

## **Outcome 1, OUTPUT 2 – Provision of Advice to Government to Improve Administration**

**Topic: DIMIA: Ombudsman investigation into detention centres:**

**Direct on Notice: PM58**

**1. Senator Kirk asked: Is it true as stated in annual report that arrangements for women and families is a continuing concern (p 55). I imagine that the reports of nearly 100 children attempting to commit ‘acts of self harm’ don’t do much to alleviate these concerns?**

**Answer:**

Arrangements for women and families are a continuing concern as stated in our most recent annual report. While the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) has taken measures to respond to specific concerns that we have raised, there remain limitations, arising from the physical infrastructure, that risk giving rise to further problems in the future.

It is unlikely that we would ever be complacent about the arrangements for the detention of women and children in facilities that house large numbers of single males. Since the annual report referred to above there have been discussions (which are continuing) about specific cases and about the facilities more generally.

DIMIA has been willing to engage in discussion about the issues, and has taken measures to address some of our specific concerns. Indeed, DIMIA invited the Ombudsman’s office to provide comment on a recent proposal to transfer a group of single males into what was previously a family compound at Baxter. As a result a range of practical suggestions were made to hopefully minimise any risk to the women and children. Complaints were not received following the transfer.

The Ombudsman has not investigated any complaints about 100 children committing ‘acts of self harm’. During 2002-03 when complaints about children in detention were received they were generally referred to HREOC for consideration within the Enquiry into Children in Detention.

**2. Senator Kirk asked: The annual report also states that provision of adequate medical care is a serious issue which the ombudsman is giving continued attention to? (pp. 56 - 57) Any developments since the annual report written?**

**Answer:**

The Annual Report noted that almost 60 complaints had been received about access to medical services in the 2002-03 year (from a total of approximately 300 detention related complaints). Issues identified included access to specialist services and the management of detainees who were suffering a severe psychological impact arising from detention.

Discussions have been held with the Department of Immigration and Multicultural and Indigenous Affairs and various measures have been put in place within the detention centres as a result. So far this financial year there have been 22 complaints about medical services, which represents a pro rata decline of over 50%. This is against a background of a decline of about 15% in the number of detainees over the last year. Accordingly, while the provision of adequate medical care is generating fewer complaints (proportionately) it continues to be the subject of investigation and discussion.

**3. Senator Kirk asked: The Annual Report mentions that detainees have complained that assaults on them are not investigated or taken seriously. The Ombudsman expressed hope that the finalisation of the Memorandum of Understanding between DIMIA, AFP and State police would help to solve this problem? (p 57) How's that going?**

**Answer:**

The Department of Immigration and Multicultural and Indigenous Affairs is no longer pursuing tripartite Memoranda of Understanding with the Australian Federal Police (AFP) and state police. Bilateral arrangements are being negotiated with the AFP and state police separately. At this stage, no such agreements are signed. However, we are advised that progress has been made in relation to a number of such arrangements and the cooperation of state policing agencies on the ground is generally positive and productive, particularly in relation to responding to major incidents and contingency planning.

**4. Senator Kirk asked: At p 58 of the Annual Report there is a certain optimism expressed about the opportunities provided by detention centre management shifting to a new provider. How's that working out for you?**

**Answer:**

While it is still early days for the operations of the new centre management we have already had one meeting with their management staff, and have a more substantial meeting set for later in March. So far the new centre management has considered our specific concerns and made a deliberate effort to engage in discussion on key issues. On the other hand it would be premature to make a judgement on outcomes with barely three months experience to assess.

On 3/3/2004 the Ombudsman's office provided DIMIA with a proposed outline for a range of information products for detainees that will clarify how the complaints mechanism within Immigration Detention Facilities should work. The aim of the project is to ensure that detainees have a clearer understanding of their responsibilities in relation to the resolution of complaints as well as the role of the service provider and DIMIA. It is also proposed to clarify the detainee's right to contact other complaint agencies including the Ombudsman, HREOC, the Privacy Commissioner, State or Federal Police, State Health Complaints Tribunals, etc.