

Conclusions

- 12.1 In the course of its inspections the Committee was impressed with the cooperation given to it by the Department.
- 12.2 The Government has a responsibility to meet international obligations to asylum seekers and refugees and to ensure taxpayers' money is properly expended. The Committee is an appropriate body to monitor the Government's performance in these areas.

DIMA Detention Centres

Operations

- 12.3 In relation to the initial processing of the boat arrivals in Northern Australia the Committee particularly noted:
- the labour-intensive nature of the task;
 - the effective coordination between the various authorities, DIMA, ACM, Australian Customs Service, the Australian Federal Police, and the caretakers; and
 - the professional approach used by the personnel undertaking the processing.
- 12.4 The numbers of unlawful arrivals fluctuate and are unpredictable. The Committee visited centres at a time when all were directly or indirectly under severe pressure from the recent influx of unauthorised arrivals. At the times it visited the Committee found that the centres were full but, apart from Perth, not noticeably overcrowded.

- 12.5 The Committee was impressed with the operation of the temporary centres in the face of the demands on their resources and infrastructure.
- 12.6 The Committee's view is that Curtin and Woomera centres should be clearly identified as temporary measures to accommodate the surge in arrivals of suspected unlawful non-citizens.
- 12.7 The solution is not more centres, it is fewer arrivals.

Management and Staffing

- 12.8 When the Committee last visited the detention centres, ACM had only recently acquired responsibility for their management. During its inspections, the Committee was briefed on the operations of each centre and conducted through the centres by ACM.
- 12.9 The Committee noted the ACM approach of keeping its staff in frequent contact with detainees. The primary aim of this was to facilitate ACM management of the detainees. However, the Committee considered that it could also have a positive effect of reducing the detainees' perception of a guard/prisoner relationship. With the centres at, or close to, their capacity this relationship was becoming more difficult to maintain. This could have undesirable effects for both the managers and detainees through impeding informal communication and slowing responses, with potential implications for centre security.

Amenities

- 12.10 Overall, the Committee believed that the facilities provided were adequate, and that the cultural sensitivities of detainees were being accommodated. The Committee was convinced that Australia was taking seriously its responsibilities for those in its care, whether or not they were expected to gain visas for Australia.
- 12.11 The Committee was aware that the some facilities and services made available to detainees represented a desire to both supply basic necessities and to facilitate the management of the centres by relieving boredom and stress among the detainees.

Detainees

- 12.12 Most of the detainees at the DIMA centres had arrived as part of the boat influx in late 1999 and early 2000. At the time of the Committee's first visits in November 1999 there were nearly 1,500 detainees in DIMA centres, predominantly Iraqi (31%) and Afghan (27%). Most had arrived

via a third country where, the Committee was informed, many had spent some time before attempting to enter Australia.

- 12.13 The Committee was advised during its inspections that the detainees often had a clear idea of what processing to expect in Australia. At a number of centres the Committee was informed that many detainees had paid substantial sums to arrange their passage to Australia, and some had considerable cash assets on arrival.
- 12.14 This may be seen at odds with the stereotype of refugees as penniless fugitives abruptly departing from their home country, but it may give weight to the UNHCR assessment that the vast majority of asylum seekers in western countries in the 1990s were economic refugees.¹ However, possession of wealth does not preclude someone from being a genuine refugee and such individuals may have an entitlement to Australian protection.
- 12.15 In the context of this report, the Committee is concerned at the pressure that unauthorised arrivals place on the detention facilities and the Commonwealth's resources generally. In 1998/99 the accrued cost to DIMA of providing detention arrangements was estimated to be \$22.5 million.² In addition DIMA's outlay on processing and removal of unauthorised arrivals and associated costs was \$8.5 million.³ These costs are expected to rise in 1999/2000 as a result of the increased arrivals of suspected unlawful non-citizens.
- 12.16 The Committee was also concerned about an issue of equity. Those with assets have used them in an attempt to gain advantages over those lacking funds to travel to Australia. While this indicates that they may have qualities which could be beneficial to Australia (capital, entrepreneurship, commitment), their approach disadvantages others with fewer resources.
- 12.17 Suspected unlawful non-citizens arriving in Australia gain consideration of their cases sooner than if they had followed established processes. And, if successful,⁴ they take up some of the limited number of places which might have gone to more patient or less wealthy, yet perhaps more threatened, individuals.

1 Cited in *Boat people, Illegal Migration and Asylum Seekers: in Perspective*, Department of the Parliamentary Library, Current Issues Brief No 13: 1999-2000.

2 Including removal of non-boat arrivals. DIMA, *Annual Report 1998/99*: Sub program 2.2.

3 Including support for prosecution of people smugglers and international negotiations to discourage unauthorised arrivals. DIMA, *Annual Report 1998/99*: Sub program 2.3.

4 Of those arriving by boat in 1998/99, one quarter were determined as having refugee status, and a further 55% were still in detention awaiting a determination at mid February 2000. DIMA, Fact Sheet 81 *Unauthorised Arrivals by Air and Sea*.

- 12.18 Although outside the immediate scope of this report, the Committee notes the Government's initiatives in attempting to reduce the flow of unauthorised arrivals. These include increasing penalties for people smugglers;⁵ improving Australia's ability to intercept them; placing conditions on those subsequently offered Australian protection; and by publicising these restrictions in source countries.
- 12.19 One of the new conditions, in operation since 20 October 1999, is that unauthorised arrivals seeking the protection of Australia are not eligible for the Permanent Protection Visa in the first instance. They may have access to the Temporary Protection Visa, valid for three years, and are not able to sponsor relatives to migrate to Australia while on a Temporary Visa.
- 12.20 The Committee's visits to centres in Western Australia and the Northern Territory coincided with these changes. They had caused disquiet at Curtin, where detainees had begun their journey when the previous arrangements applied and were dismayed to find the new provisions in place when they arrived.
- 12.21 The Committee was unable to assess the effect of the new arrangements. The informal judgement of centre administrators was that they had possibly affected both the numbers and demographic mix of arrivals. During its visit to Woomera, some three months after arrangements were changed, the Committee was informed that more family groups were now being found among unauthorised arrivals by sea.
- 12.22 This apparent change in the demographic mix had not been confirmed, but it was attributed to the changed immigration provisions. In essence, the possibility that individuals might be granted Temporary Protection Visas and might not be able to be reunited with their families for three years could cause them to bring their families with them.
- 12.23 The Committee noted that, if true, these apparent changes in such a short time implied that:
- news of Australia's new requirements had spread quickly to source countries, indicating an effective communications network; and
 - the transit time for unlawful arrivals from their starting point was short.

5 People smugglers face fines of up to \$220,000 and up to 20 years jail. MPS 22/2000.

- 12.24 Both implications indicated an efficient and well-informed people smuggling operation was in place.⁶
- 12.25 More broadly, if the apparent change in the demographic make up of suspected unlawful non-citizens as a result of the new arrangements is confirmed, it would indicate that:
- the appeal of Australia is still sufficiently strong for families to commit themselves to the potential hazards of a venture previously undertaken mainly by men;
 - the increased presence of women and children among unauthorised arrivals will serve to focus additional attention on Australia's handling of applicants for refugee status; and
 - the changed demographic mix will add to the pressure on the detention facilities because their accommodation arrangements are designed primarily to house individuals rather than family groups.

AFMA Detention Centres

Operations

- 12.26 Those detained by AFMA under the provisions of the Migration Act are generally fishers who prefer, and are commonly allowed to, remain on their boats until court hearings decide their fate. The Committee noted moves to provide for powers under fisheries legislation for short-term detention of those infringing the Australian Fishing Zone.
- 12.27 The Committee understood the appropriateness of this move, but would be concerned if it removed detention arrangements from Parliamentary checks.

Management

- 12.28 AFMA contracts the day-to-day running of the facilities to private contractors. The Committee observed that the terms and conditions of the contracts varied, as did the quality of the management provided.

⁶ International Organisation for Migration estimated in 1996 that about 4 million people were moved each year, and that the people smuggling industry was worth \$11 billion/year. *Boat people, Illegal Migration and Asylum Seekers: in Perspective*, Department of the Parliamentary Library, Current Issues Brief No 13: 1999-2000.

Facilities

- 12.29 At the time of the Committee's inspections it was told that the detained fishers prefer to remain with their boat. Fewer facilities and services were therefore required than was the case for on-shore detention.
- 12.30 However the Committee believes that there should be on-shore facilities for detained fishers. Such facilities would allow better sanitation, cooking facilities, health monitoring, and access to exercise than are currently available to detainees at Willie Creek and Darwin.
- 12.31 The northern location of these anchorages means that they are subject to cyclones, and an on-shore facility could provide better opportunities for shelter than the moored boats on which the detainees currently live.

Detainees

- 12.32 Detainees held by AFMA are unlike those held by DIMA in that they expect to return home.
- 12.33 The Committee noted two main types of detainee during its visit:
- fishers who had infringed Australian waters (held by AFMA); and
 - those crewing the people-smuggling boats.
- 12.34 The latter were fewer in number than the detained fishers and subject to different penalties. Anecdotal evidence to the Committee indicated that these individuals were often not the key agents. Rather, they were akin to the drug couriers in being paid to deliver a consignment and take the risk on behalf of organisers.
- 12.35 The Committee considered that, even if these crews were fully aware of the penalties of being caught, the potential rewards of people-smuggling compared with the vagaries of fishing would continue to encourage them to take the risks.
- 12.36 One of the broader implications of pursuit of people-smugglers which was drawn to the Committee's attention was that it reduced the resources available for the protection of Australian fisheries. This represents an additional cost to Australia's economy from unlawful boat arrivals.

Summary

- 12.37 Although the numbers of suspected unlawful non-citizens arriving may decline in future, there remains considerable global movement of undocumented people seeking new homes.⁷ This provides a potential for future increases in arrivals, and it would be prudent to retain at least some of the recently created detention capacity.
- 12.38 The Committee believes that DIMA should attempt to maximise the return from its estimated expenditure of \$5.5 million on the development of the Curtin centre and \$15 million on the creation and expansion of the Woomera centre.⁸ As both Curtin and Woomera are on Commonwealth land, to which entry is restricted, it should be possible to allow much of these newly established centres to be cocooned once they are no longer required to house detainees.
- 12.39 The Committee believes that Australia's detention administration is appropriate and professional. It is currently handling the demands of unprecedented numbers of arrivals well.
- 12.40 However, as the changes in the demands on detention facilities during the Committee's inspection period indicate, there is a need for continued monitoring.

Recommendation 23

- 12.41 **The Committee recommends that DIMA examine the costs and benefits of deactivating, but retaining, structures and infrastructure at the current temporary detention centres.**

Recommendation 24

- 12.42 **The Committee recommends that it continue to inspect and monitor detention facilities.**

7 World refugee numbers were estimated to be 11.5 million in 1998, *Boat people, Illegal Migration and Asylum Seekers: in Perspective*, Department of the Parliamentary Library, Current Issues Brief No 13: 1999-2000.

8 DIMA: evidence to Senate Standing Committee on Legal and Constitutional Legislation, 10/2/00, p. 169.

Recommendation 25

- 12.43 **The Committee recommends that, in future, in addition to inspection visits, arrangements also be made to meet with representatives of the detainees.**