

Introduction

Referral of Work

- 1.1 On 9 December 2004 the proposal for provision of facilities for Maribyrnong Immigration Detention Centre (MIDC), additional accommodation and related works, was referred to the Public Works Committee for consideration and report to the Parliament in accordance with the provisions of the *Public Works Committee Act 1969* (the Act).¹ The proponent agency for this work was the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).
- 1.2 The Hon Dr Sharman Stone MP, Parliamentary Secretary to the Minister for Finance and Administration, advised the House that the estimated cost of the proposed works was \$7 million. Dr Stone anticipated that documentation work on the project would commence in February 2005, and that construction would be substantially completed by early 2006.

Background

Immigration Detention

- 1.3 The *Migration Act 1958* requires that persons seeking unlawfully to enter, or remain in, Australia be detained until they are granted a visa or

¹ Extract from the *Votes and Proceedings of the House of Representatives*, No. 11, Thursday, 9 December 2004

deported. To this end, the Government has established a network of facilities in which to accommodate unlawful arrivals, visa over-stayers and other non-citizens found to be in breach of Australian immigration law.

1.4 The two main types of immigration detention facilities used in Australia are Immigration Detention Centres (IDCs) and Immigration Reception and Processing Centres (IRPCs). The former type is most frequently used to provide short-term detention for persons who have arrived in Australia by air and who have overstayed, or otherwise breached, visa conditions; while IRPC's are intended primarily for the processing of unauthorised boat arrivals.

1.5 In its administration of the immigration detention system, DIMIA recognises the gravity attendant upon any deprivation of personal liberty and therefore stresses that

...immigration detention should be non-punitive and, as far as possible, seek to protect the rights of the individual.²

1.6 In order to realise its aim of providing dignified and non-punitive detention, DIMIA seeks to ensure a high level of amenity within its detention centres. It is the Department's view that:

Immigration detention should be undertaken in modern facilities consistent with our obligations for the duty of care to detainees and those charged with administering that detention.³

The Maribyrnong Immigration Detention Centre

1.7 The MIDC is one of three IDCs in Australia, the others being located at Villawood, NSW and Perth, WA.

1.8 MIDC has a nominal capacity of 76 residents with a surge capacity of 80. Detainees accommodated at the centre are most frequently visa over-stayers, but can also include unauthorised air arrivals, criminal deportees, persons who have failed to comply with their visa entry conditions, and a small number of unauthorised boat arrivals. The detainee population at MIDC encompasses a broad demographic range in respect of gender, age, religion, ethnicity, language and culture.

² DIMIA, *Long-Term Detention Strategy 2004-05*, page 3

³ *ibid*

Site of the Proposed Work

- 1.9 The MIDC is located at 53 Hampstead Road, Maidstone, Victoria, in a predominantly light industrial area. The site is bordered to the north and west by Victoria University and to the east by a factory. Land to the immediate south of the facility has been ear-marked for future residential development.⁴ It is proposed that the expansion works be carried out within the existing boundaries of the centre, which is some 3,550 square metres in size.⁵

Site History

- 1.10 There has been a DIMIA presence at Hampstead Road for over fifty years. DIMIA's first establishment at the site was the Maribyrnong Migrant Hostel, which was upgraded and renamed the Midway (Migrant) Hostel in the late 1960s.
- 1.11 In the 1980s the Commonwealth changed its policy in respect of accommodating newly-arrived migrants at purpose-built centres, choosing instead to house them in flats throughout Melbourne. As a consequence, much of the Midway (Migrant) Hostel site was sold to the Victoria University, with the exception of the current MIDC facility.
- 1.12 The existing MIDC was purpose-built in 1983 to provide secure accommodation of persons subject to mandatory detention under the *Migration Act 1958*. Subsequent alterations to the facility have included the addition of the North Zone family accommodation in 1990, and enhancements to the perimeter security fence in 2002.⁶

Inquiry Process

- 1.13 The Committee is required by the Act to consider public works over \$6 million⁷ and report to Parliament on:
- the purpose of the work and its suitability for that purpose;
 - the need for, or the advisability of, carrying out the work;

⁴ Appendix C, Submission No. 1, page 10 – Site Description

⁵ *ibid*, page 8 - Project Location

⁶ *ibid*, page 5 – Historical Background

⁷ *Public Works Committee Act 1969*, Part III, Section 18 (8)

- whether the money to be expended on the work is being spent in the most cost effective manner;
- the amount of revenue the work will generate for the Commonwealth, if that is its purpose; and
- the present and prospective public value of the work.⁸

1.14 The Committee called for submissions by advertising the inquiry in *The Age* on Saturday 15 January 2005. The Committee also sought submissions from relevant government agencies, local government, private organisations and individuals, who may be materially affected by or have an interest in the proposed work. The Committee subsequently placed submissions and other information relating to the inquiry on its web site in order to encourage further public participation.

Inspection and Public Hearings

1.15 On 23 February 2005 the Committee visited Maribyrnong Immigration Detention Centre and inspected the site and environs of the proposed works, and received a commercial-in-confidence briefing on project costs. A public hearing was held in Melbourne later that day.⁹ As a number of questions remained unanswered at the conclusion of this hearing, the Committee resolved to question DIMIA further. A second public hearing was conducted at Parliament House, Canberra on Monday 7 March 2005.¹⁰

⁸ *Public Works Committee Act 1969*, Part III, Section 17

⁹ See Appendix D for the official Hansard transcript of the evidence taken by the Committee at the public hearing on Wednesday, 23 February 2005 in Melbourne

¹⁰ See Appendix E for the official Hansard transcript of the evidence taken by the Committee at the public hearing on Monday, 7 March 2005 in Canberra