ongoing contractual arrangements. There is no proposal, as I understand, at the moment to put doors on the existing four-bedroom rooms—and there are some issues around that, I understand. But we are looking at ways of enhancing privacy by putting some screening or something else across those doorways which will be quasi doors. I do not think it will be doors but something which allows a bit more privacy than we currently have. It is a difficulty in managing the centre now.

**Mr FORREST**—There is nothing in the cost estimates you have given us for any refurbishment in the existing area, other than security. For example, the male WC area—I went in there—has got plywood screening. I was ashamed of it. There is no provision in the estimates for any refurbishment at all.

**Mr Lavers**—Regarding the male WC area, there are some repairs and maintenance being undertaken by our normal service provider on that. So far as floor finishes and repainting are concerned, those are also covered as part of the normal recurrent expenditure and are not part of this budget. There will be enhancements, though, to the existing area. It will not be, strictly speaking, in the bedrooms themselves, but certainly both courtyards will be relandscaped and the access will be improved.

The support facilities that will be used by the existing area will also be enhanced. The education room will be enlarged, the dining room will be doubled in size and the visits area will be reconfigured; the non-contact rooms plus the private meeting rooms will be in there. Access to the larger green area out the back and the landscaping that goes there will also be done. There are a number of benefits to the people who are within the centre. The main benefit with the

enlarged facility is that there will be separation occurring. Those people who are not mixing that well can be separated into like groups and there is a significant benefit for those people who are visiting and staying in the centre.

**Mr FORREST**—I acknowledge all of that, but maybe later you could supply me with the budgeted allocation of expenditure in the living area of that brown area and whether or not it includes the addition of doors.

**Mr Lavers**—We can say now that there are no plans to put doors on those rooms. However, I understand there is a discussion with the service provider to provide a curtaining system. I think it is to be around the beds rather than over the doors. Preliminary discussions with GSL are quite positive in that regard.

**Mr FORREST**—Will you be in a position to advise us of that?

**Mr Davis**—We can provide you with where we are up to.

**Mr Lavers**—It is something we can look into; it is a recurrent issue.

**Mr JENKINS**—I am now going to ask the same questions in a different way. No, I will try not to. The questions were progressing to comparisons about what was being added and what was being retained. I have gone back to the original submission that very much emphasises the additional stock of rooms being better. My colleagues have gone through some of the questions that I would have raised about the present stock of rooms and the fact that you have got accommodation for about 50 detainees sharing an ablutions block, which I think is about three showers and four toilets. On the day that we were there, one of the showers was out of action. Comparing those issues presents a problem for the committee, and I suppose that is something we have to resolve ourselves. I have one specific question: the room alongside the current medical room and the two offices there, what will that be used for? It is in that pink area.

**Mr Davis**—Which plan are you looking at?

**Mr JENKINS**—I am looking at the proposed plan. The administration is going to a new building and you have got a better detainee reception area. What is the existing room above the detainee reception going to be?

**Mr Lavers**—The big one with what looks like lockers around the outside?

**Mr JENKINS**—Yes.

**Mr Lavers**—It is the property storage area. It is a large area because detainees come into the reception area and their personal property is then put into an area.

**Mr JENKINS**—Where is that done now?

**Mr Lavers**—The sallyport itself actually has oversized lockers down both walls.



**Mr Davis**—And some of it is also inside. As I understand it, there is some property held in one of the control rooms too. It is scattered around a few spots at the moment.

**Miss McKirdy**—Valuables and stuff are held back in the current ops office area.

**Mr Davis**—Which is further on towards the dining room area.

**Mr JENKINS**—The rooms on the opposite side of the aisle to the new proposed medical rooms, what about them?

**Mr Davis**—What is this bank of rooms here?

**Miss McKirdy**—They are currently DIMIA offices.

**Mr Lavers**—Where it says 'ENT', to the left of that we are planning to make that a large meeting room where people from the admin area can come into the detainee zone and have meetings with detainees. Also, legal representatives and people like that would come in and have a private room there. It is quite a large office and it is set up like a conference area. The next offices are planned to be used by psychologists and counsellors.

**Mr JENKINS**—They move away from next door to the visitors centre.

**Mr Lavers**—Yes. So we have interview rooms on the lower side which would be for DIMIA interviews and then across the other side would be for allied medical professionals—psychologists and counsellors.

**Mr JENKINS**—As you are aware from the line of questioning today and previously, the committee is a little concerned about the outdoor space and the recreation spaces. The outdoor usable grass area is going to be substantially reduced.

**Mr Davis**—The calculation is that it will have about three-quarters of the current size.

**Mr Lavers**— It will lose 25 per cent. There is an aspect of that where we need to compare two plans because it is not as bad as you think.

**Mr JENKINS**—You are pushing out to the further fence.

**Mr Lavers**—Yes. We are changing the security arrangements on that particular part of the perimeter fence to allow us to push out.

**Mr JENKINS**—The large male courtyard that exists now is reduced by what, half?

**Mr Lavers**—Yes, for want of a better—

**Mr JENKINS**—It is replaced by a new courtyard in the blue area in zone A?

**Mr Lavers**—Yes.

**Mr JENKINS**—And in part by what is described as a ‘decorative courtyard’ in zone C.

**Mr Lavers**—Yes.

**Mr JENKINS**—And there is new access to a courtyard where the dental bus was, or whatever it was, which was not accessible to detainees before?

**Mr Lavers**—Correct. Also, the reality at the moment is that the female courtyard, which adjoins the male dorms, is not used because of that co-location problem. So that will be redesignated to become a male courtyard.

**Mr JENKINS**—Does the prayer space indicated for that courtyard replace the prayer space which is the larger bedroom in the corner?

**Miss McKirdy**—No.

**Mr JENKINS**—So they will both continue?

**Mr Lavers**—Yes.

**Mr JENKINS**—I have another question that is only vaguely related, so that I can get the context: GSL took over the contract when?

**Mr Davis**—They commenced in Maribyrnong, which was the first centre they took over, on 1 December 2003. They have been there a bit over 15 months, at Maribyrnong. The last centre they took over was Villawood at the end of February last year, so they have been in Villawood just over a year.

**Mr JENKINS**—Would it be fair to think of Maribyrnong pre-GSL and post-GSL as being a different type of institution?

**Mr Davis**—I need to be careful of what I say.

**Mr JENKINS**—I understand that.

**Mr Davis**—GSL do have a different operating philosophy and have brought new ideas and approaches to the way they have gone about their business. I will not say that it is better or worse, but they have a different philosophy and approach, yes.

**Mr JENKINS**—Without trying to lead witnesses, the committee has had a lot of evidence put to us and the difficulty for us is to try to get which time span we are looking at. I am trying to convey that to the department to let them understand where we are coming from. If there are things that are not to do with the infrastructure being provided, that are attempting to assist the operation, I think that is important. For instance, that comment—I was listening intently—about the curtaining of the bunks in the rooms that do not have doors seemed a bit strange to me and it goes against evidence put to us that any sort of curtaining was frowned upon because it did not allow the operators to see what was going on. There are things like that going on.

Having got that off my chest, I want to thank you for providing us with the long-term detention strategy report. I have been trying to grapple with the 50 additional spaces and the need for them, and I tried to be polite when I was bemused about the answer last time. I now see a table in this document, on page 18, on forward demand projections. A lot of the jargon has confused me a little, but I think you are saying that, of those that have some sort of order over them, we are really only talking about 20 per cent who would end up in what is described as compliance detention.

**Mr Davis**—In the latest figures I have seen for the current financial year, for example, about 28 per cent of males who are located are actually detained—as in, put in a facility. And less than 20 per cent of women and about six or seven per cent of children are actually detained—are put into a form of facility. They are the latest figures I recall.

**Mr Williams**—I can supplement that. I have a policy in Victoria of encouraging my compliance staff that wherever possible people be released on bridging visas rather than being detained. Part of that is driven by capacity problems at Maribyrnong. But, as a general principle, if somebody does not present as a risk to us, a risk of flight, I encourage my staff to grant them bridging visas while they make arrangements to depart.

**Mr JENKINS**—Thank you. If we go to the forward demand projection on immigration detention centre capacity and look at the three years for which you have got actual figures, are you saying that in, for instance, 2002-03 you could have had 260 more detainees if you had had space? I am looking at the last line there.

**Mr Davis**—I think the answer is yes. I think the reality is that in Maribyrnong we could have detained more people than we have had space to detain. Strategies like taking them to Baxter or Villawood have been used. And indeed, as Mr Williams just said, using bridging visas, with a degree of risk assessment also around the bridging visas, is part of the mix in managing the capacity of the facility.

**Mr JENKINS**—Perhaps Mr Williams can help with my next question. Does that mean that there may be a different threshold for making a decision about a bridging visa on the basis that Maribyrnong is at its maximum?

**Mr Williams**—I think the answer in part is that if we believe somebody can be removed quickly then we will detain them. If we think somebody may be longer term or may have some things that they need to attend to—like getting their goods in order—and they are saying to us, ‘I am prepared to buy a ticket and go,’ then we do a risk analysis, make a judgment and, where we can, we release them on a bridging visa. We have been detaining significant numbers of people over the last several months, principally in regional operations. Because we have severe capacity limitations at Maribyrnong we have no option but to move those people to Baxter, particularly as in probably 90 or more per cent of cases they do not have any links into Melbourne, they have not been in Australia very long and they are working in breach of their visa conditions. So they are moved to Baxter. We just do not have the capacity to take them at Maribyrnong.

**Mr BRENDAN O’CONNOR**—Just to follow up Mr Jenkins’s question, is the shortage of places in Maribyrnong affecting the way in which you analyse whether there is a risk in allowing people not to be detained?

**Mr Williams**—The shortage of places in Maribyrnong has a ripple effect across the whole spectrum of what we do. In some instances we are confronted with difficulties. If we do have a significant operation at a particular site around Melbourne we may run into capacity problems so we have to carefully plan our operations to manage that inflow of people. The capacity problems at Maribyrnong do not determine the outcome of whether or not we grant a bridging visa; it is a considered assessment of the individual as to whether they are likely to comply with what they are telling us. In some cases, as you would know, they put up sureties and so they risk losing money.

**Mr JENKINS**—Going back to the earlier part of your answer, did you mean you would not raid a construction site or go up to a farm in Mr Forrest's area if you did not know where to put them?

**Miss McKirdy**—Where to put them is part of the planning; it does not stop us from doing the job.

**Mr Williams**—We would go up to Mr Forrest's area because we can move people to Baxter. What I am saying is that in the greater Melbourne area we have to plan our operations a little more carefully—

**Mr BRENDAN O'CONNOR**—With foresight.

**Mr Williams**—Yes, with a bit more foresight—to make sure we can manage the numbers.

**Mr JENKINS**—I do not know whether there is an answer to this question. You have 130 beds or whatever available, how many more detainees could you have taken today?

**Mr Davis**—It is an interesting question because, as of today, we are in the fifties in Maribyrnong because we had a removal on the weekend of 74 people to certain parts of the world. Most of them came out of Baxter, but a goodly number came out of Maribyrnong. As of today we are not near 80, but I do not know if you are able to answer that question exactly on an ongoing basis.

**Mr Williams**—We are running close to capacity nearly every week. We were helped by this large removal on the weekend. There were 74, but not all of them were from Maribyrnong, obviously. There are some things that I have to weigh up in my mind relating to where we have to take some action to manage this. These include the fact that Melbourne has seen a growth in international passenger arrivals through Melbourne's international airport. It is running at about 20 per cent per annum, which is well above Sydney. Sydney is at capacity, I think that is part of what drives it. Our plans have to take into account things like the Commonwealth Games next year, where there is a possibility that we will be faced with certain challenges.

**Mr BRENDAN O'CONNOR**—We will keep the athletes though, won't we?

**Mr Williams**—Only if they are good, Mr O'Connor. It is one of those things where it is not easy to answer your question in a simple way. We are running most of the time at capacity.

**Mr JENKINS**—I want to get this into context. A Broadmeadows type facility is shown here as increasing capacity in Melbourne from 80 to 400 in 2005-06. What does that mean? Last time you mentioned figures like 230, or something like that.

**Mr Davis**—Last time I think I said that whether it was 200, 250 or 300, I was not sure. The government has allocated some provisional budget for the forward years and that was really giving some consideration to moving forward. It will either seek to confirm that budget or vary that budget or whatever in due course. That is what we understand. A site has been reserved for that purpose. I guess what was in our minds when we were putting forward figures like 400 for the Broadmeadows site was the original concept we had around Brisbane. This was to build 200 beds initially and then to increase to 500 beds at a future date—but building central facilities sufficient to cater for 500 in the longer term. Whether we do something similar at Broadmeadows is the sort of decision the government will make later on. In my mind it is cheaper and more effective to build central facilities for a larger scale and then progressively, as you have the demand, increase the accommodation. There are also diseconomies in doing it in two steps or three steps, rather than one step. Those are the sorts of questions that the government has said it wants to revisit later. The nominal 400 is just that: it is a nominal figure based on the demands and the growth rates we have got as an indication of what we think is required. I said 200 to 300 beds. I guess that is what I had in mind. I did not refer back to this before I said that but, in that sense, the exact size is yet to be determined.

**Mr JENKINS**—How large is the site that has been reserved?

**Mr Davis**—I am led to believe that it is very large, but I do not have the detail here.

**Mr Lavers**—It is quite large.

**Miss McKirdy**—It is enormous.

**Mr JENKINS**—Could we have those figures at some later stage, compared to the size of Maribyrnong.

**Mr Davis**—Yes.

**CHAIR**—I have a supplementary question: what is happening with Coonawarra? What opportunity is there for some of the overflow to go to Coonawarra? Also, Christmas Island has not been factored in at all.

**Mr Davis**—In terms of the broader strategies, the government has announced that it intends us to open Coonawarra, and we will be bringing a referral to the committee in the very near future, if the minister has not yet signed the letter.

**CHAIR**—Isn't there already some accommodation at Coonawarra?

**Mr Davis**—There is, but the nature of the accommodation is not suitable for the sorts of caseloads we are talking about. To explain: the Coonawarra facility was established with the same demountable buildings that were established at Baxter, but it was established for the purpose of short-term reception. People landing by boat in Australia would be held for a couple

of days and then transferred to Port Hedland, Woomera, Baxter or wherever, so the Coonawarra facility has no kitchen, no medical unit and no disabled units. The government, in making the recent decision, also announced about \$7 million or something of that order in terms of capital to bring the facility up to a capacity to hold people on an ongoing basis rather than for two or three days. For the two or three days, the Defence kitchen was to provide meals; things were to be brought in, and we would make do. The Coonawarra reception facility was predominantly about putting people in rooms, as opposed to the Foskeys Pavilion, which was used previously—that is, something that clearly was better able to better accommodate people for a short period of time. The same philosophy happened a bit with the temporary centre on Christmas Island as well, in the sense that we were using a sports hall and we put in temporary demountable buildings.

Coonawarra also has a very low security fence around it. All it has is essentially what I call a chicken wire fence, but it is a bit more than that—a cyclone fence. At the moment, it has a single string of razor wire on the ground, but that has not been put on the fence. The intention with the Coonawarra facility that the government has announced and that we will be bringing forward is to put in things like a kitchen, a medical unit, a disabled unit and another building—I cannot remember what it is off the top of my head—plus to upgrade security so that it has a security system. That will probably be modelled on the Baxter facility, but the size is smaller and therefore it will not be as complex or as—

**CHAIR**—But that is not factored into here, is it?

**Mr Davis**—Into what?

**CHAIR**—Into these figures.

**Mr Davis**—No, it is not. It is not factored in there because the whole issue of the Coonawarra facility was dealt with by government in a separate exercise focused on the illegal foreign fishers. It was not part of the immigration detention strategy; the government had decided to move in that direction to accommodate illegal foreign fishers, predominantly. In accommodating them, given that we will have a facility in Darwin, small numbers—and there are always only very small numbers—of air arrivals or compliance cases may well be held there as well. But the predominant use is for illegal foreign fishers, who are currently on their boats, and there is a whole range of issues there. That was all considered separately by government, decided separately by government and announced in the additional estimates. It was not part of the original strategy, although, at the time, some views were expressed to government about looking at the issue. They have subsequently looked at it and made some decisions.

With respect to the permanent centre on Christmas Island, I think is true to say that the focus remains on a facility to accommodate offshore boat arrivals. It is true to say that we cannot ignore the risk of further arrivals, and the new facility, as the government has announced, is intended for that purpose. Ultimately, when it is built, whether it is used for any other purpose is a matter that the government may wish to consider at the time. But its intent, as stated and as planned at the moment, is for offshore boat arrivals.

**Mr BRENDAN O'CONNOR**—Can I touch upon the outdoor area. Mr Jenkins raised the issue about how it was divvied up, including the courtyard, into certain other areas. As I

understand it, the open area goes from 1,650 square metres to 1,250 square metres. I think Mr Lavers indicated that was a reduction of about 25 per cent, or just a bit under. You have taken into account that, with the capacity for 76—or even, arguably, 80—that currently exists, there is more than 20 square metres per capita of outdoor area. When I compare that with the capacity for 130, if we look at 1,250 square metres, there is less than 10 square metres per capita. Would it be fair to say that in terms of outdoor area the actual square area per capita has been reduced by more than half?

**Mr Davis**—Looking at it that way, if you are talking about the green space, you are probably right. But I think it is also true to say that the current green area does not provide good access for all people in the facility right now.

**Mr BRENDAN O’CONNOR**—No, it does not provide good access. We have talked about the way in which you are quite rightly looking at allowing passage of certain people in the centre for security and other purposes. Leaving the access question aside and the issue of improving security—I think the committee members have all applauded the effort to redesign the facility to ensure that outcome—the reality is that the square meterage per person has been reduced by more than half in terms of outdoor space.

**Mr Davis**—In terms of the calculation of functionality and use, I would agree with the observation you have made.

**Mr BRENDAN O’CONNOR**—Are you saying yes to that?

**Mr Davis**—I am saying yes, but I believe the trade-off is one of functionality, access and use, where we are seeking to enhance use of the space. The current space is just not used as productively as we are seeking to use the smaller space. We accept the trade-off.

**Mr BRENDAN O’CONNOR**—In relation to purpose-built detention centres, how many of them have quad occupancy?

**Mr Davis**—We do not have any purpose-built ones as yet. The first purpose designed and built one will be Christmas Island. Baxter is the only one that we suggest is purpose designed.

**Mr BRENDAN O’CONNOR**—I will rephrase the question. What other centres have quad occupancy? If there have been any recent renovations, has quad occupancy been included in any?

**Mr Davis**—The most recent facilities built have been Baxter and Coonawarra, and they have either double bunks or triple bunks—as in two on the bottom and one on the top, which are mainly for families.

**Mr BRENDAN O’CONNOR**—Can you leave aside the family arrangements, because I accept that there has been an effort to house families. Again, as a committee member, I applaud the effort to find ways in which families can socialise properly together. Are there any detention centres where four strangers may be housed in the one room?

**Mr Davis**—I am trying to remember how the male compounds are designed in the new Christmas Island centre.

**Mr Lavers**—A couple of rooms for the females in Perth. That was upgraded.

**Mr Davis**—If you are talking about adult males, for example, I think the answer for Baxter and Coonawarra is two. In regard to the new facility on Christmas Island, I do not have the design here in front of me, but it is true that there is a mixture of longer-term accommodation, which will be room based—how many are in the rooms I cannot recall. As well, there will be surge accommodation, which is dormitory style—not for four people; it is for many more than four people. It is similar if you look at Villawood stage 1 where we put in some demountable units. Again, I think they have two per room in the new area, but the existing areas of stage 1 are dormitory style, which have 20, 30 or 40 people in them, not four people.

**Mr BRENDAN O’CONNOR**—I understand that.

**Mr Davis**—I think it is true to say that the older facilities are dormitory style, but it is also true to say that the surge capacity we are putting on Christmas Island is planned to have a dormitory style approach as well.

**Mr BRENDAN O’CONNOR**—Can you provide the committee with information about the areas where quad occupancy occurs, not including family arrangements—

**Mr Davis**—Okay.

**Mr BRENDAN O’CONNOR**—because I think that is a separate matter.

**Mr Davis**—In Villawood stage 1, we put in a dormitory-style demountable building some years ago. It was very similar, I think, with the four per cubicle type approach. That was burnt down in the fires of 2003 or 2002—or whenever they were. We replaced that with the Baxter style two people per room en suited arrangement. Again, we replaced demountable buildings at Villawood and that is what we put in. Particular issues around stage 1 led us to believe that that configuration was the way to go.

**Mr JENKINS**—I am interested in when that work was done. Is that the most recent work?

**Mr Davis**—That is the most recent work—other than on Christmas Island, where I cannot remember the design.

**Mr JENKINS**—But you went with the dual occupancy model rather than with the quad occupancy model?

**Mr Davis**—Yes. That is as much to do with the nature of whom we hold in stage 1 as anything else in my mind. The stage 1 facility at Villawood is designated as higher security, and those people do need closer management. There are two adult male compounds in Villawood—one stage 1 and one stage 3. The stage 3 compound is the old migrant hostel flats, which are a bedroomed arrangement. But the people we believe we need, for risk purposes, to manage more closely are in stage 1. So the numbers per room in stage 1 go to that issue. Having said that, it is



not easy, because we have dormitory arrangements there as well which present their own management issues.

**Mr BRENDAN O'CONNOR**—If you are not a risk, you actually get three more people in your room. Is that what you are saying?

**Mr Davis**—It is not as black and white as that. Essentially, where people get along more people are likely to be in the room.

**Mr BRENDAN O'CONNOR**—Villawood being genial, I suppose.

**Mr JENKINS**—To use the Villawood classification, are there stage 1 type detainees at Maribyrnong?

**Mr Davis**—There are probably some individuals who need close management.

**Miss McKirdy**—Yes, from time to time. But, again, part of the strategy is that we look at whether they should go to Villawood stage 1 or whether they are suitable for management facilities in Baxter, if they are going to be with us long term.

**CHAIR**—The other issue I am concerned about is the adequacy of kitchens, laundries and toilet facilities, particularly toilets in the reception/public visiting area. Again, there must be standards for that. Going to toilets first, can you explain to us how that fits. With regard to the kitchen, Miss McKirdy mentioned the plan to try to allow some self-catering, but on the plan the kitchen looks very tiny for so many people. I note that Miss KcKirdy indicated in her evidence that sometimes there are 20 different ethnic groups staying at the centre. I notice there appear to be two laundries. Can you perhaps deal with the laundry/toilet issue in terms of ratio per person and then go to the issue of the kitchen—because I cannot see how there could be much access for self-catering in one tiny kitchen.

**Mr Lavers**—The self-catering is an option. Basically, meals will be prepared in the central kitchen and meals will be available for everybody in the central dining rooms. The idea behind the kitchen is not to have that as the primary production area for family dinners. It is more of a supplementary cooking area, particularly in the single males' areas. It is more for the production of midnight snacks rather than for cooking up the evening meal. That is why the kitchens are relatively small.

**CHAIR**—Are there two, then? I know you have tea-prep areas.

**Mr Lavers**—In the blue area, indicated by that inverted U-shape next to the courtyard, there is in fact a kitchenette for the single males. It is just not labelled as such.

**Mr BRENDAN O'CONNOR**—Where will that be exactly?

**Mr Lavers**—Right in the middle of that blue area.

**CHAIR**—In the day room area?

**Mr Lavers**—Yes. That is an open kitchenette like you would have in a family room. In the green area, which you have pointed out, there is a small kitchen area. Once again, it is there for making snacks at night or something for the kids during the afternoon. There should be a very small kitchenette in the orange or terracotta area, next to the courtyard. It is really more of a benchtop with some power points. We have had some discussions about trying to put some of these facilities back into the current area, and we have taken that on board as a design change. I have been talking to Mr Doherty about that. We believe that we should try and achieve the same level of amenity back in the existing area. That is a change to the design that we have made in recent weeks.

**CHAIR**—What do you mean by ‘back in the existing area’?

**Mr Lavers**—The mauvey-grey area which indicates the existing accommodation and the existing facilities.

**CHAIR**—You have got one kitchen in that area.

**Mr Lavers**—In the family and female area, yes. It is mainly the adult male area where there is no such existing facility, and we want to try and put that in.

**CHAIR**—Are you able to accommodate that, or not?

**Mr Lavers**—We will find a way.

**CHAIR**—Are there laundries?

**Miss McKirdy**—People do their own washing. There is one in the women’s area. There are actually two. One has been turned into a kitchen.

**Mr Davis**—That was originally a laundry, was it?

**Miss McKirdy**—Yes; they have turned it into a kitchen. Similarly, in the male area there is a laundry.

**Mr Lavers**—Next to the quiet room.

**CHAIR**—So there are two laundries—is that right?

**Miss McKirdy**—Yes. A laundry is basically a washing machine and a dryer on top. It does not take up massive amounts of space.

**Mr Lavers**—The sheets are not washed there, are they?

**Miss McKirdy**—No, they are sent out to laundry.

**Mr Lavers**—So it is really personal items only. We have laundry cupboard arrangements in the day rooms of the new areas. We trialled that at Villawood in stage 1, and it has worked quite

successfully. A roller door opens up to a laundry, like you would find in some of the apartments. We have found that has worked quite well.

**CHAIR**—Are the other laundry facilities there adequate?

**Miss McKirdy**—At present?

**CHAIR**—Under this proposed plan.

**Miss McKirdy**—Yes, I think they are, given that what we have space for already has been reutilised by everybody. The general consensus is that we do not need two laundries in each area, so they have turned them into other things, because they are wet areas. I think it is plenty so long as we make sure that there is reasonable access all the way through. We were talking about short-stay personal washing. If you have a good quality washer and dryer it is done in an hour or so. I think there is plenty of capacity there.

**CHAIR**—In discussions with people using the centre, what do they say about laundry facilities, bathrooms and toilets and kitchen facilities?

**Miss McKirdy**—Do you mean detainees?

**CHAIR**—I understand there has been a consultation process. You have outlined it.

**Miss McKirdy**—In talking to detainees?

**CHAIR**—Yes.

**Miss McKirdy**—They have not particularly raised any issues regarding laundry facilities. They are interested in self-catering. There is a lot of staying up late at night watching sport and they want snacks late at night when the kitchens are shut. Arrangements need to fit within security issues as well, given the various groups we have, so that kitchen facilities can be provided so they can make themselves hot snacks, have a bit of a fry-up, make some toasted sandwiches and do those sorts of things that they like to do late at night.

**Mr Davis**—Has there been feedback from detainees on showers, toilets and things like that?

**Miss McKirdy**—They want to see them upgraded, and we are certainly looking at doing that.

**CHAIR**—But that is not incorporated in this plan.

**Miss McKirdy**—That is part of the management and maintenance of the facility. It is looked at in that context.

**CHAIR**—We are spending a lot of money here; \$7½ million is a lot of money. One of the other people making submissions estimated it at \$150,000 a bed, which is very high. I think when building aged care facilities they reckon on about \$80,000 to \$100,000 a bed, and they are pretty good facilities overall. So we are spending a lot of money. Part of your stated reason for

this expenditure was to improve the amenity of the facility, and yet it does not seem to me to be accomplishing that in total. It is only accomplishing it insofar as the overhauling of some areas for different uses and the provision of new areas, with perhaps some work on some of the outdoor areas. Do you want to comment on that?

**Mr Lavers**—I would like to first of all pick up on your point about the laundries. You have made a good point about the blue area, and I would like to review the laundry facilities in there. They could probably be enlarged slightly, on reflection. In terms of the amenity, I asked the question: if I had to stay here, would these new areas be better or worse than what we have at the moment? I believe that they add a lot to the amenity. Certainly I find that if you can get northern light into a facility—if you can get that indoor/outdoor connection—then you do not feel as enclosed and it is a better place to live in. We have tried to adopt those principles. I believe that the way we have combined the indoors and outdoors, the way that we have the natural light flowing through and the way that we have a range of day rooms and recreation areas are major steps forward. In the detail, each of those rooms—albeit with up to four people in them—has an ensuite and a window to the outside. We designed those windows so there is at least some outlook from each room. So I think we are moving forward.

**Mr BRENDAN O’CONNOR**—What would you say to an existing occupant of a quad-occupancy room? How does he feel better off if he is in the same room he was in before, he has reduced outdoor areas and he has to share the facility with up to 65 per cent more people? How would we explain that as an improvement for him that is more humane or less punitive?

**Mr Davis**—I think that goes back to the use of the facility and the turnover in the facility. We have a service provider who has to meet immigration detention standards. That provider has a facility in which it is challenging to do that. I think part of the philosophy here is to provide an area where perhaps those who are here for a longer period have a better outlook than they do from the rooms or accommodation they currently have.

**Mr BRENDAN O’CONNOR**—I am sorry to interrupt but I want to get that clear. Is that what this is about? Let us be honest: I am not very happy about quad-occupancy, but I accept the contention that, if you compare the blue rooms to the existing accommodation, they are larger and they have their own ensuite with their own shower. In fact, there are 10 showers and 10 toilets for 50 people, while I think there are about two showers—one of them broken, although I am sure it has now been fixed—and four toilets for 50-odd people in the existing area. That is about right. Are you suggesting that anyone staying beyond a certain period would be in the better facility?

**Mr Davis**—The intention is to accommodate those who may be there for a longer period within the facility in the blue area, and then the existing facility can be focused on those who are there for a shorter period. As we have said before, over 70 per cent are there for fewer than four weeks. Even four weeks in those rooms is questionable, but people have been in those rooms a lot longer. As I said before, it is also about the interim arrangement of what we are doing here ahead of getting a brand-new facility.

**CHAIR**—I am still a little perplexed about this. Can you explain to me why the new blue area was not designed as the family area? At the moment, as I said, even with a new area the children still have to be trundled around through this corridor to the bigger area, and the blue facilities

will obviously be a lot more comfortable than the existing family facilities; they will have ensembles and more bathrooms. I do not understand why families with children are going to have the worst of the accommodation.

**Mr Davis**—Mr Lavers may add to my answer, but I think part of it is to do with the numbers. We will continue to seek to minimise the number of families and children who are held in the facility. Therefore, in terms of absolute size, the view, as I understand it from the architectural thinking, was that the space available in that area could be functionally better used, given the numbers in terms of maximum families or women and children in a family group that we would expect. We need to be flexible, because there are times when the numbers ebb and flow. Also the intent of the existing family area is to use it predominantly for adult females so that you do not necessarily have families in both areas. You have the families in the green area, if you like, and the existing family area becomes an adult female area. I think the expectation of numbers has dictated where in terms of the design that has come out but recognising, with the corridor arrangement we have there, we still need to provide access for those people to the open space. Those are the principles under which we have been operating. Is that consistent with—

**Mr Lavers**—The children go to school, don't they? They run around the playground.

**Ms McKirdy**—That is right—if they are school age. We saw children there who are not school age, and they are there all day, except when they go on an outing.

**Mr Davis**—Yes, if they are school age—that is true. I think we provided the statistics at the last hearing or before that—if we did not provide them, we can—but, as we have said before, there have been times in the last 12 months when there have been no children in the facility, and that is the desirable outcome. But there are times when we do have children and, if they are there for any period, they should be moved somewhere else; otherwise, they should not be there. If they are going to be there for a short period, then, given the numbers expected, family groups should be up here as opposed to down here.

**CHAIR**—I think we all agree with that, but it is clear that some families have been there for more than just a few days over that time.

**Mr FORREST**—I have to say that I am really sorry but I just cannot get myself beyond the fact that this is a gross overdevelopment of this site in terms of cramming people in there—130 is too much, in my book. I have not heard anything that satisfies me that the amenity for these people, which is supposed to be part of the purpose, has been enhanced. Fifteen of those existing rooms have four people per room, and I think the pressure should be taken off. They should be cut back to two people per room—that is, 30 fewer people, making 100. That is my bottom line. I have tried to be fair and to listen, and I accept the enhancement, but I do not accept cramming four people into a space that has not even been given to us yet—we have the dimensions of the new rooms but we have not been told the dimensions of the existing rooms, although I know that information was asked for. It seems to me that the area of each of those rooms is about 2.5 by 2.5. There is no standard anywhere that says that is acceptable. That is my position: 100 people should be the maximum capacity, with the occupancy in those 15 rooms reduced back to two. That goes some way towards an objective of enhancing the amenity for the people interned in there. That is my position.

**CHAIR**—Thank you for coming back and providing us with additional information.

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

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

**Committee adjourned at 12.05 p.m.**