

## Detention centres: an overview

### Introduction

- 4.1 This chapter gives an overview of the Committee's visits to each centre. It sets out the range of facilities and services provided, including:
- medical and dental care;
  - education and activities within the centres; and
  - preparation of detainees for life in Australia.
- 4.2 It also sets out the recommendations made by the Joint Standing Committee on Migration (JSCM), in **Not the Hilton: Immigration Detention Centres: Inspection Report**. That report was the result of the JSCM's inspections 'at a time of extreme pressure on the facilities from the arrival of unprecedented numbers of 'boat people'. There has not yet been a Government response to that report.<sup>1</sup>
- 4.3 As a general comment, some members were shocked by the harsh picture presented by the exterior of some of the centres: double gates, large spaces between high fences topped with barbed or razor wire. The physical impact of the centres, and their psychological impact on the detainees, are among the lasting impressions of the visits. Others will be set out later in this chapter.

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<sup>1</sup> The report was tabled on 4 September 2000. The JSCM visited the detention centres between November 1999 and February 2000: see the JSCM's report, pp. ix, 1.

## Numbers in detention

- 4.4 DIMA advised that 8908 individuals were detained in 1999/2000: 8109 adults and 799 minors. Excluding those held in State/Territory jails, in 1999/2000 detainees spent a total of 929,210 days in detention centres. In 2000/2001 to 23 February 2001, 8401 individuals were detained: 7298 adults and 1103 minors.<sup>2</sup>
- 4.5 These asylum seekers were detained in the six existing migration detention centres.<sup>3</sup>
- 4.6 At the time of the Committee visit there had been a 40 per cent reduction in the number of arrivals since the peak times of late 1999-early 2000. This decline was related to the cyclone season in the north/north-west of Australia, and work done by DIMA and other agencies to reduce numbers arriving here. DIMA noted that the demand for entry into this country remained strong, and that criminals were active in meeting this demand.
- 4.7 The total population of detainees is effected by factors such as:
- how long processing takes for those being held;
  - numbers released as refugees;
  - the number of those who are not accepted as refugees and must be held pending removal from Australia; and
  - the total number of people arriving unlawfully in Australia.

## Curtin IRPC

- 4.8 When the Committee visited the Curtin Centre, on the RAAF Base near Derby in WA, it contained just under 900 detainees: approximately 650 males, 80 females and 150 children. While it has held 1281 people, ACM believed that a 'comfortable maximum' number would be between 1000 and 1100 detainees. Some detainees were family groups but the predominant group was single males aged from 25 to 40 years old. A short stay could be four or five weeks but the average stay in the Centre was nine months.<sup>4</sup>

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2 This discussion with DIMA took place on 8 February 2001 and the material quoted above was provided on 12 March 2001. See Question on Notice (44), Additional Estimates, Senate Legal and Constitutional Affairs Committee, 20 February 2001.

3 See paragraphs 2.34-2.48.

4 The Committee visited Curtin on Monday, 29 January 2001.

- 4.9 In the month before the Committee visit, 130 people had been released from detention into the Australian community and 640 people had been received from 12 boats that arrived in the six preceding weeks.
- 4.10 An area of the Curtin RAAF base was initially used as a detention centre in 1995/96, for about 180 detainees. It opened in its present form in September 1999 with a capacity to accommodate 274 people. The centre was forced to use tents to deal with rapidly increasing numbers eventually totalling 1250 people. As additional facilities were provided at Curtin and elsewhere, numbers at the centre were reduced.
- 4.11 The Committee was informed that, just prior to its visit, a long-simmering tension between the Iranians and the Afghans had erupted. A detainee alleged that, as a result of this trouble and in an act of collective punishment, the Centre was closed for three days and no sugar or tea was distributed. It was asserted that during the disturbance, 'all of the officers ran away' and the women and children were unprotected and afraid.
- 4.12 Because of this disturbance, detainees from specific national groups tended to be located together in separate compounds within the Centre.
- 4.13 ACM/DIMA gave a briefing to the Committee, detailing:
- the reception process at the Centre, including briefings on legal representation and on the rights of women and children;
  - the complaints process within the Centre;
  - the daily routine; and
  - excursions outside the Centre for the children and teenagers.

## Communications

- 4.14 During its briefing, ACM explained that the Centre has two lines on which detainees can receive phone calls. There are also four public pay-phones that they could use for outward calls, including overseas calls. Detainees also have access to mail, and letters for delivery in Australia and overseas are posted by the administration. This can be without charge if a detainee does not have funds. Television services, radios and newspapers are also provided.
- 4.15 Except at the separation stage immediately after their arrival, when initial processing and a range of basic health checks are undertaken, there are no restrictions on detainees' contacts.
- 4.16 During the meetings with detainees, the Committee heard a complaint that there was only one incoming phone line for their use. Another

detainee was concerned about different practices at Woomera and Curtin. At Woomera, if a detainee had insufficient funds to make an overseas phone call, the administration would make arrangements to cover it, whereas at Curtin no financial assistance was given to detainees.

- 4.17 It was further alleged that new arrivals are held in isolation 'for several months', with no access to phones, radio, TV, newspapers, or any other communication, 'not even a letter'. According to this allegation, there was no access to legal representation or human rights organisations such as Amnesty International.

### **Points scheme for work**

- 4.18 Detainees are employed within the Centre, in the kitchen, cleaning the grounds in hygiene, education, welfare and the tailor's shop. About 95 people are employed on a daily basis, with employment rotated to ensure everyone has access to some money through these jobs.
- 4.19 Each person at the centre has an account opened for them on arrival. These accounts are credited weekly with any points earned, one point for each working hour. There is a shop at the Centre where detainees can purchase goods with the points that they have earned. One point is equivalent to one dollar.
- 4.20 In one of the meetings with detainees, it was claimed that the Centres at Woomera and Curtin allocated different numbers of points for the same work. It was alleged that 60 points per week were given at Woomera for cleaning toilets and 90 points per week for working in the kitchen, while Curtin only gave 28 and 24 respectively.

### **Shopping at the Centre**

- 4.21 It was also stated that 'most of the people' had to work to meet additional requirements especially those with children. A detainee alleged that the shop at Curtin made 'very huge profits' from the goods it sells at 'very exorbitant prices'. Examples were given of these prices: an audio cassette player advertised in a newspaper for \$70 but costing \$150 in the shop at the Centre.

### **Quality of food**

- 4.22 A detainee stated that the quality of the food provided, rather than its quantity, was an issue.

## Clothing

4.23 It was claimed that when detainees arrive at the Centre, their belongings were confiscated. It was further alleged that no replacement clothes were provided for them, so that they had to wash constantly the same limited amount of clothing.

## Medical and dental treatment

4.24 At the briefing by ACM, details were given of the medical services available to detainees at the Curtin Centre. These include:

- a fully equipped medical clinic, with ‘two core medical staff’ where there ‘is always a doctor’ and ‘there are always nurses’;
- access to the hospital at Derby;
- an optometrist and other specialists visit Derby every three months; and
- a dentist at Derby for whom there is a three week wait for an appointment, or a two week wait in the case of an emergency.

4.25 A psychiatrist visits the Kimberley area every three months. The psychiatric nurse on the medical health team at Derby works with the specialist in on-site assessments of detainees as required.

4.26 ACM employs four interpreters at the Centre and, as required, they accompany detainees to medical appointments away from the Centre.

4.27 During the briefing, DIMA noted that many detainees suffer from heat exhaustion and dehydration and that visits to the clinic often result in prescriptions of aspirin for headaches. The nursing staff will often stress the need to drink more water. This led to an accusation from one detainee that most treatment was ‘drink water’. DIMA believed that, while there were complaints about medical treatment at the Centre, the treatment offered for common problems was appropriate.

4.28 During the meetings with members, a detainee stated that the medical treatment was poor and that the cheapest forms of prescriptions were used. Another said that there was only one doctor, and that the opening hours for the clinic were limited.

4.29 On a related health issue, there was a complaint that, while there were four toilets in a particular area, only two were working.<sup>5</sup>

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5 See paragraph 4.37.

## Education

- 4.30 The briefing material prepared for the Committee's visit gave details of the large range of educational programs provided at the Curtin Centre. These range from basic English to WA's level 16 for children and adults. Classes in computing and mathematics are provided. A life-skills course had just commenced at the time of the visit, to help prepare people for their release.
- 4.31 These various programs operated five days per week for ten hours per day and are offered to all detainees. In January 2001, the programs involved 60 children and 120 adults.

## Activities

- 4.32 ACM told the Committee that a large range of recreational activities is also available at the Curtin Centre, and the briefing material showed that activities such as general fitness begin as early as 7am. To take account of the climate, games such as volleyball and soccer take place in the evening, seven days per week.
- 4.33 For cultural reasons, separate television viewing areas are provided for men and women.
- 4.34 ACM claimed that there are regular excursions from the Centre for children. ACM also claimed that about 74 per cent of detainees attended some form of educational or recreational activity.
- 4.35 ACM stated that the detainees' religious needs are met by regular observances, and there is considerable support in this area from the local community.
- 4.36 The Committee's observation was that the range of recreational activities was not as extensive as was claimed.

## JSCM's views

- 4.37 As a result of its inspection of Curtin, the JSCM noted that:
- because of the climate, more washing and toilet facilities should be provided for detainees;
  - increased staff continuity would assist in monitoring and assessing internal security at the Centre;
  - the physical medical arrangements appeared to be inadequate for routine health requirements for 1100 detainees; and

- because of the potential for problems to arise in the Centre, its lack of internal sub-division could hamper staff in keeping order.<sup>6</sup>

4.38 The JSCM therefore recommended that:

- the ratio of showers and toilets to detainees be increased;
- ACM endeavour to maintain staffing continuity by re-engaging staff to maximise the use of their skills and knowledge;
- the expansion of on-site medical facilities be given priority; and
- internal fencing be erected for security reasons.<sup>7</sup>

## Port Hedland IRPC

4.39 The Port Hedland Centre is located within the town of the same name. The site was built in 1981 as an accommodation facility for construction of a BHP plant. It was first refurbished for use as a detention centre in 1991, and was completely refurbished by March 1999.

4.40 When the Committee visited the Centre, ACM advised that it had 477 residents: 388 adult males, 35 adult females, 38 male children and 18 female children.<sup>8</sup>

4.41 Five of the children were unaccompanied minors, and families have been approached to treat them as if these children were part of their groups. Where possible, families are accommodated in the block closest to the dining facilities, the shop and the school.

4.42 The Committee was told that detainees are briefed on their arrival at the Centre and given a booklet in their own language on conditions and rules in the Centre, together with information on their rights. It included information on the representative group of residents, chosen from representative nationalities, that meets monthly with management to examine and address specific issues which may impact on detainees. It also included details of the complaints and request mechanisms, both internal and external. Contact details for the office of the Commonwealth Ombudsman in Perth were also included.

4.43 Clergy from local religious bodies can visit the Centre from 9am to 5pm any day of the week. Local welfare organisations also visit the Centre.

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6 JSCM, *op cit*, p. 28.

7 *ibid*, Recommendations 2-5, pp. 28-29.

8 The Committee visited Port Hedland IRPC on Tuesday, 30 January 2001.

Areas have been allocated for worship by both Sunni and Shi'ite Muslims, as well as for the Uniting and Roman Catholic churches.

### **Provision of clothing and footwear**

- 4.44 Clothing and footwear are provided for detainees who arrive in need. For those with no clothes, one or two sets would be provided. Thongs were generally provided because, ACM observed, they were common items of footwear within the detainees' cultures.
- 4.45 A detainee complained that, although she had been at the Centre for three months, she only had one dress that had to be washed each night. Another apologised for wearing thongs, but added that they were all she had been given to wear on her feet. A third complained of the quality of the clothing, noting that it had been donated and was not in good condition.

### **Communications**

- 4.46 ACM noted that there are two phones for outwards calls by detainees via telephone cards, and another two lines for incoming calls.
- 4.47 A detainee observed that this was not a sufficient number of phones for the 450 people in the Centre, and that this situation led to fights.
- 4.48 Another detainee noted the separation block's isolation from the outside world, and from world news in particular. According to the same speaker, there was also a need for Palestinian newspapers.<sup>9</sup>

### **Points scheme and shopping**

- 4.49 An 'incentive work scheme' operates at Port Hedland so that residents are employed to carry out specific tasks. Detainees are provided with rations by ACM to prepare, cook and serve meals, and clean the dining room. 20 to 30 people could be employed in the kitchen and dining room at any time. Others do gardening, empty rubbish bins, etc. These workers are paid on the same point per hour basis as at Curtin, with a point equivalent to a dollar at the shop at Port Hedland Centre.
- 4.50 Detainees can expect to work for three weeks, after which another group will take over. ACM commented that this ensures that all the detainees who want to work are given that opportunity.

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9 For something of the plight of Palestinians, especially those who came to Australia through Syria, see paragraph 5.45.



- 4.51 When residents arrive with money, it is secured and converted into points which can be used for purchases at the Centre's shop on a point per dollar basis. The shop is open five days per week with groups such as families or residents of a particular block having access at prescribed times. On Fridays, the shop is open for the purchase of phone cards and cigarettes.
- 4.52 The shop offers 'specialty items' such as tobacco and choices beyond the generic brands of toiletries that are provided by the Centre. It also sells items such as soft drinks, cordial, confectionery and biscuits, particularly for detainees from Middle Eastern countries.
- 4.53 One detainee described this system as 'forced labour': because detainees need phone cards and want to smoke, they have no alternative but to work. He also complained that goods in the shop were very expensive.

## Food

- 4.54 During the briefing by ACM, details were given of meal arrangements for the detainees. Specific mention was made of arrangements for New Year celebrations for Chinese detainees, and provision of a meal at 2am every day for Muslims during the month of Ramadan. Arrangements are also made for to Christians for their celebrations.
- 4.55 Some detainees were critical of the nutritional quality of the food provided, with one noting that her child had lost 10 kilograms. She also asserted that, if it was discovered, bread removed from the dining room was thrown into a bin. Another, while saying that the food was 'alright', noted that those who were hungry could not get an extra helping, even though others working in the kitchen spoke of the amount of food that was thrown out.

## Observation and musters

- 4.56 ACM stated that, while there is no system of isolating detainees at Port Hedland, detainees considered to be 'at risk' can be placed on observation. This involved them remaining in their own accommodation and an ACM officer would have to report in writing that an individual had been observed every hour against a prescribed list of requirements.
- 4.57 This differed from what some Committee members observed, and this matter will be dealt with in more detail in Chapter 6.
- 4.58 If a detainee had attempted self-mutilation or self-harm, that person would be placed on a 30-minute or 15-minute watch in an observation

room which has a video camera and where there is 24-hour surveillance from the Centre's control room.

- 4.59 If attempted self-mutilation reached a certain level of seriousness, the detainee would be removed to the hospital for treatment. If necessary, treatment would be continued at the Greylands facility in Perth.
- 4.60 One detainee complained that there were six musters every 24 hours, three during the day and three at night. This involved waking detainees to check identification, thus interrupting their sleep. These details are on the backs of the doors in each room, and the view was expressed that the disruptions to sleep were unnecessary.
- 4.61 ACM advised that an additional muster at 3am had been included after an escape and, by the time of the meeting with the Committee in Canberra, it had been discontinued. Further, they indicated that there was no need to wake detainees and that all that was required was to establish that they were in bed.
- 4.62 Some detainees felt aggrieved by what they considered to be a lack of manners displayed by ACM staff.
- 4.63 The Committee was disturbed by conditions in Juliet Block, and this matter will be addressed further in Chapter 6.

## **Medical and dental treatment**

- 4.64 During the briefing by ACM, considerable attention was devoted to the range of medical treatment available at the Port Hedland Centre. Members were told that the Centre employed eight full-time nurses including triple-certificated midwives and a psychiatric nurse whose entire workload is making mental health assessments. There are also two counsellors, trained in social work, who refer cases to the psychiatric nurse for assessment. The clinic at the Centre is fully staffed from 8am to 5pm daily, with a nurse on call outside those hours.
- 4.65 There is a High Risk and Trauma team (HRAT) at the Centre which assesses those detainees who are on self-harm watch. This team includes representatives from ACM's security and operations at the Centre, a nurse, a counsellor and a mental health nurse. The HRAT considers written and verbal reports from the counsellor and the mental health nurse, and makes assessments about the well-being of detainees. In some circumstances, 'at-risk' detainees could be placed on observation.
- 4.66 While there is not a psychiatrist currently resident in Port Hedland, one came from Perth to make a specific assessment. In addition, ACM brought

a psychiatrist from Sydney for a week in 2000 to assess a number of detainees. There is a psychologist living in the town.

- 4.67 The regional hospital is five kilometres away and there is a high level of liaison with hospital staff. The staff includes two paediatricians, a physician and a surgeon. Specialist referrals are made by the Centre's doctor, and can lead to the transport of a sick detainee to Perth. Specialists in various fields visit the hospital. Tele-conferencing can also be used to aid diagnosis or treatment.
- 4.68 A local doctor holds a clinic at the Centre twice a week and is also on call. Another doctor comes to the Centre once per month to conduct regular medical examinations.
- 4.69 Two dentists from the local community visit the Centre, and ACM will bring in another dentist if there is a backlog of cases needing attention.
- 4.70 Medication, other than over-the-counter products, is only given out via a doctor's prescription. All medication is written up in the drug book retained in the clinic. If a detainee needs a higher level of pain control, the person is moved to the hospital. It was emphasised that the Centre does not use chemical restraints.
- 4.71 A detainee stated that medication for a blood pressure problem had been removed during a search of a room and not replaced. Other medical problems were alleged to have developed as a result.
- 4.72 It was stated that mosquito repellent was sometimes unavailable at the medical centre and that, as a result, children were bitten and these bites became infected. ACM advised that sprays to deal with mosquitos were available from the medical centre. They could also be found in the common rooms at the ends of accommodation blocks.
- 4.73 Various allegations were made by detainees about medical conditions resulting from lack of nutrition and hygiene. There was also a complaint that an appointment card was required to see the doctors and nurses, and that it was 'really very hard' to see them. It was also alleged that 'an ACM officer gives out medication' at specific times.

## Education

- 4.74 ACM stated that there are two permanent teachers on the staff of the Port Hedland Centre. English as a second language is taught both to secondary level, and at a more basic level. Assistance in their own languages is also provided to professionals interested in upgrading their qualifications.

There is also advice available on distance education and library books are provided.

- 4.75 Detainees are tested on arrival at the Centre to ascertain their level of English.
- 4.76 Other subjects taught include:
- numeracy;
  - basic computer skills; and
  - sewing and tailoring.
- 4.77 There are also presentations on such topics as personal health and hygiene, and on cultural awareness within Australia so that, after release, detainees will know what to expect in the Australian community.

## Activities

- 4.78 ACM stated that there is an Activities Room at the Centre where detainees can use computers, musical instruments, newspapers and educational videos. In the dining room, an area has been set up with pool and table tennis tables.
- 4.79 ACM also stated that an Activities Officer provided a range of other activities for detainees including:
- use of a day care facility near the Centre to give families respite from children, and to allow them to use its equipment;
  - a range of sporting activities, such as pool, basketball, cricket, soccer and volleyball competitions, organised through a committee of detainees;
  - games such as cards, chess, drafts and mah-jong; and
  - activities for children such as excursions to local wildlife parks and the swimming pool and sea-side picnics.
- 4.80 Shopping excursions are conducted on an 'as required' basis, where detainees are taken to shopping centres to make approved purchases.
- 4.81 There is a separate area for the sole use of women where they can exercise and undertake planned activities. Women's afternoons are organised, beauty classes are conducted and computer and sewing facilities are provided. Aerobics and relaxation classes are conducted, in conjunction with the Medical Clinic.

4.82 A detainee noted that the soccer pitch was ‘very sandy’, making playing very difficult. It was also stated that access was at the discretion of the management, and that it was not available at will. There was a similar complaint about the condition of the volleyball pitch.

### JSCM’s view

4.83 As a result of its inspection of the Port Hedland Centre, the JSCM expressed the view that, although the Centre was close to its capacity, it ‘did not consider it overcrowded’. The JSCM noted that detainees in the outdoor recreation area were photographed by the media from outside the centre. It was concerned that this invasion of privacy could enable individuals to be identified. It recommended that this Centre should ‘be screened to minimise photographic intrusion’.<sup>10</sup>

### Perth IDC

4.84 The detention centre at Perth Airport can accommodate 44 detainees, including up to ten women. All 24 males detained at the time of the visit attended the meeting with the Committee. As a smaller centre, the ratio of staff to detainees is higher than in other detention centres.<sup>11</sup>

4.85 The premises were built over two decades ago, and DIMA accepted that they did not meet current standards for long-term detention. When funding is available, it has been proposed to restructure a smaller dormitory to provide better accommodation. This would also increase the Centre’s capacity by about ten persons.

4.86 DIMA also advised that this Centre was ‘widely recognised’ as unsuitable for detention of women, juveniles or family groups, except as a last resort for a day or two. When such people arrived at this Centre, in normal circumstances the earliest possible arrangements would be made for their transfer to the Port Hedland IRPC.

4.87 Two broad groups are detained in this Centre:

- those who have arrived in Australia illegally seeking protection, for whom detention is for the duration of processing, and
- those who have entered Australia legally but who have overstayed their visas or had them cancelled.

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10 JSCM, *op cit*, Recommendation 1, p. 21.

11 The Committee visited Perth IDC on Tuesday, 30 January 2001.

- 4.88 Detainees are employed in various cleaning and kitchen hand positions, and receive one point per hour for this work. As in other centres, a point is equivalent to a dollar.
- 4.89 The Centre manager stressed the importance of communication with detainees, stating that there were regular and frequent meetings at which issues could be raised.
- 4.90 A detainee referred to the small exercise yard and the hours during which it is closed. He claimed that this caused problems for the smokers who are not allowed to smoke in the building.

### **Medical and dental treatment**

- 4.91 The Perth Centre has a full-time nurse and access to an on-call nursing service and an on-call doctor.
- 4.92 A detainee complained that glasses with the wrong prescription were supplied to him and he could not see. He was told that he would have to pay to have the correct prescription provided. A second detainee said that after three years in detention he had attempted suicide at this Centre. He was taken twice to hospital for treatment but otherwise has not been helped.

### **Education and activities**

- 4.93 Lessons and activities available at the Perth Centre include:
- English classes;
  - relaxation and fitness;
  - chess; and
  - pool, volleyball, soccer and cricket.

### **JSCM's views**

- 4.94 The JSCM noted that the Centre was operating at its effective design capacity. This produced the challenge of accommodating people from different backgrounds with a minimum of friction in a restricted amount of space. While there had been improvements in recreational facilities since an earlier visit, in 1998, that Committee concluded that 'the small outdoor recreation area makes the IDC unsuitable for accommodating detainees for long periods of time.' The JSCM:
- considered the Centre to be overcrowded at the time of its visit;

- noted that, as it operates at capacity ‘most of the time’; and
- stated its belief that there was ‘a need for additional space’ at the Centre;
- observed that the configuration of the Centre did not provide adequate toilet facilities for all detainees;
- noted the arrangements for the use of tranquillisers and anti-depressants, and ‘wanted appropriate protocols to be followed; and
- was concerned that the provision of massage therapy ‘would be misinterpreted both by the Australian public and by detainees.’<sup>12</sup>

4.95 The JSCM therefore recommended that:

- the IDC pursue acquisition of additional, adjacent land to expand its interviewing capacity to expedite processing of detainees and provide more space for accommodation;
- this Centre be used only for short-term detention;
- the provision of toilet and ablution facilities be increased;
- DIMA ensure detainees provide informed consent for the administration of tranquillisers and anti-depressant medication, and that clear documentation of such treatment is kept for each individual; and
- the practice of providing massages to detainees on a regular basis be discontinued, and that massages are only provided via a doctor’s recommendation for ‘substantial medical reasons.’<sup>13</sup>

## Woomera IRPC

4.96 The Woomera Centre is located in outback South Australia, near to the town of that name. On the day of the Committee’s visit, there were 542 detainees at the Centre: 366 men, 50 women, 91 male and 64 female children under 18 years of age, including 52 unaccompanied minors. Most of these detainees had been at the Centre for about four weeks but the longest resident had been there for 14 months. During the year 2000,

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12 JSCM, *op cit*, pp. 44-45.

13 *ibid*, Recommendations 7-11, pp. 45-46.

about 1300 detainees were processed through the Centre, at a time when substantial construction activity was taking place.<sup>14</sup>

- 4.97 At the time of the visit, there were three groups within the Centre:
- One group of approximately 60 people who were at the end of the process, either because they were waiting confirmation of visas, or because they would not be granted visas. This group was located in a compound known as Sierra, separated from the main compound.
  - A second group of about 340 people had arrived within the previous four weeks and were undergoing intense interviews to determine whether they will engage Australia's protection obligations.
  - A third group of about 400 people had arrived in the previous seven days. They were undergoing preliminary medical checks, orientation to the Centre, and beginning the initial interview process.
- 4.98 Delegates representing all detainees meet each fortnight with the ACM and DIMA managers at the Centre. These meetings discuss 'a wide range' of issues', and detainees at all levels are encouraged to participate. The ACM manager stated that detainees 'have a great say' in how the Centre is managed.
- 4.99 The food sub-committee that is part of this process seeks to ensure that the Centre meets the cultural needs of the detainees' diets. As these needs were identified, they were incorporated into menus.
- 4.100 A consultative group met monthly to discuss and assess detainees' needs, the effectiveness of programs, and to receive feedback. ACM noted that all ages, genders and nationalities were invited and attended these meetings.
- 4.101 There was also a feedback and exchange program that looked at personal issues affecting detainees, including women's and children's issues such as personal safety, coping with stress, personal development and parenting skills.
- 4.102 DIMA assured the Committee that the Centre did not have a detention, punishment or observation block. A compound known as Sierra had been used for 'people who had been disruptive' in the past, and could be used as a 'separation unit' if required. It also advised that, when there are allegations of crimes, these are automatically reported to the State Police

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14 The Committee visited Woomera IRPC on Wednesday, 31 January 2001.



for investigation. If those under investigation cannot be contained at the Centre, they can be lodged in police holding cells at Woomera.<sup>15</sup>

- 4.103 The Centre has basic restraining equipment, handcuffs in the form of disposable plastic flexicuffs. While these were used during the two disturbances in 2000 to secure individuals for transportation, ACM stated that their use is 'not common'.
- 4.104 While there are no firearms on site, batons and shields are available and ACM staff are trained to use these items.
- 4.105 When the Centre contained 1300 or 1400 people, ACM said that it had been 'cramped'. Three brick accommodation blocks, constructed by the Defence Force, were still in partial use. These are not air-conditioned, but fans are provided. In Stage 2, there are air-conditioned portable mining camp huts, known as 'dongas'.
- 4.106 There was a number of complaints about hot and harsh conditions in summer. It was alleged that there was no air-conditioning and that, when fans were provided, they did not work
- 4.107 At the time of the Committee's visit, a substantial rebuilding, upgrading and reconfiguration program was almost complete. Phase 1, for 360 people, was expected to be ready for occupation about seven working days after the visit. Phase 2 would accommodate 440 people and was expected to be ready for occupation 'one to two weeks' later. All new buildings will be air-conditioned.<sup>16</sup>
- 4.108 A number of buildings were destroyed by fire in 2000 and, as part of the refurbishment and reconfiguration, two dining rooms had been replaced by a large facility in the main compound.
- 4.109 Counts of detainees are made at the three meals during the day, when ID cards are checked against the nominal roll. There is another count at about 12.30am and, while detainees are not woken, doors are opened and there is a head count.

## Supply of clothing and shoes

- 4.110 There was a number of comments about the supply of clothing and footwear. It appeared that distribution was uneven, and a number of detainees complained that what they had was inadequate. It was claimed

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15 A the time of the Committee's visit, Sierra was being used to separate the group of about 60 people referred to in paragraph 4.97 from other detainees. ACM assured the Committee that this was not for disciplinary purposes.

16 During the visit, Members inspected accommodation in Phase 2.

that the clothing that was issued depended on the level of each individual's account at the Centre.

## Communications

- 4.111 One detainee complained that his group had been at Woomera for almost a month and that, although they had asked, they had not been given access to phones. Their families in Iraq did not know whether they had arrived safely. There was also a problem of access to phones by those who did not have money for phone cards. It appeared that a promise had been made that international calls could be made or faxes sent, but that this arrangement had not worked for a number of people.
- 4.112 There was also some criticism that it was necessary to work for a week to buy a phone card. Then, even if a detainee had enough points in an account at the Centre, it was alleged that it could take up to three weeks to buy one.
- 4.113 A detainee alleged that after the third interview with DIMA, it was possible to make phone calls freely. The number to be called had to be given to an ACM staffer who would stand next to the caller to ensure the destination of the call was known.
- 4.114 While it was not entirely clear how access to phones and faxes was denied, six detainees complained that DIMA and ACM 'sort of interfere' with the normal processes, especially for example when there were deadlines on the submission of material.

## Food and meal arrangements

- 4.115 A detainee said that the weather was very harsh and hot, and that it was difficult to look after their children in the Centre. That person also commented on the distance to the mess, and on the difficulties of keeping children in the queue before meal times.
- 4.116 Another claimed that, when his wife was sick, ACM staff said that she had to come to the dining room to collect her meal. If she did not attend, she would not receive a meal.
- 4.117 It was also claimed that children were obliged to eat the same food as adults and that, for example there was no provision of, biscuits to supplement children's meals. If they did not eat their meal at the set time and were hungry later, there was nothing available for them.
- 4.118 The food was described by one detainee as 'very bad' and as 'basic' by another. A detainee claimed that he was given rotten fruit and told that

he was lucky to be given it because it would not be available in his country.

- 4.119 At a meeting with DIMA and ACM after this visit, ACM advised that arrangements had been made for provision of a small 'supper pack' for families, especially for those with children. DIMA drew attention to the difficulties in providing such things as cold milk after meal times because the one dining room was in a central area. When the new accommodation was available, each block would include a communal area equipped with a refrigerator.
- 4.120 ACM also pointed out that in fact, because of the heat, families were allowed to take meals to their accommodation. This was a matter for judgement because problems with health and hygiene could result from food being taken into accommodation blocks: the centre has had problems with vermin in the past.

## Medical and dental treatment

- 4.121 A general practitioner is employed full time by ACM at the Woomera Centre, and another doctor who works at the local hospital works for two hours each morning at the Centre. A doctor is on call after hours and on weekends. There are five registered nurses at the Centre, including a dedicated mental health nurse.
- 4.122 The Committee was told that most detainees reported to the clinic for treatment of such things as rashes, or for pre-natal checks. There is some gastro-enteritis from time to time and, in the hot months, dehydration can also be a problem for detainees.
- 4.123 In addition to a counsellor with nursing and counselling qualifications, there are two psychologists on the staff. Psychiatric care is provided by video-conferencing, or by a visiting specialist.
- 4.124 Medication is only given to detainees as prescribed by doctors and no chemical restraints are used at the Centre.
- 4.125 There are women's centres in the community areas of the Centre that, in addition to the medical centre, supply personal hygiene products. ACM said that female officers could also be asked for assistance. It does not believe that it is acceptable that women detainees should have to ask a male staff member for these items.
- 4.126 ACM stated that there had been one 'major attempted suicide' at the Centre in the previous 12 months, in addition to eight episodes of self-harm.

- 4.127 The Committee was told that there was nothing provided to deal with 'mosquitos' or flies, and that there were mice and snakes in the Centre. ACM responded that repellent was available at every staff station, and detainees only had to ask for it to be handed out. In fact, it was noted, a great deal of repellent was issued.
- 4.128 Detainees commented unfavourably on medical treatment at Woomera. One stated that he needed dental treatment but that, although a range of other tests had been carried out, nothing had been done about this specific problem. Another detainee, who was a doctor, believed that hygiene at Woomera was 'in a disastrous state'. It was claimed that the required toilet arrangements for Muslims were not provided. The lack of cleanliness in shower and toilet blocks was mentioned, as was the absence of privacy in the shower blocks when the facilities were working.
- 4.129 Two detainees stated that the only treatment for all illnesses or health problems was the provision of Panadol and the advice to drink water.
- 4.130 Another mentioned that, as a result of conditions on the boat that had brought 150 people to Australia, 'an infectious disease' had been passed around the group. Because there was only one doctor at the Centre, there had been 'a large number of difficulties'.

## **Education and activities**

- 4.131 There were 364 enrolled students at the Woomera Centre at the time of the visit, including 30 women and 118 men attending adult education of 120 hours per student per month, using the South Australian Education Department curriculum.
- 4.132 There are three education buildings at the Centre: a kindergarten, a recreation centre and a library, and there are two teachers on the staff. Among the detainees, there are seven teachers who work under the supervision of the ACM teachers.
- 4.133 One detainee expressed concern about the education of children. Another alleged that there were not enough teachers, and that children with different educational levels were all in the same group. A third who had been at Woomera for about a month said that, although there were classes for 'small children', no English classes had been provided. A detainee who was one of the teachers working in the Centre claimed that books and notebooks necessary for the students, and books for the library, had not been provided.

- 4.134 We were told that, although there was a child care centre at Woomera IRPC, there were no qualified carers and young children left there were not looked after properly.

## General comments

- 4.135 From claims made by former detainees at Woomera, who had since been transferred to other centres, it would appear that conditions have improved considerably. At the time of the Committee's visit to Woomera a majority of the detainees were recent arrivals and had a different perspective to the long-term detainees.
- 4.136 There were other general complaints from the detainees about conditions at Woomera, including:
- the small rooms and the lack of privacy;
  - use of detainees' identification numbers over the PA system to contact them;
  - insensitive treatment by ACM staff; and
  - a lack of sporting and exercise facilities.

## JSCM's views

- 4.137 The JSCM noted that the existing medical clinic was too small, both for staff requirements and for the handling of the large detainee population. It also noted that, although at the time of the visit there, the Centre had not begun processing and review operations. It was concerned that, at the time of its visit, there were no separation detention facilities at this Centre.<sup>17</sup>
- 4.138 That Committee recommended that the expansion of on-site medical facilities be given priority.<sup>18</sup>

## Villawood IDC

- 4.139 When the Committee visited the Villawood Centre in south-western Sydney, there were 348 detainees from 64 nations: 131 men in Stage 1 and

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17 JSCM, *op cit*, p. 37. The JSCM visited Woomera in January 2000; the Centre had opened in November 1999.

18 JSCM, *op cit*, Recommendation 6, p. 38.

217 detainees in total in Stage 2, including 51 women, 21 male children and 16 female children. On a monthly average, it has a population of about 310 detainees and the average stay is about six months. In 2000, 2700 people went through the Centre.<sup>19</sup>

- 4.140 An amount of construction was underway at what was called Stage 1.5 of the site which, when completed, would increase Villawood's capacity to about 700 detainees. DIMA advised that it had been wanting to demolish Stage 1 for some time, but that pressure of detainee numbers had prevented this.
- 4.141 Because it receives compliance cases, such as those who have overstayed their visas, as well as unauthorised air and boat arrivals, Villawood can have detainees from both police stations and the prison system. The population at the Centre included long-term detainees in Stage 2 who cannot be released into the Australian community, or cannot go back to their country of origin. It also included about 50 arrivals from other centres who have medical or psychological conditions best managed at Villawood.
- 4.142 There are four 'secure rooms' or observation rooms for people at high risk, equipped with closed-circuit television so that a watch can be kept from outside. ACM noted that for various reasons some detainees request placement in a secure room. There had been four episodes of 'self harm' in the previous year.
- 4.143 There was a comment from a detainee, who had been in the Centre for three years, about overcrowding. He claimed that Stage 1 was about 30 metres by about 45 metres, with small rooms. There were only 32 chairs in the dining room, and he asked why 130 people were detained in such a small space.

## Travel outside the Centre

- 4.144 ACM stated that: 'Mechanical restraints are used on high risk detainees when they leave the Centre', but not within it.
- 4.145 A detainee stated that, 'whenever' detainees go to hospital, or to a doctor or a dentist, the tribunal or to court, they are handcuffed. Another detainee claimed that women were handcuffed when they were taken to hospital.

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19 The Committee visited Villawood IDC on Thursday, 1 February 2001.

## Observation and musters

- 4.146 During the briefing we were given, ACM said that musters were carried out at meal times: 8.00am, 11.30am and 4.30pm. Head counts were also carried out at night, at about 2am and again at 5.30am, without disturbing detainees.
- 4.147 One detainee stated that torches were used and sleep was disturbed during the nightly musters. Another referred to the ‘incessant noises of “muster, muster”, which are diffused and heard’ all over the Centre. Yet another referred to the impact on her child’s sleep of the opening of doors and the turning on of lights in the female dormitory. A fourth talked of the ‘control’ exerted every night and of searches in the bedrooms so that even nail clippers could not be retained.

## Points system

- 4.148 Detainees receive a point an hour for work they carry out around the Centre. There was a claim that detainees were ‘forced to work’.
- 4.149 As there is no shop at Villawood, detainees must rely on visitors to bring in such items as cigarettes, soft drink and cordial. There had been a cigarette machine in the facility but, after it was vandalised, the contractor would not replace it.
- 4.150 Given the expansion plans for this Centre, it was surprising that inclusion of a shop was only ‘under consideration’ in one of the buildings designated as all-purpose. Including a shop would provide additional opportunities for work for detainees and, among other things, make it easier for them to buy phone cards.

## Communications

- 4.151 In both Stages of the Centre, there are five phone lines for incoming calls and three public phones and ACM said that it was happy to look at increasing that number.
- 4.152 Detainees stated that communications were ‘a nightmare for the majority of people’ at Villawood. At the best of times, it was said, there were three public phones. Regardless of how much money a detainee had, access to phone cards was ‘very much restricted and limited’ because cards could only be bought from the kitchen. As no change was given, a detainee had to have the right amount of money for whatever value card was for sale at the time. If there was money in the property held by the Centre, it might take two days or so to get access to it.

- 4.153 While they were said to be working in anticipation for the Committee's visit, the incoming lines were not always working. Because of their locations in corridors, detainees claimed that it was often difficult to hear what was being said and that privacy was totally lacking. It was also necessary to queue to use a phone.
- 4.154 At 11.30pm, everyone had to go to their dormitories, even if they were using the phone. This made it difficult for some detainees to keep in touch with their families who live in different time zones.
- 4.155 The Committee was told that in the female dormitory there was only one phone and that this was 'always busy 24 hours'.
- 4.156 Detainees claimed that at least another six public phones were required for Stage 1.
- 4.157 It was asserted that faxes would be sent by ACM after DIMA had checked details. This could be time consuming and could be a problem if there were requirements for lodgement by particular times. One detainee claimed that ACM compiled 'secret reports' for an unknown purpose. Detainees wished to be able to send their own faxes.
- 4.158 Detainees complained that no Internet access was provided.
- 4.159 The Committee was concerned that there should be greater access to telephones at the Villawood Centre, with greater privacy for all users.**

## Clothing

- 4.160 The Committee was informed that the existing clothing store provided 'sufficient' clothing for detainees' needs, and issues what are called 'bedpacks' of toiletries.

## Catering

- 4.161 From 30 January 2001, ACM had taken over the catering service at the Centre. With detainee involvement, special diets, for religious and other reasons are now provided. Fruit was made available at lunchtime and evening meals. Supper is provided every evening.
- 4.162 A detainee described the food at the Centre as 'dog food', not worth the \$60 per day he stated that he was being charged for it. Another detainee said that there was no special food for babies or children because there was only one meal served at each sitting.<sup>20</sup>

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20 The question of DIMA's charges will be addressed in Chapter 5.



## Access arrangements

- 4.163 ACM management meets with detainees once a fortnight. There is also a community reference committee that meets every two months. Membership of this committee is drawn from ACM, DIMA and six non-government organisations (NGOs), including Anglicare and St Vincent de Paul. Representatives selected by the detainees attend these meetings, but the NGOs do not have free access to the Centre. Submissions for NGO and State agency representatives are drawn up by DIMA's State Director, and the Minister determines the organisations that can have access.
- 4.164 DIMA's State Director also chairs a three-monthly meeting of the Newly Arrived Societies of Refugees to Australia (NASRA) Committee. This forum raises questions about all aspects of DIMA's services in NSW, and Villawood is usually on the agenda.

## Access to property

- 4.165 There were accusations that property was lost while it was held by ACM. In one case, it was asserted that a passport and money were held by ACM without a receipt being issued, and that they had been lost. In another case, it was stated that property listed on a receipt was lost from a doubly-locked area. In a third, it was claimed that a passport had been lost in the Centre.<sup>21</sup>
- 4.166 There were also complaints that those who were to be deported could not return to their homes to collect property, or to make arrangements to dispose of it.

## Medical facilities and health issues

- 4.167 As well as casual staff, there are three full time nurses at the medical centre at Villawood that is staffed 24 hours per day. A doctor is available each day in Stages 1 and 2 on an 'as needed' basis and, out of hours detainees can be taken to Fairfield Hospital's accident and emergency facility. Referrals can also be made to specialists
- 4.168 We were told by ACM that no chemical restraints were used at the Centre, and that the only medication given out was under prescription from one of the doctors.
- 4.169 It was claimed that, while a doctor was at Villawood every day, frequent requests had to be made to ACM staff to get an appointment. A detainee

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<sup>21</sup> See paragraphs 6.61-6.62 for ACM's response.

stated that he had waited for surgery for a year and, while a date had been set, he was to be deported. Another claimed that he had cut his finger and injured his leg trying to scale the fence at Villawood and that nothing had been done for him.

- 4.170 A third had a problem with his back and had to specify the medication he required. A detainee who said he was a diabetic told the Committee, in the context of comments about the stress of life in the centre and its impact on his health, that his medication had increased from two to 17 tablets per day. Another said he needed 18 units of insulin when he came to Villawood 22 months earlier and now needs about 70 units.
- 4.171 It was claimed, and confirmed by the woman, that a detainee's wife had contracted hepatitis at the Centre. This family had been there for 21 months.
- 4.172 Another woman told the Committee that when her child had been sick, a Panadol had been given when he had in fact required hospitalisation. His mother stated that there were cockroaches in the bedrooms and in the kitchen, and referred to overcrowding for women and children. A woman who had been in the Centre for seven months with her two daughters also said that there was no proper cleaning, and that some people had been sick as a result.
- 4.173 Another woman drew the Committee's attention to the psychological problems among detainees, and to the numbers who go to the medical centre for sleeping pills.<sup>22</sup>

## Dental treatment

- 4.174 Detainees claimed that dental care in the Centre was 'very poor'. In particular, it was alleged that:
- there was no dentist at the Centre and that it took time to get an appointment, during which detainees remained in pain, and
  - the dentists that were used were 'the cheapest'.

## Education

- 4.175 The Villawood Centre provided a number of educational programs for detainees, with emphasis on English as a second language. There is a pre-school, a primary school and a high school. While there is no accreditation

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22 The psychological impact of detention will be considered further in Chapter 7.

process, standards are to be as close as possible to those of the NSW Education Department.

- 4.176 Computer training is also provided by one of the detainees.
- 4.177 The mother of a Lebanese family, in the Centre for four months, wanted her children to go to school but alleged that the facilities were 'not good enough'.
- 4.178 Another mother who had been in the centre for nearly a month, said that the school only operated for a couple of days a week. She was also concerned that the children were in together, regardless of age. Yet another mentioned that her 14 year-old daughter could not go to a school.

## Activities

- 4.179 There is a mosque in the Centre. There is a Catholic service in the Centre each Thursday.
- 4.180 While all-purpose buildings have been included in Stage 1.5, under construction at the time of the Committee's visit, exact uses for the buildings had not been determined. One will probably be a library, another a clothing store, and ACM said that inclusion of a shop was also under consideration. There is no gym in the Centre but exercise items, such as boxing gloves and a punching bag, are provided. Detainees play volleyball, tennis and cricket in the exercise yard.
- 4.181 The same woman who commented on the small amount of education available also said that facilities for children were lacking. There were no toys and only a small playground for children. In any event, after the evening meal at about 6pm the women and children had to go inside, at a time when the children want to stay outside to play. She also claimed that the women's dormitory did not have a TV set.

## Preparations for the Committee's visit

- 4.182 Detainees alleged that, before the Committee's visit, certain preparations were made, including:
- where the word 'cell' had been found on walls, it was covered up;
  - mattresses, beds and bedding were moved from the floor in Dormitory 2;
  - that, on the previous evening, new beds were brought into that dormitory to make it look 'reasonably normal'.

- detainees were moved from Stage 1 to Stage 2 to make the former look less crowded;
- all five incoming phone lines in Stage 1 were working;<sup>23</sup>
- provision of 'normal' cutlery;
- staff were listening to detainees' comments; and
- signs advertising 'human rights' had been put up that morning.

4.183 ACM pointed out that there had been some 'assistance' by detainees in Stage 1, scattering rubbish, throwing water on the floor around dormitories for example, to add to the Committee's impressions of conditions at the Centre.

### **JSCM's views**

4.184 During its February 2000 visit, the JSCM noted that the redevelopment of the site, scheduled for completion in mid-1999, had not begun. Planning for this redevelopment had been undertaken when 'detainee day numbers' were declining. In late-1999, there was an influx of suspected unlawful non-citizens into Australia and that Committee considered that the volatility of numbers should be included into DIMA's plans for Villawood.<sup>24</sup>

4.185 The JSCM recommended that DIMA proceed with the redevelopment of Villawood, taking account of:

- security issues increasingly associated with detention centres in urban areas, and
- the need for flexibility to deal with potential changes in the numbers and mix of unlawful non-citizens arriving in Australia.<sup>25</sup>

### **Maribyrnong IDC**

4.186 The Maribyrnong Centre generally holds two groups of people:

- those who had arrived in Australia without visas, and

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23 See paragraph 4.151.

24 JSCM, *op cit*, p. 51.

25 *ibid*, Recommendation 12, p. 52.

- those who had arrived legally but overstayed their visas, broken the conditions of those visas, or broken the law in a serious way. Thus, although a smaller facility, it was similar to the Villawood IDC.
- 4.187 At the time of the Committee's visit, there were 69 detainees at Maribyrnong: 46 men, 12 women, five female children and six male children. It has a current total capacity of 86 people.<sup>26</sup>
- 4.188 A week before our visit, there had been 78 people in the Centre, of which only 29 had been involved in claims for protection visas. Some people had been sent to Maribyrnong because they were able to receive more appropriate medical treatment in Melbourne.
- 4.189 A detainee commented that she thought it was unhealthy to mix boys with older people because it was 'pretty easy to get involved in drugs here'. Another detainee alleged that drugs were smuggled into the Centre, and that he had seen people taking drugs there.
- 4.190 One detainee asked the Committee to consider the plight of young children who accompany their parents into the Centre. It was alleged that, in such a small area, where everyone must mix, children run the risk of being affected by contact with criminals. In response, DIMA noted that those with criminal backgrounds had been moved from the centre to separate them from other, younger detainees.
- 4.191 The Centre's management meets with representatives monthly but if matters needed to be addressed promptly more frequent meetings were arranged.

## Communications

- 4.192 The Centre has four public phones and three incoming lines.
- 4.193 Although a detainee claimed that only one copy of *The Age* was available every day in Maribyrnong, ACM told the Committee that two copies of that paper and two copies of the *Herald Sun* are provided daily, as well as the Sri Lankan, Arabic and Persian newspapers.
- 4.194 Detainees have requested access to the Internet and to e-mail.

## Food

- 4.195 Food is provided by a contractor who does all the work in the kitchen and dining room, but detainees are invited to prepare special food that is then

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26 The Committee visited Maribyrnong IDC on Wednesday, 14 March 2001.

cooked by kitchen staff. As most services were provided by a contractor, opportunities to work and earn points were limited but three detainees did earn points cleaning.

- 4.196 One of the detainees complained that the food was ‘inappropriate’ and that, even after reporting it to the nurse, the rice was not fully cooked. Another detainee supported this speaker about the rice, adding that she had asked for medication for stomach pain three days previously, but that it had not been provided. A male detainee said that the food was bad, that everyone was not Chinese and therefore did not like chicken and rice every day. Another suggested that rice and fish, as well as rice and chicken, were served ‘every day’.
- 4.197 According to yet another detainee, the lunch of fish and chips served during the Committee’s visit to the Centre was the best of his three months at the facility. On the basis of the menus supplied, fish and chips were not on the menu for lunch on any Wednesday in the three-week meal cycle.

## Observation and musters

- 4.198 Observation rooms are used for those detainees who are assessed as likely to harm themselves. One detainee was in an observation room during our visit. Another detainee was being assessed to establish whether she and her children should remain in the Centre.
- 4.199 ACM confirmed that there were checks by torchlight on detainees twice during each night-time shift.
- 4.200 A detainee referred to nightly musters, saying that a friend in the female quarters was too nervous and scared to sleep at night because torches would be shone on her.

## Medical issues

- 4.201 The medical section at Maribyrnong operates seven days per week and is staffed by a registered nurse who sees people every day and makes documented assessments of their condition. A doctor attends the facility, usually on Tuesdays and Thursdays. Doctors are on call and locum services can be used. If required, detainees can be taken to a hospital five kilometres away.
- 4.202 If people come to the Centre with a drug addiction, the registered nurse sends the individual to hospital. A program of treatment is then outlined for implementation by the nurse, and the detainee initially enters an

observation room. When the individual was ready, he or she would join the rest of the detainees.

- 4.203 A detainee referred to her health problems and claimed that she had been told that she could not be sent to hospital unless she was ‘really about to die or ... actually unconscious’. She did not suggest that the comment came from a member of the nursing staff, and ACM denied that it was made.
- 4.204 The same detainee complained about health and hygiene conditions generally.
- 4.205 Psychological services are provided on an as required basis, and there is a counsellor employed by ACM at the Centre. We were told that anyone who had seen the aftermath of a suicide attempt would have been counselled. If appropriate, psychologists would be sent into the Centre.
- 4.206 The mother of a seven-year old child said that conditions were ‘quite dirty, unsanitary’, and drew attention to work that had been done before the Committee’s visit.
- 4.207 She said that her child was asthmatic and that her husband had died some weeks previously as the result of an asthma attack. She stated that she had asked a nurse for a Ventolin puffer and medication for the child, but that these had not been provided. Subsequently, the nurse informed the Committee that she had only been told by the detainee of the need the previous day. When the doctor came the day after the visit, she was going to raise the matter with him.<sup>27</sup>
- 4.208 Another detainee stated that the only treatment is ‘two tablets of Panadol’ for any condition, adding that detainees were ‘not given proper and appropriate medical treatment or medication’. If a person showed aggression, the only treatment given was a sleeping tablet, an anti-depressant or something like valium.
- 4.209 This detainee did not believe that the six hours per week that the doctor was at the Centre was enough time to look after 80 people. He also believed that detainees’ weight should be checked ‘frequently’ to assess their health.
- 4.210 An Algerian detainee who had been in Australia for 20 months claimed that he had a medical problem, but that the ACM doctor had not told him the truth about his condition. Another detainee claimed that for nearly four months he had tried to get the medication he needed.

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27 See paragraph 4.229 for further consideration of this child’s circumstances.

## Dental treatment

- 4.211 Appointments for dental treatment are made as required. ACM said that, before detainees are taken to such appointments, an assessment is made and individuals may be flexi-cuffed.

## Education

- 4.212 Of the 11 children at the Maribyrnong Centre, ACM take three to attend a local primary school. These children participate in all the excursions at the school and in its swimming and tennis programs. Because they come from the Detention Centre, their mother said that they were teased by the other children at the school.
- 4.213 Three other older children are unable to attend the local high school. One of these, a 15 year-old youth, told us that his situation was exhausting and depressing.
- 4.214 Another detainee commented that some had been students when they entered centres and, when released, would be competing with other students that had had access to teachers and a full range of information. He asked that more consideration be given to students in DIMA's process.
- 4.215 An adult educator attends the Centre four days per week to conduct programs, using the State curriculum.
- 4.216 Five computer systems are used to teach basic and advanced computer courses to 25 detainees. The detainee who teaches these courses is credited with 25 points per week.
- 4.217 A reading room has been established and is well used, especially by a detainee who is studying Year 12.

## Activities

- 4.218 ACM noted that, on one side of the Centre, there are gardens that have been used as playing fields. This area has also been used to escape from the facility, so access has been restricted to families. When the fence in that area is replaced, in the middle of 2001, it will be accessible to all detainees again. There is a small gym within the Centre.
- 4.219 The Committee was told that a variety of activities was undertaken at the Centre. It was claimed that younger children are taken on excursions to the local library on a weekly basis. One mother disputed this, saying that her children had only been out once in 17 months, other than to school.



- 4.220 Women in the Centre participate in a sewing group and in a life skills group. As a result of their work, some of this group attended a craft and sewing expo outside the Centre.
- 4.221 Some detainees had attempted to plant and nurture a garden including herbs and spices, tomatoes and chillies. What was described to the Committee was not borne out its observations.
- 4.222 There is a barbecue at the Centre once per week that includes a karaoke session. The birthdays of those who have been detained for some time are celebrated, particularly those who are leaving.
- 4.223 A multi-cultural diary is used within the Centre to identify specific events for its 30 different cultural groups.
- 4.224 During the 2000 Olympics in Sydney, a mini-Olympic competition was arranged, at which medals were awarded for various events. Christmas activities were also arranged.
- 4.225 Visitors are invited into the Centre three times per day and this is well patronised, especially on weekends.
- 4.226 Spaces have been allocated for a mosque, and for a chapel. Religious groups also attend the Centre and communicate with the detainees.

### Preparations for the Committee's visit

- 4.227 During the Committee's visit, a detainee told members that the Centre had been 'very well cleaned' over the previous four days.
- 4.228 ACM said there was an ongoing maintenance program for the Centre and that, in the previous two weeks, some internal painting had been done and the carpets had been cleaned when two rooms were vacated. DIMA added that, as part of the maintenance program, some furniture had also arrived 'in the last couple of weeks'.<sup>28</sup>

### A special case

- 4.229 The seven-year old asthmatic child, referred to above, who was not a detainee was living in the facility with her mother. Her father had died recently and it had been accepted that, although the situation was unusual, the child could join her mother at Maribyrnong. Although ACM said that she had been counselled, the mother was concerned that her

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28 *The Age*, 14 March 2001, p. 2, reported that 'Regular visitors to the centre said it had undergone a makeover for the media tour and a visit today by a parliamentary committee investigating human rights.'

child would be taken from her. The Committee was told that there is community support in this case: for example, the child is taken to and from school each day.<sup>29</sup>

### **JSCM's views**

- 4.230 The JSCM noted that, although Maribyrnong was an old facility, it remained functional. At the time of its visit, in February 2000, families could not be retained as units because of a lack of space. This was not considered by that Committee to be a permanent state of affairs. It reiterated its concerns, resulting from the visit to Perth IDC, about the provision of massage therapy for detainees.<sup>30</sup>
- 4.231 That Committee also noted plans for improved security at the Centre, and also noted that re-opening of the large recreation area would ease pressure on the existing communal areas.<sup>31</sup>
- 4.232 The JSCM therefore recommended that the necessary security upgrading be undertaken as a matter of priority, both to improve security and to permit fuller use of the Centre's grounds.<sup>32</sup>

### **Access arrangements**

- 4.233 Past practice has been to allow limited access to detention centre although, as is clear from arrangements at Maribyrnong, this can vary between centres.
- 4.234 In the context of his response to the Flood Report, in February 2001, the Minister announced the appointment of an Immigration Detention Advisory Group. According to the Minister, this body will:
- have unfettered access to all centres;
  - visit centres regularly;
  - obtain first-hand information; and
  - advise him on the appropriateness and adequacy of accommodation, facilities and services at detention centres.<sup>33</sup>

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29 See paragraph 4.207.

30 JSCM, *op cit*, p. 57. Recommendation 11 at p. 46 of the JSCM Report refers; see paragraphs 4.95-4.96.

31 JSCM, *op cit*, p. 57.

32 JSCM, *op cit*, Recommendation 13, p. 57.

## Some lasting impressions

- 4.235 Among the many things Committee members saw during their program of visits to detention centres in early 2001, the following impressions remain.
- 4.236 The Committee heard many claims of experiences as detainees, and not all appear to reflect well on the administration of the centres. Some of the significant incidents included:
- the woman who claimed she only had one set of clothing and had to wash it each night to wear it next day;
  - the number of people whose families had remained in Afghanistan or Iraq and were not seeing their children grow up;
  - the Algerian, in Perth IDC for three years, who has not been accepted by any country and has already attempted suicide once;
  - the Afghani who asked that something be done: ‘just kill us here, send us back or give us a visa’;
  - the man separated from his children within a centre weeping and apologising for his public emotion;
  - the woman, weeping with frustration, saying that she could cope, but telling us how hard detention was on children;
  - other comments about what detention was doing to children, its effect on their education in particular; and
  - the woman who said that she had escaped persecution but whose daughter, when she rang her friends, was too ashamed to tell them that she was being held in detention.
- 4.237 In addition to remembering these matters, most Committee members were shocked by what they saw during their visits to the six centres.
- 4.238 Earlier in this chapter, there was a reference to the physical impact the detention centres had on those members who made the visits: the double fences, barbed wire. Inside the centres, the strongest memory some Committee members retained was the despair and depression of some of the detainees, their inability to understand why they were being kept in

detention in isolated places, in harsh physical conditions with nothing to do.<sup>34</sup>

4.239 Some members believe that there would be advantages in being detained in either Villawood or Maribyrnong, if only because of their location in capital cities. These centres provide access to the community, a range of medical facilities and an increased chance that children can go to local schools.

4.240 Woomera is isolated, in an area with an absence of vegetation and is very hot in summer. Some Committee members found the conditions oppressive. New facilities will allow an improved standard of accommodation for those families allocated to the new blocks.

4.241 The disturbances that have occurred at Port Hedland since the Committee's visit in late-January 2001 suggest that there are problems awaiting resolution at this Centre. It is not within the scope of this report either to analyse these problems, or to arrive at solutions.<sup>35</sup>

4.242 Some members thought that the facilities at the Curtin Centre were the worst that they saw during the program of visits. The Committee supports its closure, as planned by DIMA.<sup>36</sup>

4.243 While conditions at the Perth IDC are good, the area is very small and quite unsuitable for lengthy detention.<sup>37</sup>

## Conclusions

4.244 ACM and DIMA have faced problems in some centres because detainee numbers increased rapidly from late 1999. ACM's staff have had to contend with large numbers and limited resources in conditions that can be very difficult. It is also the case that many of the centres are not in an ideal condition, as DIMA frequently acknowledged in their discussions with us. This matter was addressed generally by the Minister in the context of the 2000/2001 Budget, for the period to 2005/2006.

4.245 As set out in Chapter 6, however, detainees' views of their treatment by ACM staff in the centres varied considerably from the assurances given by its Management Group at their later meetings with the Committee.

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34 See paragraph 4.3.

35 But see the JSCM's recommendation, set out at paragraph 4.83.

36 See paragraph 2.61.

37 See paragraph 4.86.

- 4.246 Our meetings at the centres were held with detainees only, without the presence of ACM or DIMA personnel. Even allowing for distortion and exaggeration, the detainees' comments present an unfavourable view of the management of these centres.
- 4.247 In spite of all the assurances given about facilities, staffing and treatment at the various centres, there was a pattern in the statements that the Committee received that cannot be ignored. It was possible, therefore, that medical treatment was not always satisfactory, that the educational facilities were limited in most centres and that the range of activities was not adequate for the number of detainees, especially for children and older children in particular.**
- 4.248 There appear to be some problems with communication at some centres. We were told frequently by the detainees that the only treatment offered for a range of conditions was two Panadol and a suggestion to drink more water. As was pointed out to the Committee at Curtin, if a person is suffering from heat exhaustion and/or dehydration, these measures can represent suitable and effective treatment. It seems that the appropriateness of this treatment was not adequately communicated to detainees.<sup>38</sup>
- 4.249 In later discussions with the Committee, ACM accepted that, while various measures against flies and mosquitos were available on request, a large number of detainees did not know this. There appeared to be a similar communication problem about the provision of medical facilities.
- 4.250 The Committee was not aware that there were ACM welfare officers at the centres until after it had visited five of the six centres.
- 4.251 General concerns raised by detainees, especially by those who had been in more than one centre, included:
- the varying number of points awarded for similar work in different centres, and
  - different policies on phone calls overseas.
- 4.252 The range of facilities and activities available at the centres were not necessarily adequate for the needs of detainees. There was a large number of younger men in the centres, but sporting equipment was often broken or provided in an ad-hoc manner and only available for a few detainees at a time. The condition of playing surfaces often meant that facilities existed in name only.

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38 See paragraph 4.27.

- 4.253 Modern prisons contain a range of personal fitness equipment and sporting facilities to assist inmates to keep fit and deal with the stresses of their situation. Such facilities appeared to the Committee to be lacking in these centres. Expanding the range of facilities would greatly improve the welfare of all detainees.
- 4.254 At the centres, the Committee observed large numbers of detainees sitting or wandering aimlessly around, filling in time until the next meal or interview. Combined with uncertainties about their future, this lack of relevant activity could lead to depression and aggression. Some consideration of the impact of long term detention occurs in Chapter 7.

### **Recommendation 1**

4.255 **The Committee recommends that the Department of Immigration and Multicultural Affairs and Australasian Correctional Management Pty Ltd:**

- **introduce into each of the centres an updated and expanded range of educational, sporting and exercise facilities, and**
- **provide access to an appropriate range of newspapers.**

4.256 The Committee considers that it is important that children's education should not be impaired because of their parents' decision to seek asylum in Australia.

### **Recommendation 2**

4.257 **The Committee recommends that the Department of Immigration and Multicultural Affairs negotiate agreements with State and Territory Governments and non-government schools to enable children in detention centres to gain access to nearby schools:**

- **to ensure that all school age persons in detention centres are given the access to the level of education that they require, and**
- **reports to the Committee on progress on these negotiations with relevant States and Territories by not later than six months after the tabling of this report.**

- 4.258 Many asylum seekers will ultimately be allowed to remain in this country, and it is important that these detainees are prepared for life in the Australian community.

### **Recommendation 3**

- 4.259 **The Committee recommends that, together with English language lessons, detainees be strongly encouraged to participate in classes about life in Australia.**
- 4.260 Currently, detainees work in various capacities in the centres and are 'paid' on a point per hour basis. They are treated at no cost if they are injured during this work. While the Committee was not aware of any injuries, this practice raises issues such as the residual effects of injuries that are treated at the time but may need further treatment at a later time.

### **Recommendation 4**

- 4.261 **The Committee recommends that the Department of Immigration and Multicultural Affairs and Australasian Correctional Management Pty Ltd review the Occupational Health and Safety issues involved in the work done by detainees at detention centres.**

### **Recommendation 5**

- 4.262 **The Committee recommends that the points system for work carried out by detainees at the centres be reviewed to ensure that, as far as practicable, there is consistency in the allocation of points where similar work is undertaken at the various centres.**

