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The Proposed Works

Purpose

2.1   The purpose of the proposed work is to establish a safe and secure land-based detention facility for illegal foreign fishers (IFFs) apprehended in Australia's northern waters.[1]

Need

2.2   According to DIMIA, illegal foreign fishing in Australia's northern waters has been increasing in recent years and this trend is expected to continue. In 2004-05, some 1,350 IFFs were apprehended – an increase of 425 on the 2002-03 figure. Most of those apprehended were Indonesian nationals; all were male and seven to nine per cent were minors. Around 340 – or 25 per cent – of the total were charged with fishing offences and 100 have served, or are serving, prison sentences.[2]

2.3   The Australian Fisheries Management Authority (AFMA) and DIMIA have statutory obligations to detain IFFs. AFMA may detain IFFs for up to seven days to investigate breaches of fisheries legislation, while DIMIA detains to establish the individual's right to remain in Australia and to have individuals available for repatriation.[3]

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1   Appendix C, Submission No. 1, paragraph 1
2   ibid, paragraphs 6 - 8
3   ibid, paragraph 11

2.4   At present, AFMA manages detention of IFFs on their vessels until investigation and charging. This arrangement is becoming increasingly difficult to manage and has been criticised by the Indonesian Consulate in Darwin, public scrutiny bodies and a Northern Territory coronial inquiry.[4]

2.5   In recognition of the difficulties associated with boat-based detention, the Government announced the operational upgrade of the existing contingency immigration detention facility at DEB in January 2005. It is intended that this facility will serve as the central detention facility for northern Australia and will be commissioned as a joint AFMA/DIMIA facility, pending the finalisation of a number of legal issues. It is envisaged that, in addition to IFFs, the facility will accommodate Northern Territory immigration compliance cases and unauthorised air arrivals, some of whom are women and children.[5]

Options Considered

2.6   The northern compound of the existing contingency detention facility has been selected for upgrade because:

- it contains the largest grassed outdoor recreation area; and

- it has a greater amount of space for construction of the additional buildings required to operate the facility on an ongoing basis.[6]

Scope

2.7   To meet AFMA and DIMIA operational requirements, it is proposed that the northern compound of existing contingency immigration detention accommodation at DEB will be upgraded to serve as a permanent detention centre. In order for the detention service provider (DSP) to meet the requirements of the *Immigration Detention Standards* (IDS), a range of new and additional facilities are required, including:

- additional buildings or modification of existing demountables to support delivery of IDS;[7]

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4   Appendix C, Submission No. 1, paragraphs 2 – 5 and 12 - 13
5   ibid, paragraphs 15 - 18
6   ibid, paragraph 31
7   ibid, paragraphs 58a and 59 - 90

- refurbishment of existing administration building;[8]

- provision of improved amenity and safety for detainees, including illumination of pathways, cyclone provisions and recreational equipment;[9]

- improved security, including monitoring and additional fencing;[10] and

- upgrade and modification of existing site services.[11]

Project Delivery

2.8   DIMIA's main submission states that

> …subject to Government approval, DIMIA proposes to procure the buildings and infrastructure in accordance with the Commonwealth Procurement Guidelines.[12]

No specific information on the proposed project delivery mechanism is provided.

2.9   DIMIA intends that the facility should be operational by mid 2006.[13]

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8   Appendix C, Submission No. 1, paragraph 58b
9   ibid, paragraphs 58c, 99 – 102 and 109
10   ibid, paragraphs 58d and 103 - 108
11   ibid, paragraphs 58e and 91 – 98
12   ibid, paragraph 135
13   ibid, paragraph 133

Cost

2.10   DIMIA estimates the cost of the proposed work to be $8.215 million, based on "preliminary design work".[14]

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14   ibid, paragraph 132