

# TAB 1

# Immigration detention, asylum seekers and refugees program

## Workplan 2013-14 (April 2013)

This workplan is intended to cover from April 2013 until the end of the 2013-2014 financial year. If the federal election results in a change of government this plan may need to be reassessed in September 2013.

This program of work consists of three key elements:

1. Ongoing work: general monitoring, engagement and 'reactive' work
2. Issue specific engagement and advocacy
3. Projects for 2013-2014

In practice there is considerable overlap between elements 1 and 2, in that much (but not all) of the engagement on our specific priority issues under element 2 is carried out through our regular engagement mechanisms under element 1. They are included as two elements of work in this workplan to distinguish between our ongoing monitoring and engagement on immigration detention and asylum seeker policy more generally (element 1), and the current priority issues that we are focusing on (element 2).

### **1 Ongoing work: general monitoring, engagement and 'reactive' work**

#### **1.1 Internal work**

- Coordination:
  - Fortnightly meeting with President
  - Monthly complaints update with ICS
  - Quarterly meeting with ICS and Legal (re. current priority issues)
- Administrative:
  - Distribution of Commission posters for display in detention facilities
  - Updates to immigration content on AHRCA website and Something in Common
  - Correspondence for President, responding to correspondence from advocates and members of public
- Management:
  - Input to Commission Policy Papers
  - Preparation of Senate Estimates briefs
  - Policy Management Group meetings
  - Organise training and counselling for staff doing detention visits (talk to other agencies re. training manuals and sessions, counselling providers, debriefing)
- Input to work across the Commission:
  - Input to treaty reporting processes (CAT, ICCPR, UPR)
  - Review of draft AHRCA reports (in particular draft recommendations)
  - Input to BURR working group
  - Presentations to IPU visiting delegations

## 1.2 External monitoring and engagement

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- DIAC:
  - Six weekly teleconferences
    - FAS, Status Resolution Services and AS, Detention Operations
    - FAS, Onshore Protection
    - FAS / AS, Community arrangements and children
  - Onshore Protection Consultative Group meetings twice per year
  - President periodic meetings with DIAC Secretary
- Minister's office:
  - President periodic meetings with Minister for Immigration and Citizenship (last one in February; consider two more in 2013)
  - Engagement with Minister's Chief of Staff and/or Adviser on key issues of concern as needed
- Coalition:
  - President to meet with Shadow Minister for Immigration and Citizenship in March 2013; further engagement to be determined after that

## 1.3 'Reactive' work

- Input to President speeches on immigration issues as needed
- Input to media releases and talking points as needed
- Participation in relevant parliamentary inquiries:
  - Submissions
  - Briefing materials for President's appearances
  - Possible media release on submission or on report release
  - Committee report review and follow up as needed
  - Current inquiries: ASIO Bill (possible appearance, report due 20 April), Excision Bill (Bill and amendments in Parliament), Regional Processing Package (report due by end June); PWC inquiry into proposed regional processing centre on Manus Island (April)
  - Possible upcoming inquiries: TPV Bill
- Responding to DIAC requests for comments on draft policies (where capacity allows, which it often does not). Note: DIAC has indicated that it is intending to

develop its own standards for immigration detention. They have indicated a desire for feedback on their draft standards (possibly around mid-2013). This may present an opportunity for human rights to be integrated into DIAC standards. However, taking this work on might require that other work is delayed or dropped. Another alternative might be to consider whether the Legal team has capacity to assist.

## **2 Issue specific engagement and advocacy**

### **2.1 Screening process and involuntary returns**

- Done: Engagement with DIAC in January; President letters to former and current Ministers in January-February
- Gather information from ICS re. current complaints
- Monitor removals to Sri Lanka (and other countries) through confidential weekly statistics from DIAC
- Further engagement with DIAC, Secretary, Minister's office re. any changes made to screening process to address our concerns
- [REDACTED]
- [REDACTED]
- Monitor Government response to UN Special Rapporteur
- Include on agenda for next quarterly high level immigration meeting
- Factsheet for website (distribute via ebuletin and external emails once others are completed)
- Possible President opinion piece or other media engagement once factsheet online (see media release issued re. Geraldton group)
- [REDACTED]
- [REDACTED]
- [REDACTED]

### **2.2 Refugees with adverse security assessments**

- Done: Number of letters to Minister and AG; number of submissions; 2012 UNHCR Roundtable; 2012 AHRCA report; M47 intervention; addressed in 2011 Curtin report and 2012 Community Arrangements report
- Monitor number of refugees with ASAs, number of children impacted
- [REDACTED]
- Monitor Stone Review process
- Continue engagement with DIAC, Minister's office and Attorney-General to encourage consideration of less restrictive places of detention and community detention, access to AAT review, focus on durable solutions. Started with letter to new Minister and AG in early 2013. Awaiting response to that letter.
- Distribute factsheet via ebuletin and external emails once other fact sheets are completed
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Further steps to consider (and discuss with Legal where relevant):
  - distribution / media opportunities for release of next AHRCA report

- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **2.3 Prolonged detention of persons of interest to AFP**

- Done: addressed briefly in 2012 Community Arrangements report; raised in meeting with Minister O'Connor in February
- Update section 501 background paper to include short section on character issues following 2011 legislative changes and new Ministerial Direction
- Gather information from ICS and Legal re. current complaints from POIs (and keep ICS and Legal updated on an info we receive from DIAC)
- [REDACTED]  
[REDACTED]
- Follow up stats requested from DIAC after 20 May teleconference; discuss with Fiona Andrew at next DIAC SRSD teleconference. After that discussion, consider:
  - Engagement with Minister's advisers (Stephen had said he would be happy to discuss with us after DIAC had provided the info we had requested in writing)
  - Letter to Secretary, Minister (cc to AG) if scope of problem is significant enough
- Consider factsheet for Commission website (base on relevant section of 2012 Community Arrangements report plus new info from DIAC)
- Consider meeting with POIs as part of any detention visits we do in 2013-14

### **2.4 Community arrangements**

- Done: 2011 Curtin report (section on alternatives to detention), 2012 Community Arrangements report
- Monitor use of Community Detention and Bridging Visas through DIAC statistics and six weekly teleconferences
- [REDACTED]  
[REDACTED]
- Bridging visas and work rights:
  - Engage with Minister's office and DIAC re. work rights for post 13 August arrivals on bridging visas
  - Distribute factsheet via ebulletin and external emails once other factsheets are completed
  - Consider President opinion piece
  - [REDACTED]  
[REDACTED]
- Community arrangements and alternatives to detention – develop factsheet for website based on 2012 report and 2011 section of Curtin report

### **2.5 Immigration detention standards**

- Continue distribution and promotion of the Commission's Immigration Detention Standards wherever relevant / possible.

- Publicise Standards in snapshot report to be released in October 2013.
- Integrate relevant parts of the Immigration Detention Standards into any public reports we produce in 2013-14 (e.g. refer to relevant children's standards in ten year review report of *A Last Resort*).

### 3 Projects for 2013-2014

- The above sections outline the ongoing monitoring, engagement and advocacy work involved in the immigration detention, asylum seekers and refugees program.
- In addition to this work, it is proposed that the team undertake the following projects in 2013-14. These proposals relate to:
  - Community engagement
  - Public report on the 'state of the system' (onshore and offshore)
  - 10 year review of *A Last Resort*?
- Our current staffing capacity consists of:
  - Acting EL 2 – 3 days per week (management / oversight)
  - EL 1 – 3 days per week
  - APS 6 – approximately half time
  - APS 5 – approximately half time

#### 3.1 Community engagement

##### Why?

- [REDACTED]
- [REDACTED]

##### What?

- Review information currently on Commission website (AHRC webpages re. immigration detention, asylum seekers and refugees; information in Face the Facts) and on Something in Common.
- Coordinate and collaborate with CET and Communications to:
  - investigate how regularly various parts of our websites (AHRC site and Something in Common) are accessed for immigration information
  - develop new content for Something in Common (e.g. facts aimed at countering key myths, stories, photos, actions)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- Develop a plan for updating information on our AHRC webpages to make it more accessible and engaging, including:
  - reconsidering and updating the information that is provided
  - restructuring the way information is presented
  - more use of photos

- o new short factsheets on key issues (adverse assessments, persons of interest, screening process, bridging visas and work rights, alternatives to detention)
- o consideration of a page of key statistics / facts and figures

[REDACTED]

#### **When?**

- An initial period of focused work might take a month or two (May-July 2013), after which it will be a matter of periodic updates as needed.
- Note: While this is included here as a new project proposal, in practice it should be part of our ongoing work. In the past, due to continually heavy workloads we have not been able to dedicate sufficient resources to do anything other than minor updates to the existing content on the AHRC webpages and some minimal content for Something in Common. It is therefore included here to ensure that we dedicate sufficient resources to the strategic planning side of the work.

#### **Who?**

- The majority of this work would be done by APS 5 and APS 6 officers, with EL2 oversight as required.

#### **Key challenges / considerations**

- Need to ensure we are clear on what our key messages are for different audiences; need to communicate these messages in accessible and appropriate formats through a wide range of traditional and new media.
- This work will have minimal budget implications (unless we decide there is value in having particular work products designed and printed).
- There will be cross-team implications for Communications and CET, but they should not be too onerous.
- Periodic evaluation of this work would be useful, in order to monitor the extent to which our key messages and work products are reaching our target audiences.

### **3.2 Annual report on 'the state of the system' (onshore and offshore)**

#### **Why?**

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**What?**

- Produce a brief public report on immigration detention and asylum seeker policy that provides a holistic look at the key issues across the system (both onshore and offshore). Identify the key human rights issues at stake, indicate progress in meeting key human rights standards, reference work the Commission has done on key issues over the course of the year, and highlight key issues and work priorities moving forward.
- To the extent possible, measure against key human rights indicators (e.g. freedom of movement, arbitrary detention, prolonged detention, access to health, self-harm statistics, access to education, processing speed, access to durable solutions for recognised refugees).
- The report would probably not include new recommendations, but it might reflect on whether key recommendations made by the Commission (and possibly other key bodies) have been implemented.
- The report would be brief and high level, with links to more substantive and comprehensive work already produced by the Commission. It would be similar in tone to the annual UPR implementation reports (approximately 15 pages).
- The 2013 report would be based on work already conducted (not, for example, on a new series of fact-finding detention visits).
- Consider producing an updated annual report each year around the same time, measuring progress against the same key indicators.

**When?**

- Do draft structure of public report June. Prepare content of draft report July-August. Finalise draft report after federal election in September.
- Release report in October 2013 (post-election). Consider a public launch event.
- Conduct meetings with key Parliamentarians in October-November 2013.

**Who?**



- Preparation of report would be mostly done by EL1 with assistance from APS 5 or 6 as needed, and with EL2 oversight.

### **Key challenges / considerations**

- Controlling the scope and size of this project will be the key challenge, along with ensuring that the content is as current as possible when the report is published.
- The result of the federal election may lead to significant policy and/or legislative changes that could require changes to the draft report.
- Consider whether to publish an informal report of the type we have released in the past, or prepare a formal report to be tabled in Parliament.
- Consider whether to engage with DIAC and/or the Minister's office in advance of the report release and whether to give them an opportunity to provide a written response.
- This work would have minimal cross-team implications including for Legal (possible review of some report sections) and Communications and CET (input into media and community engagement surrounding the report).
- This work would have some budget implications, in particular design of the annual report (and printing if it is to be tabled in Parliament) and potentially some travel to Canberra for DIAC / Ministerial engagement.
- We should build in an evaluation component so that we can assess the impact of the report and apply any lessons learned.

### **3.3 10 year review of A Last Resort?**

#### **Why?**

- Mid-2014 will mark the ten year anniversary of the release of *A Last Resort?*, the report of the Commission's national inquiry into children in immigration detention. While there have been some significant legal and policy improvements since that time, there are still hundreds of children in detention facilities in Australia (and on Manus Island, PNG). Australia's system continues to fundamentally breach obligations under the CRC.
- The Commission has a firm legal mandate to review and report on Australia's compliance with the CRC. The rights in the CRC encompass both civil and political as well as economic, social and cultural rights.
- There is community expectation that the Commission will continue to work in this area. That expectation has been heightened by the appointment of the Children's Commissioner.
- Focusing on children allows the best opportunity to engage the general public, and to reach bipartisan political agreement on making policy and legal changes to the system of mandatory and indefinite detention.

#### **What?**

##### **Monitoring and engagement:**

- With DIAC:
  - Discuss ten year review project with key DIAC contacts; seek detailed information on current children's initiatives e.g. on child protection

- MOUs with states, guardianship arrangements for children in the community, changes to IGOC Act etc.
- Monitor number of children (including UAMs) in immigration detention in Australia, Nauru and/or Manus Island
- Seek statistics on length of time children are spending in detention facilities prior to Community Detention or Bridging Visas
- Seek self-harm statistics among children in detention
- Follow up on DIAC guidelines for best interests analysis; options provided to Minister re. potential changes to guardianship policy
- Seek information re. guardianship arrangements for any UAMs transferred to Nauru or Manus Island
- With Minister's office:
  - Discuss *A Last Resort?* and ten year review project with Minister's adviser
  - Follow up with letter to Minister to draw attention to key recommendations re. children in detention and Minister's guardianship of UAMs, foreshadow ten year review project (cc to AG)
- Consider further engagement with state and territory children's commissioners and guardians (next meeting in May 2013)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Consider one or more expert roundtables on key issues (e.g. alternatives to detention and overseas models, guardianship of unaccompanied minors, child protection)
- Consider trying to speak with some individuals who were detained during the period of *A Last Resort* about the lasting impacts of prolonged detention on families and children; include their stories in the review report and in community engagement work

#### Detention visits

- Conduct a number of visits to detention facilities housing families with children and UAMs in order to measure progress against key findings and recommendations in *A Last Resort*
- Current facilities housing children include Christmas Island, Darwin, Leonora, Perth IRH, Inverbrackie, Brisbane ITA, Melbourne ITA, Sydney IRH, Pontville, Port Augusta (and Manus Island). We will most likely only have capacity to do up to four visits (depending on the distance and time involved). Top priorities at present would include Christmas Island, Darwin and Leonora. Curtin might also be used for families later in the year.
- [REDACTED]
- [REDACTED]
- We should engage a consultant psychiatrist with experience working with children and refugees to accompany us on any visits we undertake
- Follow up and engagement with DIAC and Serco after each visit (detailed letter, teleconferences regarding key issues and improvements made in response to our concerns, follow up on individual issues raised with us by detainees during visits)
- Consider whether we have capacity to conduct visits to families with children and/or UAMs in community detention and/or on bridging visas (or whether

materials gathered for our 2012 community arrangements report will be sufficient).

#### Public report

- Produce a public report containing a ten year review of *A Last Resort?* Measure progress against the key findings and recommendations. This will not be a national inquiry of the size and scope of *A Last Resort?* (which took around three years to investigate and produce). It will be a more focused look at what has or has not improved for children since 2004 in relation to the key findings and recommendations in *A Last Resort?*
- Consider whether we seek to table the report in Parliament (as *A Last Resort* was) and seek a response from Government after tabling; or whether we publish a report online and give DIAC and the Minister's office the chance to provide a written response before publication.
- Consider making four or five key recommendations to the Parliament, in an attempt to build bipartisan support.
- Hold a public event to launch the report.
- Coordinate with key NGOs, state and territory children's commissioners to endorse, promote and distribute the report and its key recommendations.
- Work with CET and Communications to develop a promotion and distribution strategy for the report and a community engagement strategy around the key findings and recommendations.
- Commission President meet with key decision makers (including both government and opposition) to advocate for implementation of its recommendations

#### When?

- Internal planning with other teams (Children's Rights, Legal, CET, Communications): June-July 2013
- Conduct internal review of *A Last Resort?* to identify key findings and recommendations we are going to measure against in the ten year review; prepare draft structure of review report: July-Aug 2013
- Monitoring and engagement with DIAC, Minister's office and key NGOs: start in June 2013 and continue throughout
- Organisation of and preparation for detention visits: Aug-Oct Sept 2013
- Detention visits: October (post-election) to Feb 2014 (with possible Pontville visit 18 June 2013)
- Interviews with children detained during *A Last Resort* Oct 2013-Feb 2014
- Expert roundtable/s early 2014
- Prepare public report early-mid 2014
- Public report to be released in mid 2014, promotion and distribution strategy
- Follow up advocacy, community engagement, media engagement mid-2014

#### Who?

- Monitoring and engagement would be done by CRPT EL2 and EL1 officers
- Detention visits would be organised by CRPT EL 1 officer with EL 2 oversight and APS 5/6 logisitcs assistance
- Detention visits would be conducted by EL2 or EL1 officer from CRPT, along with President (or Children's Commissioner) and a number of other officers as

appropriate for the detention facility in question (including for example, a member of the Children's Rights Team and/or a Legal officer)

- Public report would be prepared by CRPT EL1 officer with EL 2 oversight and assistance from APS 5 and 6 as needed. Officers from other teams who took part in detention visits would provide some input or review of relevant sections of report.

### **Key challenges / considerations**

- This work would have significant budget implications, primarily for travel costs for President / Children's Commissioner and officers to conduct detention visits to several sites (some of which will be remote). Additional costs will include contracting a psychiatrist to conduct visits with us, and designing and printing the public report.
- It is important that we allocate sufficient budget and time for organisation and implementation of some basic training for staff doing detention visits (in advance of any visits) as well as a system of post-visit debriefing and counselling.
- We may need to seek some expert advice on child protection issues. If that cannot be done through the Children's Rights Team or their contacts we may want to consider contracting an expert.
- There would be cross-team implications of this work, potentially including Legal and/or Children's Rights Team officer/s coming on detention visits and reviewing some sections of the public report as well as Communications and CET input into media and community engagement work surrounding the report.

**CPRT: Immigration detention, asylum seekers and refugees program**  
**New project plan: Ten year review of *A Last Resort? National Inquiry into Children in Immigration Detention***

**1. Summary**

Under this project, CPRT (in coordination with CRT and other relevant teams) will conduct a review of *A Last Resort? National inquiry into children in immigration detention*, which was tabled in Parliament in mid-2004.

The key elements of the project will include focused engagement with key stakeholders, visits to immigration detention facilities accommodating children, potential interviews with individuals detained as children during *A Last Resort?*, one or more expert roundtables, preparation and publication of a review report, a public launch of the report around the time of the tenth anniversary in mid-2014, and development of promotion, distribution, community engagement and media strategies to ensure broad dissemination of the report's key findings and recommendations.

**2. Start and end date**

Start in June 2013 and end in mid-2014.

**3. Project rationale**

**a) Problem identification/situation**

*A Last Resort? National inquiry into children in immigration detention* found that Australia's system of mandatory immigration detention was fundamentally inconsistent with Australia's obligations under the CRC (in particular a child's right to be detained only as a measure of last resort and for the shortest appropriate period); that children in detention for long periods were at high risk of serious mental harm; and that children in detention were not able to enjoy a range of human rights.

Since the National Inquiry, there have been significant positive developments including the removal of children from high security Immigration Detention Centres, the creation of the Community Detention system and the use of bridging visas for asylum seekers who arrive by boat. Generally, most children now spend much shorter periods in detention facilities than they would have during the time of the National Inquiry.

However, the Commission's ongoing monitoring work shows that serious concerns remain. Despite the 2005 amendment to the Migration Act acknowledging the principle that children should only be detained as a measure of last resort, Australia continues to have a system of mandatory and indefinite detention of all asylum seekers who arrive by boat, including children. There are currently more children in immigration detention facilities than ever before (around 1300 as of late April 2013). Some children still spend prolonged periods in detention facilities – including in remote locations such as Manus Island, Christmas Island and Leonora, WA. A number of children are facing indefinite detention because their



- To raise awareness amongst key decision makers and the Australian public of the circumstances of children held in Australia's immigration detention facilities (onshore and under the third country processing regime), and of the ways in which Australia's immigration detention system fails to comply with Australia's obligations under the CRC.
- To highlight the progress – or lack of progress – made in implementing the key recommendations of *A Last Resort?* in the ten years since the National Inquiry.
- To provide a credible, authoritative report that can be used as an advocacy tool for the Commission, NGOs and others to use in national and international forums to build momentum for change.
- To influence key decision makers to support (or at least refrain from opposing) reforms that would bring the system more closely into line with Australia's obligations under the CRC. In particular, this would include embedding in law, policy and practice alternatives to the mandatory and indefinite detention of children.

#### 5. Contribution to the 2011-14 strategic plan and Commission priorities

Goal 1	Goal 2	✓	Goal 3	Goal 4
<b>Results</b>				
1a	2a		3a	4a
1b	2b	✓	3b	4b
1c	2c	✓	3c	4c
1d			3d	4d
<b>Indicators</b>				
1.1	2.1		3.1	4.1
1.2	2.2	✓	3.2	4.2
1.3	2.3	✓	3.3	4.3
1.4			3.4	4.4
1.5			3.5	4.5
1.6				4.6

Cross Commission work	Contribution		
	✓ High	✓ Med	✓ Low
Priority: Tackling violence , harassment and bullying			

Priority: Building understanding and respect for rights*		✓	
Something in Common		✓	
Children	✓		
Cyberspace			
Business			

## 6. Audience and Stakeholders

- Australian public, including children and young people
- Federal Government, particularly Minister for Immigration and Citizenship and Department of Immigration and Citizenship (and to a lesser extent Attorney-General and AGD, possibly FACHSIA)
- Opposition, particularly Shadow Minister for Immigration and Citizenship
- State and territory Children's Commissioners, child welfare agencies
- Domestic refugee sector (NGOs, community based organisations, community legal centres)
- Other agencies working on immigration detention issues (e.g. Australian Red Cross, Commonwealth Ombudsman, UNHCR)
- Children and their family members in immigration detention facilities
- Relevant international bodies / forums (e.g. APF, UPR, UN Committee on the Rights of the Child)

## 7. Project theory

- If the Commission uses its extensive expertise, monitoring work and engagement with relevant experts to produce a credible and strategic report; then
- the President / Children's Commissioner provide an authoritative voice to represent the issues at a national and international level; then
- the report is an awareness raising resource which becomes part of the public record creating a vehicle for government accountability and leverage to influence change; then
- promotion via a public launch and broad dissemination ensures the information is available to community and other stakeholders; then
- access to authoritative information by community and advocates builds capacity, empowers and facilitates their ability to influence change.

### Assumptions, external factors and constraints

The underlying assumption of this project (and our broader work in this area) is that when faced with enough domestic and international criticism and pressure regarding its practices relating to children in immigration detention, the Australian Government will reform those practices. That assumption has borne true in the past (e.g. following the release of *A Last Resort?* when the Howard Government created the Community



Detention system and released children from Immigration Detention Centres). However, given the current state of the immigration detention system and the current political climate, significant reforms in this area will be extremely difficult to achieve; must be viewed as a long term goal; and will only come about with sustained advocacy.

We will face significant resource constraints (both human and financial) in undertaking this project. We will not be able to conduct a comprehensive review of *A Last Resort?*, nor will we be able to visit all of the immigration detention facilities accommodating children. The aim is not to conduct a national inquiry of the size and scope of *A Last Resort?* (which took around three years to investigate and produce), but to measure progress against the key findings and recommendations.

The scope of the project will be confined to children held in immigration detention facilities – we will not have the capacity in the given time frame to investigate broader issues of concern (for example, conditions for children in Community Detention or living in the community on bridging visas). We should, however, consider options for flagging in the report other key issues of concern that require further attention.

The project could be affected by a number of external factors, and we will need to remain flexible in order to adapt as necessary. In particular, the number and location of detention facilities accommodating children is likely to change over coming months, making planning detention visits difficult too far in advance. In addition, a change of government in September could potentially result in significant changes to current practices affecting children subject to immigration detention – those changes may affect the focus and content of the review and report.

See further, section 15 on risk management.

## 8. Project plan of action

### a) Strategy

Investigate and publically report on the extent to which reforms have been implemented over the past ten years to address the key recommendations of *A Last Resort? National Inquiry into Immigration Detention* aimed at bringing Australia's immigration detention system into line with our obligations under the CRC.

### b) Activities

- Engage with key stakeholders including the Minister for Immigration and Citizenship, DIAC, other agencies, key NGOs, state and territory Children's Commissioners

- [REDACTED]

- Hold one or more expert roundtables to explore and identify options for addressing key issues (e.g. alternatives to detention; child protection and guardianship; mental health)
- Conduct a number of visits to immigration detention facilities accommodating children to speak with staff and detainees (visits to be led by Commission President and/or Children's Commissioner, accompanied by one or more staff depending on the facility); contract a child psychiatrist to accompany us on visits; engage with DIAC and Serco after each visit on key concerns and measures taken to address them
- If possible, speak with some individuals who were detained as children during *A Last Resort?* about the impacts of their detention; include their (de-identified) stories in report and community engagement work
- Prepare and publish a ten year review report measuring progress in implementing the key recommendations of *A Last Resort? National Inquiry into Immigration Detention*
- Hold a public event to launch the report
- Develop a promotion and distribution strategy for the report, a community engagement strategy around the key findings and recommendations, and a media strategy for the President / Children's Commissioner
- Commission President meet with key decision makers (including both government and opposition) to advocate for implementation of its recommendations

### **c) Outputs (Deliverables, products)**

- Report published and widely distributed and promoted
- Report launched and widely reported on in media
- Follow up advocacy meetings held with key decision makers

## **9. Logic model**

See table at the end.

## **Operational factors**

## **10. Project timeline**

- Internal planning with other relevant teams (CRT, Legal, CET, Communications): June-July 2013
- Internal review of *A Last Resort?* to identify key findings and recommendations we will measure against; prepare draft structure of review report: July-August 2013
- Monitoring and engagement with DIAC, Minister's office and key NGOs: start in June 2013 and continue throughout
- Organisation of and preparation for detention visits: August-October 2013

- Detention visits: October 2013 to February 2014
- Possible interviews with individuals detained during *A Last Resort?* October 2013 to February 2014
- Expert roundtable/s early to mid- 2014
- Prepare content of review report early to mid-2014
- Report published and launched at public event mid-2014
- President / Children's Commissioner media engagement around report release mid-2014
- Report promotion and distribution, community engagement mid-2014
- Follow up advocacy meetings mid-2014

## 11. Project governance structure

This project is intended to operate as a cross-Commission project. It will be led by CPRT, with involvement from the President and her Executive Assistant, the Children's Commissioner, CRT, Legal, ICS, CET and Communications.

### Accountable manager:

██████████ (Acting Principal Adviser, CPRT)  
See roles and responsibilities below

### Project lead:

The project will be jointly led by ██████████ and ██████████ (CPRT), as follows.

██████████ (Acting Principal Adviser, CPRT):

- Lead internal planning with other relevant teams
- Oversight of internal review of *A Last Resort?*
- Lead monitoring and engagement with DIAC, Minister's office and key NGOs
- Manage contracts with consultants (child psychiatrist; report designer)
- Oversight of organisation of expert roundtables; attend roundtables
- Oversight of organisation of detention visits; conduct one or more detention visits and follow up engagement
- Oversight of process for interviewing individuals who were detained as children during *A Last Resort?*
- Oversight of report structure and drafting process; review and edit final draft
- Oversight of organisation of public launch
- Oversight of development and implementation of distribution and promotion strategy, community engagement strategy, media strategy

- Oversight of organisation of President's meetings with government decision makers

██████████ (Senior Policy Officer, CPRT):

- Participate in internal planning with other relevant teams as needed
- Participate in monitoring and engagement with DIAC, Minister's office and key NGOs
- Substantive preparation for expert roundtables; attend roundtables
- Organise and prepare for detention visits with APS 5/6 assistance; conduct several detention visits; follow up engagement
- If possible, organise and conduct interviews with individuals who were detained as children during *A Last Resort?*
- Prepare report content with APS 5/6 assistance
- Input into public launch
- Input into report distribution and promotion strategy, community engagement strategy, media strategy
- Prepare briefing materials for President's meetings

#### **Project team members:**

██████████ (Policy Officers, CPRT):

- Conduct internal review of *A Last Resort?*
- Prepare draft structure of review report
- Assist with organisation of detention visits; conduct one or more detention visits; assist with follow up
- Participate in interviews with individuals who were detained as children during *A Last Resort?*
- Assist with organisation of expert roundtables
- Contribute to preparation of report; conduct research on priority issues
- Assist with organisation of public launch
- Develop and implement report distribution and promotion strategy, community engagement strategy; input into media strategy

#### **Cross-team support:**

██████████ (Executive Assistant to the President):

- Assist with organisation of detention visits (e.g. travel arrangements)
- Organisation of President meetings with government decision makers
- Assist with organisation of public launch

CRT:

- Input into internal planning

- Participate in one or more detention visits
- Participate in interviewing individuals who were detained as children during *A Last Resort?*
- Input into expert roundtables, attend roundtables
- Input into draft report
- Input into public launch; attend launch
- Input into report distribution and promotion strategy, community engagement strategy, media strategy

**Legal:**

- Input into internal planning
- Participate in one or more detention visits
- Input into expert roundtables, attend roundtables
- Input into draft report; review final draft of report for Legal accuracy

**ICS:**

- Participate in one or more detention visits
- Review relevant sections of draft report

**CET:**

- Input into internal planning
- Assist with development and implementation of community engagement strategy, potential education resources

**Communications (still subject to their consideration):**

- Input into internal planning
- Assist with organisation of public launch, attend launch
- Develop media strategy for President / Children's Commissioner in coordination with CPRT and CRT
- Assist with development and implementation of report distribution and promotion strategy

**SET:**

- Evaluation plan and implementation

**External consultants:**

CPRT will contract external consultants as follows:

- A child psychiatrist to accompany us on any detention visits we undertake (to assist in assessing the impacts of detention on children and assessing the adequacy of health and mental health services for children in detention).
- A consultant to do the report design and layout.

**Project partners:**

The Commission will not formally partner with other organisations in this project. However, we will maintain close relationships with key stakeholders (set out in section 6 above) including the Department of Immigration and Citizenship and NGOs with a particular focus on children in immigration detention. [REDACTED]

**12. Staff capacity**

Project team capacity			
Name	Level	FTE	Comment
[REDACTED]	A/g EL2	0.2	
[REDACTED]	EL1	0.2	
[REDACTED]	APS 6	0.2	
[REDACTED]	APS 5	0.2	
Cross team support			
Team	When	Activity	
[REDACTED]	Aug-Dec 2013	<ul style="list-style-type: none"> <li>• Assist with organisation of detention visits (e.g. travel arrangements)</li> </ul>	
[REDACTED]	Mid-2014	<ul style="list-style-type: none"> <li>• Organise President meetings with decision makers</li> <li>• Assist with organisation of public launch</li> </ul>	
CRT	June-July 2013	<ul style="list-style-type: none"> <li>• Input into internal planning</li> </ul>	
[REDACTED]	Oct 2013-Feb 2014	<ul style="list-style-type: none"> <li>• Participate in one or more detention visits</li> <li>• Participate in interviewing individuals detained during <i>A Last Resort?</i></li> </ul>	

	Early 2014	<ul style="list-style-type: none"> <li>• Input into expert roundtables, attend roundtables</li> </ul>
	Early-mid 2014	<ul style="list-style-type: none"> <li>• Input into draft report</li> <li>• Input into public launch; attend launch</li> <li>• Input into report distribution and promotion strategy, community engagement strategy, media strategy</li> </ul>
<b>Legal</b>	June-July 2013	<ul style="list-style-type: none"> <li>• Input into internal planning</li> </ul>
	Oct 2013-Feb 2014	<ul style="list-style-type: none"> <li>• Participate in one or more detention visits</li> </ul>
	Early-mid 2014	<ul style="list-style-type: none"> <li>• Input into expert roundtables, attend roundtables</li> <li>• Input into draft report; review final draft of report for Legal accuracy</li> </ul>
<b>ICS</b>	Oct 2013-Feb 2014	<ul style="list-style-type: none"> <li>• Participate in one or more detention visits</li> </ul>
	Early-mid 2014	<ul style="list-style-type: none"> <li>• Review relevant sections of draft report</li> </ul>
<b>CET</b>	June-July 2013	<ul style="list-style-type: none"> <li>• Input into internal planning</li> </ul>
	Early-mid 2014	<ul style="list-style-type: none"> <li>• Assist with development and implementation of community engagement strategy, potential education resources</li> </ul>
<b>Communications [subject to their consideration]</b>	June-July 2013	<ul style="list-style-type: none"> <li>• Input into internal planning</li> </ul>
	Early-mid 2014	<ul style="list-style-type: none"> <li>• Assist with organisation of public launch, attend launch</li> <li>• Develop media strategy for President / Children's Commissioner in coordination with CPRT and CRT</li> <li>• Assist with development and implementation of report distribution and promotion strategy</li> </ul>
<b>SET</b>	June-July 2013	<ul style="list-style-type: none"> <li>• Evaluation plan</li> </ul>
	Early-mid 2014	<ul style="list-style-type: none"> <li>• Evaluation implementation</li> </ul>

### 13. Project budget

Total: approximately \$65,500

Note this budget covers staff and consultant costs only – travel costs for President / Children’s Commissioner would need to come out of their budget/s.

- Detention visits: \$23,000
  - Based on four visits – one to Christmas Island and three to mainland facilities; this is subject to change, as the detention locations for children are likely to change over coming months
- Consultant psychiatrist to attend detention visits: \$20,000
  - Approximately \$5000 consultant fee per visit, for four visits (travel costs factored into detention visit costs above)
- Potential travel to conduct interviews with individuals detained during *A Last Resort?*: \$1000
- External provider training session and post-visit counselling sessions for staff conducting detention visits: \$2000
- Potential Canberra travel for engagement with Minister’s office / DIAC: \$1000
- Expert roundtables: \$6000
  - Based on two roundtables – one at the Commission (catering costs and potential flights for several experts) and one in Canberra (venue hire, catering costs, staff travel)
- Consultant to do report design and layout: \$2000
- Report printing and distribution: \$8000
- Public launch of report (in Canberra): \$2500

### 14. Monitoring and evaluation

Level	Criteria	✓ Why this level?
None/ Minimum	A standard record of the inputs and outputs of the project only.	
Medium	Systematic assessment of the results including outcomes using mono/simple methods with easily accessible data sources.	✓ Evaluation plan to be developed with SET during detailed internal planning June-July 2013



<b>In-depth</b>	Systematic assessment of the results including outcomes using multiple methods and data sources. <i>May require additional internal capacity and/or external capacity to undertake.</i>	
<b>External</b>	Externally funded project evaluations using multiple methods and including the management the evaluation needs for external partners.	

## 15. Risk management plan

- As noted in section 7 above, we will face significant resource constraints in undertaking this project, and given the current political climate, significant reforms will be difficult to achieve. *A Last Resort?* has been one of the Commission's most prominent projects and achievements. In undertaking a review that is limited in scope and capacity, we may risk damaging that reputation and disappointing some stakeholders. We will attempt to manage this risk by communicating with key stakeholders from the outset in order to maintain positive relationships, set realistic expectations and seek their support for the process and its outcomes. Given our resource constraints we will also need to plan the structure and content of the report prior to drafting it (and prior to conducting detention visits and former detainee interviews) in order to ensure that we are able to control the size of the task and meet timeframes.
- The result of the federal election in September could result in significant changes to current practices affecting children subject to immigration detention. We will attempt to manage this risk by waiting until after the election to conduct the substantive work under the project (and by maintaining communication with DIAC throughout the project), however we cannot control the risk that major changes may be made by government during the project period that will affect the focus and content of the review and report.
- The conduct of this project and the public release of the report will strain our relationships with the Minister for Immigration and Citizenship and with some DIAC officers. We will manage this to the extent possible through engagement with the Minister's office and/or DIAC in advance of the report release in order to foreshadow the report's contents. We will also need to consider whether to provide them with an opportunity to provide a written response to the report (as has been the practice in the past in relation to public reports on detention visits).

**Logic model**

<b>CPRT: Immigration detention, asylum seekers and refugees program</b> <b>Ten year review of <i>A Last Resort? National Inquiry into Immigration Detention</i></b>	
<b>INPUTS</b>	<ul style="list-style-type: none"> <li>• Budget approximately \$65,500. See section 13.</li> <li>• Human resources (Commission staff, consultant psychiatrist, consultant to design report; see sections 11-12).</li> </ul>
<b>OUTPUTS</b>	<ul style="list-style-type: none"> <li>• Public report on the extent to which reforms have been implemented over the past ten years to address the key recommendations of <i>A Last Resort? National Inquiry into Immigration Detention</i> aimed at bringing Australia's immigration detention system into line with our obligations under the CRC.</li> <li>• Report launched and widely reported on in media.</li> <li>• Report widely distributed and promoted.</li> <li>• Follow up advocacy meetings held with key decision makers.</li> </ul>
<b>PROCESSES/APPROACHES</b>	<ul style="list-style-type: none"> <li>• Engage with key stakeholders including the Minister for Immigration and Citizenship, DIAC, other agencies, key NGOs, state and territory Children's Commissioners</li> <li>• [REDACTED]</li> <li>• [REDACTED]</li> <li>• Hold one or more expert roundtables to explore and identify options for addressing child protection and guardianship issues</li> <li>• Conduct visits to immigration detention facilities accommodating children; contract a child psychiatrist to accompany us on visits; follow up with DIAC and Serco after each visit</li> <li>• If possible, speak with individuals detained as children during <i>A Last Resort?</i>; include their (de-identified) stories in report and community engagement work</li> <li>• Prepare a ten year review report measuring progress in implementing the key recommendations of <i>A Last Resort?</i></li> <li>• Hold a public event to launch the report</li> <li>• Develop a promotion and distribution strategy, a community engagement strategy, and a media strategy for the President / Children's Commissioner</li> <li>• Commission President meet with key decision makers (including both government and</li> </ul>

	opposition) to advocate for implementation of the report's recommendations
OUTCOMES	<p>Short-term:</p> <ul style="list-style-type: none"> <li>• Report is widely distributed and raises awareness amongst key decision makers and the Australian public of the circumstances of children held in Australia's immigration detention facilities (onshore and under the third country processing regime), and of the ways in which Australia's immigration detention system fails to comply with Australia's obligations under the CRC.</li> <li>• Report credibly highlights the progress – or lack of progress – made in implementing the key recommendations of <i>A Last Resort?</i> in the ten years since the National Inquiry.</li> <li>• Report is used by Commission and NGOs as an advocacy tool in meetings with key government decision makers and in relevant national and international forums to build momentum for change.</li> </ul> <p>Medium-term:</p> <ul style="list-style-type: none"> <li>• Increased awareness and ongoing advocacy increase pressure on key decision makers to support (or at least refrain from opposing) reforms that would bring the system more closely into line with Australia's obligations under the CRC.</li> </ul>
Long-term outcomes	The Commission's investigative, monitoring and reporting work through this project contributes to Australia's immigration detention and asylum system being reformed to ensure that children's human rights are respected and protected, and that the system is compliant with Australia's obligations under the CRC. In particular, this would include embedding in law, policy and practice alternatives to the mandatory and indefinite detention of children.
Assumptions Constraints External factors Risks	<ul style="list-style-type: none"> <li>• Assumption that when faced with enough domestic and international criticism and pressure regarding its practices relating to children in immigration detention, the Australian Government will reform those practices.</li> <li>• Risk that the scope and size of this project will be difficult to manage within our capacity. We will face significant resource constraints (both human and financial). We will not be able to conduct a comprehensive review of <i>A Last Resort?</i>, nor will we be able to visit all immigration detention facilities accommodating children.</li> <li>• The scope of the project will be confined to children held in immigration detention facilities – we</li> </ul>

will not have capacity to investigate broader issues of concern.

- Risk that undertaking a review of *A Last Resort?* that is limited in scope and capacity may damage its good reputation and disappoint some stakeholders.
- The number and location of detention facilities accommodating children is likely to change, making forward planning of detention visits difficult.
- Risk that the result of the election could lead to significant changes that might affect the focus and content of the review and report.
- Risk that the conduct of this project and the public release of the report will strain our relationships with the Minister for Immigration and Citizenship and with some DIAC officers.

**TAB 2**

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, 3 May 2013 10:18 AM  
**To:** [REDACTED]  
**Subject:** RE: planning documents [SEC=UNCLASSIFIED]

**Security Classification:**  
UNCLASSIFIED

Hi [REDACTED]  
This looks great – the only potential issue is the internal planning in June-July 2013. We commence our listening tour in the first week of June and it goes through to 2<sup>nd</sup> week in August. We will be pretty busy during these months and in and out of the office.

Thanks

S

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**From:** [REDACTED]  
**Sent:** Wednesday, 1 May 2013 9:42 PM  
**To:** [REDACTED]  
**Subject:** FW: planning documents [SEC=UNCLASSIFIED]

sen.

Hi [REDACTED]

Please find attached the drafts of our team's planning documents for the peer review process (for immigration detention, asylum seeker and refugee policy work, not broader CPRT):

- Team snapshot
- Project proposal for a 'state of the system' report to be released post-election (re. the immigration detention and asylum system onshore and the third country processing regime)
- Project proposal for a ten year review of *A Last Resort? National Inquiry into Children in Immigration Detention*

Please ignore the highlighted bits – they are little things I need to chat to [REDACTED] about before finalising.

As mentioned earlier this week, I wanted to send these to you in advance of the peer review process as it would be great for your team to be involved in the substantive projects (in particular the ten year review project). You'll see that I've drafted the project proposals to include CRT involvement, but obviously that is subject to your approval and capacity. These are just initial drafts and I'm very happy for your team to be more (or less) involved than these drafts indicate depending on your preference and workload issues. I'd also be very happy to have your input into the work we plan to do if you have ideas for how we could go about it (again, only if you have the time).

Please feel free to let me know if you have any questions or concerns you'd like to discuss before peer review.

Thanks very much

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, 13 May 2013 4:39 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Input into CPRT planning documents [SEC=UNCLASSIFIED]

**Security Classification:**  
UNCLASSIFIED

Thanks C, this looks fine. I'm happy to assign [REDACTED] to the 10 yr review of *A Last Resort*.

Let me know if you need anything further,  
[REDACTED]

[REDACTED]  
Director  
Legal Section

**Australian Human Rights Commission**  
Level 3, 175 Pitt St, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
T +61 2 9284 9881 F +61 2 9284 9611  
E [REDACTED]@humanrights.gov.au W [www.humanrights.gov.au](http://www.humanrights.gov.au)

Human rights: everyone, everywhere, everyday

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Follow us at <http://twitter.com/ItStopsWithMe> (@itstopswithme)

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**From:** [REDACTED]  
**Sent:** Monday, 13 May 2013 12:48 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Input into CPRT planning documents [SEC=UNCLASSIFIED]

Dear managers

Further to our discussion at peer review last week, please find attached the planning documents for CPRT's work on immigration detention, asylum seekers and refugees over the coming year:

- team snapshot
- detailed project proposal for a 'state of the system' report to be released post-election (re. the immigration detention and asylum system – both onshore and the third country processing regime)
- detailed project proposal for a ten year review of *A Last Resort? National Inquiry into Children in Immigration Detention*.

These documents have not changed since peer review in terms of the proposed involvement of your teams.

[REDACTED] – could you please consider these proposals and let me know whether you are happy for your teams to be involved in the ways I have suggested? Please let me know if you have any questions or concerns you'd like to discuss.

██████████ – thank you for your feedback prior to peer review. Please let me know if you have any additional comments / concerns you wish to discuss coming out of peer review (otherwise I will assume we are ok to proceed on the basis that your teams will participate as outlined in the planning documents – and of course pending more detailed discussions closer to the time).

As mentioned at peer review, the project proposal for the ten year review of *A Last Resort* would involve significant input from your teams. While we are very happy to manage the project and to undertake the majority of the work, we would really like it to be considered as a cross Commission project (which would fit nicely into the current cross Commission focus on children). This may be one of those projects for which it would be helpful for other teams to allocate a resource person (as ██████████ mentioned in his email after peer review). Could each of you please let me know whether you would be happy to name a member of your team to be part of the project team for this project? (I will then include them on an email group and we will start off by doing more detailed planning together as of next month.)

Thanks very much for your input – we look forward to working with you all!

██████████