

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(126) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked:

(1) For the financial year 2003-2004, did Australian Customs Service (ACS) check details of all crew members and passengers on each ship entering against ACS and DIMIA alert lists and reports show any person;

(2) If of concern on any ship if so, (a) on how many occasions (b) what were the names of the ships involved and (c) in which country were the ships registered; (d) does this prohibit them from re-entering the country in the future?

Answer:

(1) Yes. Under agreed procedures, Customs checks the details of all crewmembers and passengers on each ship entering Australia against Customs and DIMIA alerts prior to the vessel's arrival and refers the details of any persons of immigration concern to DIMIA.

(2) (a)-(c) DIMIA records the details of referrals from Customs and their outcomes as individual records. Neither DIMIA nor Customs maintains these records in a manner that would allow the ready extraction of this information.

(d) Individuals subject to alerts may be excluded under Migration legislation from being granted a future visa to Australia. DIMIA does not have the power to exclude vessels from re-entering Australia.

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(127) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked:

With respect to the issue of special purpose visas for the shipping industry:

- (a) How many have been issued since they were first introduced?
- (b) How does the Department monitor customs information concerning when a vessel is issued with a single or continuous voyage permit intends to depart to a place outside Australia?
- (c) Can the Department confirm that all the vessels that hold a CVP or SVP permits depart Australia before a future permit is issued?
- (d) Does it still remain the case that under the Ministerial instrument under s 33, of the Migration Act, the grant of a special purpose visa is conditional of ships being involved in international travel, which involves visiting a port in another country? How is this verified and monitored by the department in order to accommodate the special purpose visa?
- (e) Is it still the case that once a vessel meets the requirements for a ship to be involved in international travel, that a crew is taken to hold a special purpose visa (a) are these visas issued individually or collectively?
- (f) Is the crew member's visas status is linked to the grant of a CVP or SPV of up to 3 months duration?
- (g) What individual checks are carried out on all crew prior to the issue of SVP or CVP?
- (h) How such checks were undertaken by the Department in the financial year 2003-2004?
- (i) Once a vessel leaves Australia, then returns as required by DOTARS what checking is made to consider any changes in crew?
- (j) In the financial year of 2003-2004 how many people on these returned vessels were found to have not been on the vessel at the time of vessels original entry to Australia?

Answer:

- (a) DIMIA does not record this information. The Australian Customs Service (Customs) records the arrival and departure of all vessels and crew to and from Australia. Special Purpose Visas are not issued, but granted by operation of law to each individual foreign crewmember on board provided they meet the regulatory requirements.
- (b) Customs monitors the movement in Australia of any vessel granted a Single or Continuing Voyage Permit (SVP or CVP) by DOTARS and records when the vessel indicates that it intends to depart to a place outside Australia. Customs also notifies DIMIA when vessels operating under an SVP or CVP approach a stay of three months duration in Australia.
- (c) It is DOTARS practice that the grant of an SVP or CVP by DOTARS is conditional on the vessel departing Australia to a foreign port at least once in any three month period.
- (d) Yes. To hold a Special Purpose Visa under section 33 of the *Migration Act 1958* a person must be a member of crew on a non-military ship that will depart to a place outside Australia during the course of its voyage. Customs monitors the movement in Australia of any vessel granted an SVP or CVP and records when the vessel indicates that it intends to depart to a place outside Australia. Applicants for an SVP or CVP are required by DOTARS to name the last foreign port visited by the vessel before it arrives in Australia as well as the foreign port it will go to no later than three months after arrival in Australia.
- (e) Yes. Special Purpose Visas are not issued but granted by operation of law to each individual crewmember on board provided they meet the regulatory requirements.
- (f) Yes.
- (g) Customs undertakes checks against DIMIA and Customs alert lists in relation to all crew on non-military ships entering Australia. These checks are carried out based on pre-arrival reporting from vessels, which is provided no later than 48 hours before arrival. Applications for SVPs and CVPs are processed in the Operations Centre of the Office of Transport Security in DOTARS.
- (h) Customs records show that 287,225 seafarers arrived in Australia during 2003-04. All arriving crew are checked against our alerts.
- (i) Crew are checked on each arrival into Australia, regardless of crew changes outside Australia and previous entry by some members of crew.
- (j) Neither DIMIA nor Customs record this information.

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ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(128) Output 1.3: Enforcement of Immigration Law

Senator Ludwig asked:

1. What provisions exist under current visa provisions to enable trafficking victims to visit their countries of origin while awaiting finalisation of court proceedings?
2. What level of specialised training is provided for government and contractor staff who interact with trafficking victims? What is the resource figure for this training? What kinds of training relate to children?
3. What provisions exist in the visa arrangements to ensure that child victims are not required to testify in court or provide evidence do not have to prosecution process if it is not in their best interest, in compliance with Article 3 of the Convention on the Rights of the Child?
4. What is being done to ensure the contractors for the victim support programme have specific training in the needs and rights of trafficked children?
5. The government has made efforts to ensure women who are trafficked into the sex industry can access a one month bridging visa, and not immediately put into detention for deportation. What is the government doing to ensure that no persons who have been trafficked for any other purpose, such as labour, are currently in detention centres, unidentified?

Answer:

1. Return visits have been facilitated within existing visa provisions.
2. People Trafficking General Awareness training has been delivered to over 370 DIMIA and law enforcement officers nationally. The training focused on a range of topics, including the trafficking phenomenon, economic, social and cultural factors, identification of trafficking indicators, referral procedures and the new visa arrangements. DIMIA officers also undertake gender sensitivity and cultural diversity training in relation to interview assessments.

Under current practices, DIMIA's role is to identify indicators of trafficking and to immediately refer persons to the AFP.

Resource data is not available.

There is no training dealing specifically with children. The key operational procedure is quick referral and child welfare agencies are alerted if any child is found working in the sex industry, whether or not they are Australian citizens.

3. The question as to whether children are required to testify or provide evidence is a matter for law enforcement and prosecution agencies. The visa arrangements are available to persons who have assisted an investigation or prosecution and who are in danger of return.

4. Responsibility for the Victim Support Programme lies with the Office for Women within the Department of Family and Community Services.

5. The visa regime applies equally to all victims of trafficking, regardless of the industry to which they may have been trafficked. Around 10 of the people involved in cases referred by the Department to the AFP have worked outside the sex industry.

Compliance staff are trained to look for signs of trafficking, some of which can be quite subtle. Interviews are also conducted at various stages during the location, detention and removal processes. At any stage where any indicators of trafficking come to light the matter is referred immediately to the AFP.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(129) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

Ms Cornelia Rau

1. Does DIMIA have an official definition, interpretation or guidelines as to what constitutes "reasonable suspicion" as referred to under section 189 subsection (1) of the Migration Act (1958)?
2. Does DIMIA have a set of procedures that it follows to assess whether the suspicion that someone is an unlawful non-citizen is reasonable?
3. What qualifications does a person need to possess to be employed as a DIMIA compliance officer? What training do DIMIA compliance officers undertake? Is there a legal component of such training?
4. When (time and date) were the initial database and record checks completed. What databases and records were checked? By whom were they checked?
5. What checks did DIMIA do to establish whether Ms Rau was an Australian citizen or resident? On what date did these checks take place?
6. Exactly what evidence did DIMIA rest its case for reasonable suspicion that Ms Rau was an unlawful non-citizen?
7. At what time exactly was Cornelia Rau sectioned to move to Glenside Hospital on the 3 February 2005? Who signed this order? Was it before or after Ms Rau had been identified?
8. Was a psychiatric assessment to assess Ms Rau's mental health and therefore the veracity of her claims, considered at any point before the 10 August 2004? If not, why not?
9. Did DIMIA question whether Ms Rau's story about being an unlawful non-citizen was compromised by any of the following conditions - delusions from a mental illness, dissociative state, physical injury, epileptic fits?
10. What possessions did Ms Rau have on her when arrested in Queensland?
11. How was Ms Rau reported to have been travelling?

12. Did DIMIA question her as to why she was in Coen and where she was going?
a) If so, did such questioning throw into doubt her mental well-being and the veracity of her story?
b) If not, why not?

13. Did DIMIA interview the people who associated with Ms Rau immediately before her arrest?
a) Did their accounts raise concern as to the mental well-being of Ms Rau? Are there records of these interviews?
b) If not, why not?

14. Did DIMIA take a detailed personal history from Ms Rau?
If so,
a) Was this story checked for its veracity?
b) Was the story believable? If not, why was she not referred for a psychiatric assessment?
If not, why not?

15. How often does DIMIA review its grounds for reasonable suspicion that a person is an unlawful non-citizen? Is there a standard procedure for such reviews? If DIMIA does not review its grounds for detaining people, why does it not do this?

16. Did Ms Rau speak English to DIMIA officials or other officials at any stage during her detention? Did she speak English with an Australian accent at any stage during her detention?

17. What prompted the initial psychiatric examination of Ms Rau on the 10 August? Who examined her? Was there a tentative diagnosis or differential diagnosis? If so, was this for a mental illness? Was this psychiatric examination voluntary? Was it necessary to interview Ms Rau via an interpreter?

18. Was the sectioning of Ms Rau on 20 August, voluntary? Who sectioned her? For what reasons?

19. I understand that the report from the 26 August stated that Ms Rau “does not reveal the diagnostic criteria for a mental illness.” Did the assessment say that she may be suffering a mental illness? Were there any recommendations from this assessment as to: (we do not need details, just confirmation)
a) Management?
b) Specific treatment?
c) Specific observations?
d) Follow up or reassessment?

20. Could you please provide a breakdown by date of which compound Ms Rau’s was kept in during her detention at Baxter detention centre.

21. Why was Ms Rau moved to Red One compound?
22. What were the recommendations from her first assessment by the resident psychologist and GP? When did this initial assessment occur?
23. Did the initial psychiatric assessment at Baxter report that she may be suffering an unspecified mental illness? Were there any recommendations from this assessment as to: (we do not need details, just confirmation)
- a) Management?
 - b) Specific treatment?
 - c) Specific observations?
 - d) Follow up or reassessment?
24. Given the ongoing concern for Ms Rau's mental health, did DIMIA review its grounds for detaining Ms Rau? If not, why not?
25. Can you produce a copy of the document that outlines the 'behaviour modification' regime at Baxter detention centre?
26. Who made the decision not to section Ms Rau to Glenside for psychiatric assessment in January? On what date was this decision made?
27. How many enquiries about the "German woman in Baxter" were made to the department and the Minister's office before February 3?
28. Can you produce a copy of the briefing on Ms Rau that was supplied by DIMIA to the Immigration Detention Advisory Group after their December 16 visit to Baxter? On what date was this briefing provided? Was the Minister's office made aware that this briefing had been provided?

Answer:

1. A practical guidance to officers on what constitutes reasonable suspicion in the context of section 189 of the Migration Act is found in Migration Series Instruction number 234: *General Detention Procedures*. It is important to remember that each of the powers to detain is limited to situations where knowledge or a reasonable suspicion exists of a person being an unlawful non-citizen. It should also be noted that the detaining officer must actually have the suspicion and this suspicion must be a reasonable one based on objective evidence (i.e. a reasonable person in the position of the officer, in the particular set of circumstances, would hold the relevant reasonable suspicion).

It is further stated in Migration Series Instruction number 321: *Detention of Unlawful Non-Citizen* that officers must not make assumptions based on a person's English language proficiency or ethnicity in establishing his or her immigration status.

Officers must ensure that knowledge or reasonable suspicion about a person's status as an unlawful non-citizen is based on objective evidence such as: information held in Departmental records; credible information from third parties; the person's inability to provide satisfactory evidence of being a lawful non-citizen and a lack of a credible explanation for this; and the person evading or attempting to evade officers.

2. A reasonable suspicion is determined on a case by case basis. General guidance is available to officers for establishing a person's immigration status depending on the circumstances of the individual case.

Departmental officers must establish knowledge or reasonable suspicion of a person's status as an unlawful non-citizen based on objective evidence such as information held in Departmental records, credible information from third parties, the person's inability to provide satisfactory evidence of being a lawful non-citizen and a lack of a credible explanation for this; and/or the person evading or attempting to evade officers.

3. There is no formal qualification requirement to be employed as a compliance officer.

Prior to June 2003, compliance officers received varying levels of in-house training (for example, visa cancellation, bridging visa, and on-the-job field training), supplemented by some non-accredited specialised training in areas such as search warrant execution, conflict resolution and use of restraints, provided through Federal and State law enforcement agencies.

In June 2003 the Department initiated a formal training program for compliance officers. The training is conducted in partnership with a Registered Training Organisation and leads to the award of a Certificate IV in Government (Statutory Investigations & Enforcement). Before the certificate is awarded officers must have completed an assessment against core competencies, have completed in-house training programs on Code of Conduct, Visa Cancellation and Lawful/Good Decision Making, completed Module 1 of the compliance training program, run in house, and Module 2 of the compliance training program, run by the Registered Training Organisation.

The Visa Cancellation, Lawful/Good Decision Making and both Modules of the compliance training program have legal components. Module 1 of the compliance training program provides specific training in relation to reasonable suspicion to detain and lawful detention.

4. Please refer to the details provided in response to Senator Ludwig's question 44.

5. Please refer to the details provided in response to Senator Ludwig's question 44 for information pertaining to the checks conducted by DIMIA to establish Ms Rau's (Anna Brotmeyer aka Schmidt) identity.

6. Using information provided by Ms Rau (Anna Brotmeyer aka Schmidt) no record of her entry could be found on immigration systems. Ms Rau (Anna Brotmeyer aka Schmidt) consistently maintained that she was a German national and repeatedly

asked to be returned to Germany. She was also in possession of a stolen Norwegian passport.

7. In consultation with the South Australian Mental Health Services, agreement was reached for Ms Rau (Anna Brotmeyer aka Schmidt) to be admitted to Glenside Hospital on 24 January 2005. A series of discussions and consultations between health professionals followed over the next few days. This included consultations between the General Practitioner contracted to Baxter IDF and a consultant Psychiatrist at Glenside Hospital. On 2 February 2005 agreement was reached between the General Practitioner and the Glenside Psychiatrist that Ms Rau (Anna Brotmeyer aka Schmidt) would be admitted to Glenside Hospital either as a voluntary or an involuntary admission on 3 February 2005

On 3 February 2005 following further discussions with Glenside Hospital on the logistics of the transfer, the General Practitioner signed an order to detain Ms Rau (Anna Brotmeyer aka Schmidt) under the South Australian Mental Health Act at 4.00pm (South Australian time). Health professionals at the Centre had not been advised at this time that Ms Rau (Anna Brotmeyer aka Schmidt) had been identified.

At 2.30pm, (South Australia time) the DIMIA Manager at Baxter IDF received a call from NSW Police, raising the possibility that Ms Brotmeyer may be Cornelia Rau, the subject of a NSW missing person report. Following an exchange of photographs between the DIMIA manager and the NSW Police positive identification was established at 5.25pm (South Australian time).

Following a discussion between the DIMIA Manager at Baxter IDF and Ms Rau's mother in Sydney, developments in Ms Rau's (Anna Brotmeyer aka Schmidt) case were relayed to Detention Centre Management, DIMIA Canberra and the South Australian Mental Health Services, specifically Glenside Hospital.

8. On 19 May 2004, Ms Rau (Anna Brotmeyer aka Schmidt) was assessed by the Brisbane Women's Correctional Centre psychologist who concluded "...Nil evidence of mental health illness noted or described. Nil further follow-up required by Prison Mental Health Service at this time".

9. The Department acknowledges the role of appropriately qualified health care professionals to provide opinions in relation to an immigration detainee's state of health.

Immigration officers continued to try to ascertain Ms Rau's (Anna Brotmeyer aka Schmidt) status and identity during her time in immigration detention. Persons of interest to DIMIA, such as suspected unlawful non-citizens, can and do provide false and misleading information in relation to their identities and personal circumstances.

10. Items of note in Ms Rau's (Anna Brotmeyer aka Schmidt) possession when detained by Queensland police were a Norwegian passport, subsequently established to belong to another person and a quantity of cash.

Ms Rau (Anna Brotmeyer aka Schmidt) also had various valuables (such as a jewellery, electronics and sunglasses), and personal items (clothing, toiletries etc) in her possession.

11. Queensland police reported that Ms Rau (Anna Brotmeyer aka Schmidt) was hitch-hiking, and that she told them she was on a travelling holiday and on her own.

12. DIMIA Cairns Compliance Officers questioned Ms Rau (Anna Brotmeyer aka Schmidt) in relation to why she was in Coen, where she had come from and where she was going.

Answers supplied to DIMIA Cairns Compliance Officers by Ms Rau (Anna Brotmeyer aka Schmidt) did not throw into doubt her mental well-being. Persons of interest to DIMIA, such as suspected unlawful non-citizens, can and do provide false and misleading information in relation to their identities and personal circumstances.

13. The Department does not have officers in Coen. The Queensland Police Service interviewed people associated with Ms Rau (Anna Brotmeyer aka Schmidt) immediately prior to her detention as a suspected unlawful non-citizen.

14. Ms Rau (Anna Brotmeyer aka Schmidt) was invited to provide and clarify details of her personal history on each occasion that DIMIA Cairns Compliance Officers had contact with her, both by phone and in-person.

All versions of the personal history supplied to DIMIA by Ms Rau (Anna Brotmeyer aka Schmidt) were checked in efforts to confirm her claims and her true identity and status in Australia.

Some details stated to DIMIA were lacking in credibility, however, the personal histories supplied were all scenarios that could have occurred and resulted in a person being unlawfully present in Australia.

Answers supplied to DIMIA Cairns Compliance Officers by Ms Rau (Anna Brotmeyer aka Schmidt) suggested she was being less than truthful. Persons of interest to DIMIA, such as suspected unlawful non-citizens, can and do provide false and misleading information in relation to their identities and personal circumstances.

15. Where a reasonable suspicion persists in relation to a detainee, relevant officers are expected to keep the person's circumstances under review and to seek to resolve their immigration status by further inquiry as soon as possible. The reasonable suspicion may be displaced by knowledge that the person is a citizen or a lawful non-citizen (in which case the person will be released immediately), or by knowledge that the person is indeed an unlawful non-citizen (in which case the person must continue to be detained until granted a visa or removed from Australia).

There are a number of administrative instructions and processes in place that are relevant to resolving a detainee's immigration status. For example, there are instructions on measures to be taken in relation to identity checking, which include checks with external agencies and referral of unresolved cases to senior officers.

This includes a fortnightly Detention Review Committee (DRC) meeting which:

- discusses listed cases of persons currently held in immigration detention;
- identifies broader trends and issues in detention activities; and
- ensures a cooperative, coordinated approach across DIMIA Divisions to resolve detention cases.

The DRC comprises representatives from the Removals Policy and Operations Section (RPOS), Onshore Protection Branch, Enforcement and Citizenship Litigation Section (ECLS), International Cooperation Branch, Arrivals and Detention Centre Coordination Section (ADCC), Detention Case Coordination Section (DCC) and Border Control and Compliance Division, including participation by State Compliance officers when further focus on their caseload is required.

An Executive Detention Review Committee (EDRC) was established in July 2004 to extend the effectiveness of the DRC by providing a high-level forum to deal with the most problematic detention issues and cases. The fortnightly DRC meetings identifies cases and issues requiring escalation to the EDRC, particularly those with relevance across Divisions and matters that could not be resolved at the DRC level. Policy issues are identified in this forum.

The EDRC meets every six weeks and is chaired by the Deputy Secretary and attended by First Assistant Secretaries from most divisions.

16. Ms Rau (Anna Brotmeyer aka Schmidt) was reported to be speaking European accented English. It is not possible to say whether anyone formed the opinion that she spoke with an Australian accent.

17. The psychiatric examination of Ms Rau (Anna Brotmeyer aka Schmidt) was for an assessment of her mental state and took place on 10 August 2004 at Brisbane Women's Correctional Centre.

Similar to practices in the community, a medical practitioner determined that further assessment was required and arranged for Ms Rau's (Anna Brotmeyer aka Schmidt) involuntary admission to Princess Alexandra Hospital under the *Queensland Mental Health Act 2000* occurred soon after. DIMIA's records do not indicate whether an interpreter was used.

18. Ms Rau's (Anna Brotmeyer aka Schmidt) admission to the Princess Alexandra Hospital was under the provisions of the Queensland Mental Health Act 2000. The order was signed on 19 August 2004. The decision to admit Ms Rau (Anna Brotmeyer aka Schmidt) was made by a medical practitioner.

19. The assessment only states that 'while displaying some odd behaviour [Ms Rau (Anna Brotmeyer aka Schmidt)] does not fulfil any diagnostic criteria for a mental illness'. There are no recommendations on management, specific treatment, specific observations or follow up re-assessment following the assessment.

20. While at Baxter Immigration Detention Facility, Ms Rau (Anna Brotmeyer aka Schmidt) was accommodated in the following compounds:

Dates	Compound
06/10/04 – 14/10/04	Blue (Family) 1 Compound
15/10/04 – 07/11/04	Red 1 Compound
08/11/04 – 11/11/04	Management Support Unit
12/11/04 – 17/11/04	Red 1 Compound
18/11/04 – 21/11/04	Blue (Family) 1 Compound
22/11/04 – 29/11/04	Management Support Unit
30/11/04 – 03/02/05	Red 1 Compound

21. Ms Rau (Anna Brotmeyer aka Schmidt) was displaying disruptive and inappropriate behaviour in the family compound (Blue One Compound) and was transferred to Red One Compound. The on-site psychologist believed that the Red One compound was the appropriate option for meeting Ms Rau's (Anna Brotmeyer aka Schmidt) more immediate management needs.

A management plan, with detailed input from the on-site psychologist was developed to cover her stay in Red One. This plan was regularly reviewed and amended.

22. Ms Rau (Anna Brotmeyer aka Schmidt) was seen by the Psychologist on 7 October 2004. The psychologist notes at that time, that there are "many differential diagnoses to be excluded". Arrangements were subsequently made for Ms Rau (Anna Brotmeyer aka Schmidt) to see the visiting Psychiatrist on 6 November 2004.

23. Ms Rau (Anna Brotmeyer aka Schmidt) was seen by the visiting Psychiatrist on 6 November 2004.

The visiting Psychiatrist noted the possibility of schizophrenia or personality disorder. The Doctor's report went on to note that "the only way to make the diagnosis would be a further period of hospitalisation for observation and then possibility of treatment. The other alternative is to monitor her behaviour whilst in detention." The Doctor did not indicate that her condition was acute or urgent.

In accordance with agreed protocols, discussions to pursue further assessment were held with SA Mental Health Service through Rural and Remote Service at Glenside on 11 November 2004. A range of medical reports from both Queensland and Baxter were sent to Glenside on 17 November 2004.

In the absence of an acute requirement, health staff at Baxter IDF waited for a response from Glenside.

Baxter health staff followed up with Glenside in early January 2005 after receiving no response from Glenside. These discussions led to an assessment determining that Ms Rau (Anna Brotmeyer aka Schmidt) did not satisfy the requirements for involuntary admission to a psychiatric hospital.

Ms Rau (Anna Brotmeyer aka Schmidt) was asked if she would go for inpatient assessment voluntarily, and she refused. Further discussions with Glenside commenced in the week beginning 24 January 2005, ultimately leading to her

involuntary scheduling on 3 February 2005. This occurred on the same day that Ms Rau (Anna Brotmeyer aka Schmidt) was identified.

24. The Department continued to try to establish the identity and status of Ms Rau (Anna Brotmeyer aka Schmidt). Please refer to the response provided in question 44.

25. The Immigration Detention Standards and Migration Series Instruction 403: *Transfer of Detainees within Immigration Detention Facilities* recognise that from time to time, some groups, or individuals will need to be separated from the larger community of people within detention centres and have a more restrictive management approach. This is to ensure that their welfare and/or the welfare of the community as a whole and staff is maintained. The Immigration Detention Standards can be accessed online at http://www.immi.gov.au/detention/standards_index.htm. A copy of MSI 403 is attached.

The use of management support units is covered for all Immigration Detention Facilities by an Operational Procedure approved in May 2004. In addition a draft site specific Operational Procedure for the use of the Red 1 Compound at Baxter IDF is also being developed by the service provider in consultation with DIMIA and the Ombudsman's Office. Prior to it's finalisation, this draft site specific Operational Procedure is being used by the service provider in the interim to guide the use of the Red 1 Compound at Baxter IDF.

For operational reasons that could potentially impact on the good order and security of the detention facilities, the Operational Procedures for are not available for release.

26. A medical practitioner contracted to Baxter IDF made the decision not to formally detain Ms Rau (Anna Brotmeyer aka Schmidt) under the provisions of the Mental Health Act. This decision was taken after consultations with a Psychiatrist at Glenside Psychiatric Hospital. This decision was made on 7 January 2005.

27. Approximately 32 items of correspondence, including letters and emails, in relation to a "German woman in Baxter" were registered by the Department prior to 3 February 2005.

28. No written briefing was provided to IDAG.

MSI 403: TRANSFER OF DETAINEES WITHIN IMMIGRATION DETENTION FACILITIES

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1 INTRODUCTION AND SCOPE

1.0.1 This Migration Series Instruction (MSI) provides a framework for the transfer of detainees within an immigration detention facility (IDF).

1.0.2 It may be necessary to transfer a detainee to another place of accommodation within an IDF to:

- restrict a detainee's movements for behaviour management reasons or
- manage the behaviour of detainees (when other strategies to manage detainees who are non-compliant with orders and directions which impact on security and safety are unsuccessful) or

- recognise compliant detainee behaviour or
- improve the welfare and care arrangements for the detainee and/or his or her family or
- protect the physical and mental health of the detainee and/or his or her family or
- protect the physical safety of other detainees and staff or
- prevent the probable occurrence of a serious incident (where there is intelligence that the transfer of the detainee is likely to assist in preventing such an incident).

1.0.3 Transfer of a detainee to another place of accommodation within the IDF may also be considered necessary for:

- logistical purposes (such as to enable a detainee to be closer to internal medical facilities)
- infrastructure purposes (such as the reorganisation of compounds as a consequence of changes to detainee numbers, where appropriate facilities are not available in the existing place of accommodation for an individual detainee or structural problems such as a roof collapse) or
- facilitating a detainee's request that he/she be transferred.

Note, this list is not exhaustive and the transfer of a detainee to another place of accommodation within an IDF may be considered necessary for other purposes.

1.0.4 This MSI provides procedural guidance for effecting the transfer of detainees within an IDF in a fair and equitable manner, while maintaining the rights of detainees.

1.0.5 This MSI contains strategies and procedures to:

- manage detainees who are non-compliant with lawful and reasonable orders and directions which impact on security and safety of the IDF and
- recognise detainees who behave in a compliant manner.

1.0.6 Detainees may be transferred between places of accommodation within an IDF on a scale ranging from less restrictive to more restrictive. Transfers may also be made to other IDFs, alternative places of detention and correctional facilities although these types of transfers are not detailed in this MSI.

1.0.7 This MSI should be read in conjunction with the MSIs on

- *General detention procedures*
- *Transfers of detainees to state prisons*
- *Procedures for unaccompanied wards in Immigration Detention Facilities*
- *Alternative places of detention* and
- *Bridging E visa (Subclass 051) - Legislation and guidelines*

which detail the procedures for the transfer of detainees from IDFs. DIMIA officers should also refer to the relevant Detention Services Provider (DSP) operational procedures.

2 SCALE OF PLACES OF ACCOMMODATION WITHIN IMMIGRATION DETENTION

2.0.1 Places of immigration detention range from the less restrictive to more restrictive encompassing:

- alternative places of detention external to IDFs (these are not discussed in this MSI)
- different types of accommodation in the IDFs ranging from
 - self-contained family units
 - family and/or singles general compounds
 - more restrictive compounds
 - behavioural management units
 - observation rooms (medical observation rooms or other observation rooms not located within a management support unit) and
- correctional facilities (these are not discussed in this MSI).

2.0.2 There are additional places of accommodation in which detainees may be lodged due to operational or medical reasons such as a self-harm prevention unit or a medical unit within an IDF or a motel or hospital external to the IDF.

2.0.3 Within some places of accommodation there may be further means of restricting movement such as fencing in particular sections of a compound, closure of facilities within the compound (eg the recreation room), the

‘lockdown’ of separate accommodation areas or by restricting detainees to individual rooms.

2.0.4 It is important to note that the list of places of accommodation is not exhaustive and that other places may be developed as IDFs are expanded, remodelled or constructed. The use of individual areas of an IDF for a specific purpose may differ over a time as operational needs of the IDF change.

2.0.5 Each IDF may differ as to the range of places of accommodation that is available. Further, each place of accommodation within an IDF can hold a limited number of people. These logistical limitations may impact on the ability to transfer detainees within IDFs. The development of a national network of IDFs provides greater flexibility in the management of detainees through transfers between IDFs.

3 LOCATION OF INDIVIDUAL DETAINEES-GENERAL PRINCIPLES

3.1 General principles regarding transfer of detainees within an IDF

Transfer of detainees to a more restrictive place of accommodation

3.1.1 The transfer of detainees to a more restrictive places of accommodation within an IDF may be appropriate where detainees are engaging in disruptive behaviour and/or have refused to comply with lawful orders/directions of Detention Services Provider (DSP) staff or DIMIA officers and other behaviour management strategies have proved ineffective. See [3.4.24](#) for examples of such strategies.

3.1.2 Transfer of detainees to more restrictive places of accommodation for behaviour management reasons are to be made only where behaviour cannot be effectively managed within the existing level of accommodation. Such a transfer may be appropriate where:

- a detainee exhibits violent and/or unlawful behaviour and refuses an order or direction to cease such behaviour
- a detainee is a continuing risk to themselves or others in the IDF
- a detainee wilfully damages property

- there is valid intelligence of an impending serious incident instigated (solely or partly) by the detainee
- there is valid intelligence of a risk of the detainee escaping from immigration detention
- the detainee is highly likely to respond in a violent/disruptive manner to a decision refusing to grant him/her a visa, or a decision by a Court/Tribunal to affirm such a decision of the Department or
- other behaviour management strategies have not been successful.

3.1.3 Where practicable, an expert medical opinion on the mental and physical health of a detainee should be obtained from a qualified professional prior to any transfer to a more restrictive place of accommodation for behaviour management reasons. This opinion will inform a decision on whether a transfer is necessary or desirable, and if so, to which particular place of accommodation. Transfer to an internal medical facility may be more appropriate than transfer to a more restrictive place of accommodation if a medical or mental condition is determined to be a cause of non-compliant behaviour.

3.1.4 Where no expert medical opinion has been obtained prior to transfer, a medical examination of the detainee must be undertaken no later than 24 hours following the transfer.

3.1.5 The Immigration Detention Standards (IDS), which form part of the Detention Services Contract between the Commonwealth and the DSP for the provision of detention services, states at Performance measure (c) of IDS 6.4.6 that there must be “no substantiated instance of a detainee whose movements are restricted not being seen daily by qualified medical staff”. This necessarily refers to a greater level of restriction than at the compound level eg placement in a management support unit.

3.1.6 Where it is deemed necessary to place a minor in a more restrictive place of accommodation, particular attention must be given to the development of a detainee care plan and behaviour management agreement [see [3.4.29 – 3.4.36](#) and [3.4.37 – 3.4.43](#)]. Minors should be held in a more restrictive place of accommodation for the shortest period possible.

3.1.7 A detainee may also be transferred to a more restrictive place of accommodation for reasons other than behaviour management. See [4.2](#) for procedures in relation to such transfers.

3.1.8 The DSP must be responsive to changes in the number of available places for detainees at IDFs and must be aware of the capacity to place detainees in particular areas of the IDF.

3.1.9 Where a part of an IDF is to be used as a place where detainee movements are restricted, the DSP General Manager, or his or her delegate, is to ensure that approval for such use has been obtained from the DIMIA Manager or Deputy Manager, prior to a detainee being transferred.

Management support unit

3.1.10 The transfer of a detainee to a management support unit must not be used as a form of punishment. Legitimate purposes for such a transfer include where a detainee exhibits violent and unlawful behaviour and refuses an order to cease such behaviour. It is ordinarily appropriate to transfer a detainee to a management support unit on a short term basis only.

3.1.11 It may be necessary to place a detainee who is at risk of self-harm in an observation room with appropriate supervision. Such a unit would allow for an appropriate level of care through regular observation and interaction as appropriate.

3.1.12 If it is considered that security at the IDF can only be maintained by ongoing accommodation of an individual in a management support unit, alternative measures must be investigated (such as transfer to another IDF or another place of detention). It is not appropriate to allow a detainee to remain in a behaviour management support unit for an extended period of time and alternative measures must be considered after placement of a detainee in a management support unit for a period in excess of 48 hours. Relevant procedures for transferring a detainee within an IDF for behaviour management reasons outlined at [4.1](#) must be followed.

Transfers to another IDF or a correctional facility

3.1.13 It may be necessary to transfer a detainee to another facility or to another place of detention, such as a correctional facility. The MSI on [Transfers of detainees to state prisons](#) should be consulted for procedural guidance on this matter.

Transfers to a less restrictive place of accommodation

3.1.14 Transfers to a less restrictive place of accommodation may be appropriate to recognise compliant behaviour by the detainee or for reasons outlined at [4.2.1](#). This may be considered as a result of regular review of the place of detention at the request of the detainee, or it may be an outcome of adherence to a behaviour management agreement detailed at [3.4.37 - 3.4.43](#).

3.1.15 Detainees may also be transferred between places of accommodation at the same level of restriction.

Circumstances in which assessment procedures need not be followed

3.1.16 It will not be possible to implement all assessment procedures for transfers set out at [4.1](#) in every situation which arises in an IDF. For example, in situations where the health and safety of any person in an IDF is at serious risk, a transfer to another place of accommodation may be instituted without strict adherence to the assessment procedures.

3.1.17 Where a transfer occurs and the assessment procedures set out at 4.1 have not been followed, the DSP must ensure it notifies the appropriate DIMIA officer of the transfer as soon as practicable, but no later than 2 hours following completion of the transfer. The DIMIA officer must make a record of the advice provided by the DSP regarding the transfer.

3.1.18 The reasons for not following the assessment procedure set out in this MSI must be detailed in writing within 6 hours of the transfer and provided to DIMIA. A copy must be placed on the detainee's file.

- 3.1.19 The detainee should be advised, in a language and terms he or she understands, of the reason for the transfer and the date on which a review of the decision to transfer will take place. A notation that this has occurred must be placed on the detainee's file.
- 3.1.20 The review procedures set out at [4.1.35 - 4.1.46](#) must be followed, including in circumstances where a transfer is made in an emergency situation and the assessment procedures have not been followed.
- 3.1.21 The review procedures in this MSI need not be followed where the transfer is made so that the detainee can receive medical treatment. In this situation, a medical review should be undertaken by qualified medical staff and the outcome noted on the detainee's file.

3.2 Considerations influencing placement in places of accommodation within an IDF

Allocation of accommodation on arrival at an IDF

- 3.2.1 During the initial reception of a detainee into an IDF, assessments are made by the DSP of detainee needs and operational requirements to enable allocation of appropriate accommodation.
- 3.2.2 Unauthorised arrivals (that is, persons who arrive in Australia without a visa that is in effect and are not taken to hold a visa by operation of law on arrival in Australia) are usually accommodated in separation detention until after initial entry interviews take place. If a detainee has not invoked Australia's protection obligations by applying for a protection visa or has not applied for a visa of any other class, he or she must be removed from Australia as soon as reasonably practicable. Once a detainee leaves separation detention for detention in the general population, a further accommodation allocation is made.
- 3.2.3 IDS 2.1.4.2 states that "to the extent practicable and subject to the good order and security of the detention facility and the safety of all those within it, detainees have access to accommodation which recognises the special needs of particular groups, including but not limited to families, unaccompanied minors/women/men and persons who are ill and/or have a disability".

3.2.4 The various characteristics of individuals and groups need to be addressed by the DSP when allocating accommodation, within the parameters of the available capacity. Such detainee characteristics include, but are not limited to:

- gender
- age
- health needs
- cultural and religious requirements
- language skills
- anticipated length of time in the IDF
- the risk profile of the detainee including the risk of escaping from immigration detention, any history of threatening/violent behaviour towards other detainees and the risk to the security and safety of others in the level of accommodation and
- family circumstances, including if the detainee is an unaccompanied minor.

3.2.5 Family groups and women and children, including unaccompanied minors, should be accommodated separately from adult males without dependents in the facility, to the extent that this is possible.

3.2.6 The overall requirements of the IDF and the capacity of each place of accommodation within the IDF are important factors in assessing initial placement.

3.2.7 New arrivals who are transferred from another IDF or other place of detention will usually be placed in general compounds in the first instance. If the appropriate DSP officer has a reasonable suspicion that the detainee will be non-compliant with orders and directions which impact on security and safety within the IDF, based on previous behavioural history, the detainee may be placed in a more restrictive compound. The basis for this reasonable suspicion must be documented.

3.2.8 The DSP must take account of all relevant views in relation to the initial placement of a detainee in accommodation, including but not limited to, those of medical staff, the DIMIA Manager or Deputy Manager and the DIMIA case coordinator (in those IDFs which employ a case coordinator).

3.2.9 Regular ongoing monitoring and assessment by the DSP may result in transfer of a particular detainee to a more restrictive place of accommodation based on non-compliance with other behaviour management strategies (listed at [3.4.24](#)).

Non-exhaustive list of factors to consider when deciding whether to transfer a detainee within an IDF

3.2.10 A DSP Detention Services Officer must consider the following factors in deciding whether to recommend to transfer a detainee to another place of accommodation within an IDF (note, this list does not preclude the DSP Detention Services Officer from taking account of other factors he/she considers relevant in making a recommendation to transfer a detainee):

- the capacity of each place of accommodation within the IDF
- the overall logistical requirements of the IDF
- the population of the place of accommodation to which transfer is being considered (eg gender mix)
- the configuration of the place of accommodation to which transfer is being considered (eg availability of family units)
- the risk profile of the detainee including both the risk of escaping from immigration detention and the risk to the security and safety of others in the level of accommodation (taking into account any previous history of escapes or violence)
- the gender mix in the place of accommodation to which transfer is being considered
- the age of the detainee
- the religion of the detainee
- the immigration processing status of the detainee (that is, whether the detainee has made a visa application, an application for merits review, an application for judicial review, or is about to be removed from Australia)
- family composition (taking into account whether separation from the detainee's family or other support networks within or outside the IDF will occur)
- health needs (taking into account special needs due, but not limited to, illness, disability, immobility and psychological or psychiatric conditions)
- behaviour management issues, including:
 - seriousness of behaviour (taking into account factors such as previous escapes, rioting, arson, destruction of property, sexual offences, attacks on staff, self-harm and bullying/standover tactics and any previous difficulties with other detainees within

the IDF). See [5.2](#) in relation to referral of unlawful behaviour to policing authorities

- whether violence is involved
- intention or malice
- frequency of any of the behaviour referred to above
- effect of behaviour on other detainees
- all relevant views in relation to the transfer of a detainee to another place of accommodation, including but not limited to, those of medical staff and the DIMIA Manager or Deputy Manager and the DIMIA case coordinator (in those IDFs which employ a case coordinator)
- wishes of the detainee to be transferred and of any other detainee who may be affected by the transfer
- the likelihood of imminent release from immigration detention or removal from Australia
- operational needs in regard to a particular detainee or other detainees within an IDF and
- any relevant factors as specified in the MSIs on [*General detention procedures, Transfer of detainees to state prisons, Procedures for unaccompanied wards in Immigration Detention Facilities and Alternative places of detention.*](#)

3.2.11 The DSP must take reasonable steps to ensure a medical, psychological or psychiatric condition is not responsible for the non-compliant behaviour as outlined at [3.1.3](#). Transfer to an internal medical facility may be more appropriate than transfer to a more restrictive place of accommodation if such a condition is determined to be a cause of non-compliant behaviour.

3.3 Decision making responsibilities

Responsibilities of the Detention Services Provider

3.3.1 IDS 6.4.6 provides that as a result of non-compliance with lawful and reasonable orders and directions detainees may:

- be transferred to another part of the facility
- have their movements within the facility restricted or
- be transferred to another place of immigration detention.

- 3.3.2 The DSP is responsible for deciding and effecting all transfers and restrictions of movement within IDFs. DSP staff, however, must consult with the DIMIA Manager or Deputy Manager in the IDF in relation to any such decision prior to taking action, unless the situation is so urgent that to take the time to do so would impact on the good order and security of the IDF or the safety of any individual in it.
- 3.3.3 Any decision to transfer detainees within an IDF must take into account all relevant considerations listed at [3.2.10](#) and must not be made on an arbitrary basis.
- 3.3.4 If there is any suspicion that a medical, psychological or psychiatric condition may be causing or contributing to non-compliant behaviour and it is practicable to do so, expert medical opinion from a qualified professional should be sought before behaviour management strategies, including a transfer to a more restrictive place of accommodation, are put in place.
- 3.3.5 The appropriate DSP officer to make a recommendation to transfer a detainee within an IDF is normally a Detention Services Officer. The appropriate officer to approve such a decision is normally the DSP General Manager, or delegate at a managerial level, of the relevant IDF.
- 3.3.6 IDS 2.1.3.1 provides that “a permanent, current and comprehensive record of each detainee is created and maintained in each facility...”. The DSP must ensure that all information in relation to transfers within IDFs is recorded in a timely, accurate and comprehensive manner. See [4.3](#) for further details on record management.

Responsibilities of DIMIA officers

- 3.3.7 DIMIA officers are responsible for decisions to transfer detainees to another place of detention such as other IDFs, an alternative place of detention or a correctional facility. In making such a decision, the appropriate DIMIA officer must consider any assessments made by the DSP and the resources provided through the national network of IDFs. See the MSI on [Transfer of detainees to state prisons](#) for procedures on transfers to another place of detention.

- 3.3.8 While the decision to transfer a detainee within an IDF rests with the DSP, the DSP should consult the appropriate DIMIA officer regarding a transfer within an IDF to give DIMIA the opportunity to input into ongoing detainee management strategies. Preferably this will happen before a transfer but in all cases should occur after the transfer.
- 3.3.9 The appropriate officer with whom the DSP officer should consult is normally the DIMIA Manager or the Deputy Manager.
- 3.3.10 In those IDFs which employ a DIMIA case coordinator, the case coordinator should be consulted to provide input.
- 3.3.11 The appropriate DIMIA officer should provide any relevant information for consideration by the DSP (eg knowledge of the detainee's behaviour and attitude during interactions with DIMIA officers and notification of an upcoming adverse decision on a visa application, an application for merits review, an application for judicial review, or a request for Ministerial Intervention).
- 3.3.12 DIMIA officers must ensure that the DSP maintain timely, accurate and comprehensive records in relation to the transfer of detainees within IDFs. [See 4.3](#) for further details on record management.
- 3.3.13 Both DIMIA officers at IDFs and the Detention Contract Management Section in Central Office have a role in monitoring service provision by the DSP to ensure that the DSP fulfils its contractual obligations.
- 3.3.14 The responsibilities of Detention Contract Management Section include monitoring performance of the DSP against the IDS and relevant operational procedures through the review of written and audiovisual records of incidents and regular visits to IDFs.
- 3.3.15 The DIMIA Manager or Deputy Manager must be satisfied that detainees have access to the complaints mechanism before, during and after any transfer within an IDF.

3.4 Behaviour management strategies

Structured communication with detainee

3.4.1 IDS 4.1.1 states that “detainees are informed of:

- the services available to them in detention
- their rights and obligations during their residence at the IDF
- complaints mechanism
- life in multicultural Australia
- the rule of law in Australia and
- any other pertinent matters

through the use of effective information, communication and consultative strategies and mechanisms which are responsive to the changing profile and needs of the detainee population”.

3.4.2 IDS 4.4.1 states that “detainees and the Detention Services Provider effectively communicate with each other through the application by the Services Provider of appropriate communication strategies, taking into account:

- the languages detainees understand
- the particular circumstances in which the communication is taking place and
- the special needs of illiterate or hearing and/or visually impaired detainees”.

3.4.3 IDS 4.4.2 states “where the use of an interpreter or translator is assessed as necessary, that interpreter or translator is appropriately trained, qualified and accessible”.

3.4.4 Strategies must be put in place by the DSP to advise detainees of the consequences of non-compliance with reasonable and lawful orders and directions.

3.4.5 IDS 2.1.1.1 states that “detainees are made aware, in a language and in terms they understand, of:

- the operations of the detention facility including but not limited to:
 - the guidelines for residing at the facility
 - the facilities available
 - complaints mechanisms
 - procedures for the management of personal property and

- respective roles and responsibilities of the Detention Services Provider and the Department and
- the expectations of their behaviour as set out in the Detainee Code of Conduct, including but not limited to:
 - understanding and complying with Australian law, in particular in relation to their actions while in detention and
- their obligations to respect the diversity of culture and beliefs among persons (such as other detainees and staff) at the facility, to treat them with dignity, and accord them respect’.

3.4.6 It is critical that detainees understand how to request the assistance of an interpreter for the purpose of effectively communicating with staff of the DSP and DIMIA staff.

3.4.7 Detainees are briefed by the DSP about behavioural expectations during the reception interview and the induction period undertaken within 5 days of a detainee’s arrival at an IDF. The DSP is responsible for making lawful and reasonable orders and directions and for ensuring detainees are made aware of these.

3.4.8 This includes the development of a Code of Conduct, approved by DIMIA, setting out the responsibilities of detainees including respect for diversity of cultures and beliefs, the need for compliance with Australian law and the rules of the IDF and the consequences of not adhering to these.

3.4.9 Detainees are requested and encouraged to read and sign the Code of Conduct or have it signed on his or her behalf by an appropriate person, during the induction. The DSP must ensure the Code of Conduct has been effectively communicated to detainees in a language and terms that the detainee understands, using translation where reasonable. Detainees should be provided with a copy of the document for their ongoing reference.

3.4.10 Detainees should be counselled regarding their non-compliant behaviour and advised that unless there is an improvement in conduct, transfer to a more restrictive place of accommodation may result. Counselling can also be used to assist in assessing the likelihood of any further incidents or disturbances.

- 3.4.11 It is important that detainees are informed of the possible outcomes of their behaviour and accept their share of responsibility in resolving the issue of non-compliant behaviour. Minutes of counselling should be placed on the detainee's file.
- 3.4.12 In most instances, detainees should be informed of all stages of the assessment and review process for transfers and be given the opportunity to improve any non-compliant behaviour.
- 3.4.13 Detainees are more likely to cooperate in any ongoing behaviour management process when they have been able to participate in it. This requirement can be dispensed with when the situation is so urgent that to take the time to do so would impact on the good order and security of the IDF or the safety of any individual in it.
- 3.4.14 Detainees must be made aware of all incidents or behaviour that lead to any decision to transfer, be given the opportunity to comment on these, and be informed of the procedures for a review of the decision to transfer.
- 3.4.15 Evidence that this has occurred must be provided in writing, prior to the transfer being effected. This may not be possible in particular circumstances such as emergency medical transfers or riots.
- 3.4.16 Detainees must be informed by the DSP of all avenues for complaint regarding the transfer, including to the DSP, DIMIA, the Human Rights and Equal Opportunity Commission (HREOC) and the Commonwealth Ombudsman.
- 3.4.17 If a transfer to a more restrictive place of accommodation occurs for behaviour management reasons, a behaviour management agreement should be entered into by the DSP and the detainee, as outlined at [3.4.37 - 3.4.43](#). Such agreements may also be appropriate as a behaviour management strategy prior to any transfer.

Behaviour management strategies

- 3.4.18 IDF s accommodate a diverse population including unauthorised arrivals and compliance cases (persons whose visas have ceased/been cancelled), family units and single persons and children and the elderly. Unlike a correctional setting, immigration detention is usually communal with families able to remain together and men, women and children able to mix. The variety of needs of the detainees and the stresses and strains within a detention facility will impact on the behaviour of detainees.
- 3.4.19 The DSP must provide a safe and secure detention environment whilst taking into account its holistic duty of care to detainees. Under IDS 6.4.2, non-compliant, uncooperative behaviour or conflict is to be addressed, as far as practicable through communication, counselling, negotiation and conflict resolution.
- 3.4.20 In the first instance, attempts should be made to identify the underlying cause of a detainee’s behaviour to fully inform behaviour management decisions. See [3.1.3](#).
- 3.4.21 The DSP is expected to use flexible and innovative management strategies and techniques aimed at defusing any tensions and resolving conflicts before they become serious or violent.
- 3.4.22 IDS 6.4.7 states that “force is used as a measure of last resort and only where all other control methods have failed or have been assessed as inadequate. Only such force as is reasonably necessary and proportionate in the particular circumstances to resolve the situation is used”.
- 3.4.23 Reasonable force to transfer a detainee to a more restrictive place of accommodation within an IDF may only be used as a last resort after all other avenues of moral persuasion and negotiation have failed. See [5.1](#) on the use of reasonable force.
- 3.4.24 Transfers of detainees to more restrictive places of accommodation within IDFs are one aspect of a broader detainee management strategy which aims to achieve constructive participation by detainees in the daily life of the IDF. A multi-faceted approach to addressing behaviour management is utilised by the DSP which is incentive and progress based. Such strategies include, but are not limited to:
- recreational and educational programs

- praise and positive feedback
- counselling
- regular medical/mental health assessment
- mediation by residents' committees, friends of the detainee or professional mediators
- an effective complaints mechanism
- timely resolution of complaints
- facilitation of access to DIMIA officers
- referral to external agencies for assistance or investigation
- formulation of behaviour management agreements
- withdrawal of access to amenities (eg telephones { apart for the purposes of contacting HREOC or the Commonwealth Ombudsman and legal representatives }, gym, TV)
- curfews
- restriction of movement to specific areas within compounds
- restriction of movement to individual rooms and
- restriction on the periods of access to specific areas of the IDF.

3.4.25 Consideration should be given to whether other behaviour management strategies, such as those listed at 3.4.24, should be utilised prior to transfer of a detainee to a more restrictive place of accommodation.

3.4.26 Transfer of detainees to more restrictive places of accommodation enable non-compliant detainee behaviour to be managed effectively to ensure the good order and security of an IDF and the safety and welfare of detainees, staff and other visitors to the IDF.

3.4.27 Compliant detainee behaviour can also be recognised. If a detainee who has been placed in a more restrictive place of accommodation complies with agreed behaviour management strategies (contained in a behaviour management agreement), he or she may be moved to a less restrictive place of accommodation as an incentive for continuing compliant behaviour.

3.4.28 Action to be taken by DSP and DIMIA officers in relation to allegations of unlawful behaviour by detainees is outlined at [5.2](#)

Detainee care plan

- 3.4.29 Performance measure (c) of IDS 6.4.6 states there must be “no substantiated instance of a detainee whose movements within the facility are restricted not having a comprehensive Detainee Care Plan formulated and implemented”.
- 3.4.30 The DSP must develop a detainee care plan for all detainees who have been transferred to a more restrictive place of accommodation within an IDF. This plan will be developed on the basis of continuing, regular assessment, data gathering and structured communication with the detainee and must be placed on the detainee’s file.
- 3.4.31 The plan must include, but is not limited to the following:
- background history of detainee in immigration detention
 - immigration processing status of detainee (that is, whether the detainee has applied for a visa, has had a visa application refused and/or made an application for merits review or judicial review or a request for Ministerial Intervention)
 - health assessment of detainee
 - behaviour management strategies utilised
 - any participation in recreational and educational programs
 - any detainee contact with, or advice on detainee received from, community or welfare organisations and
 - any behaviour management agreements in place.
- 3.4.32 The DSP case manager must have regular contact with the detainee whether as an individual or through the case management team.
- 3.4.33 If the detainee is transferred to a management support unit or self harm prevention unit, contact must be made by the DSP case manager each day. If the detainee is transferred to a more restrictive place of accommodation (apart from a management support unit or a self-harm prevention unit), contact must be made by the DSP case manager with the detainee on at least a weekly basis. A notation of this contact must be made on the detainee’s file.

- 3.4.34 If the detainee is placed in a management unit or a self-harm prevention unit, personal contact must be made daily by medically qualified staff employed by the DSP. A notation of this contact must be made on the detainee's file.
- 3.4.35 Both the DSP case manager and the DIMIA case coordinator (in those IDFs which employ a case coordinator) must respond to reasonable requests from a detainee for personal contact.
- 3.4.36 The DSP case manager must ensure that the detainee is aware of their rights to contact HREOC, the Commonwealth Ombudsman, the Australian Red Cross (ARC), interpreting services and any other organisation or group as determined by DIMIA at all times during the transfer process. See [3.5.6 - 3.5.8](#) on visits to detainees.

Behaviour management agreement

- 3.4.37 In addition to the detainee care plan, the DSP may enter into a behaviour management agreement with an individual detainee (see [Attachment 1](#)). Such an agreement should always be entered into where a detainee has been transferred to a more restrictive place of accommodation for behaviour management reasons.
- 3.4.38 The purpose of the behaviour management agreement is to provide incentives for detainees to improve their behaviour. If a detainee behaves in a responsible and compliant manner he or she may have the opportunity to move to a less restrictive level of accommodation.
- 3.4.39 The behaviour management agreement should be entered into as soon as possible after the transfer of the detainee to a more restrictive place of accommodation. A translation of the behaviour management agreement must be given, either in writing or orally, into a language and terms the detainee understands if this is required.
- 3.4.40 The behaviour management agreement should be specific to the individual and include the following:
- background history of behaviour management difficulties
 - action that was taken which resulted in the transfer of the detainee to the particular place of accommodation
 - an undertaking by the DSP to treat the detainee in a dignified and impartial manner

- an undertaking by the detainee to behave in a specified manner
- milestones at which time or event behavioural improvement is assessed
- any medical, psychological or psychiatric assessment and recommended treatment
- access to amenities and visitors and
- signature(s) of the relevant DSP officer(s) and detainee.

3.4.41 The milestones must not simply be standard behavioural objectives and must be specifically tailored for the individual detainee.

3.4.42 The behaviour management agreement should include additional pages on which it is noted whether the milestones have been met and the outcome of the review of a decision to transfer the detainee to a more restrictive place of accommodation (see [4.1.39](#)).

3.4.43 The behaviour management agreement must be placed on the detainee's file. The fact that a detainee refuses to sign the behaviour management agreement does not render it void. Failure to sign the behaviour management agreement would not prevent the transfer of the detainee back to a less restrictive environment.

3.5 Access to amenities

Communication

3.5.1 Detainees must be provided with current, accurate and comprehensive information relevant to them in a language and terms they understand. All communication with detainees must be clear and unambiguous. The DSP is required to take into account factors such as the particular circumstances in which the communication is taking place and the special needs of illiterate or hearing and/or visually impaired detainees. See [3.4.1 - 3.4.3](#).

3.5.2 Whenever the detainee has difficulty understanding and/or speaking English, DSP officers should seek the assistance of an appropriately trained and qualified interpreter, such as an interpreter from DIMIA's Translating and

Interpreting Service. Other methods of communication may include printed material, telephones, video and audio-visual aids. The assessment of language skills provided by DIMIA on arrival at an IDF should be used as a guide to the interpreting needs of the detainee.

3.5.3 The routine of any place of accommodation to which a detainee has been transferred must be effectively communicated to him or her, preferably by way of written explanation in a language and terms the detainee understands. The routine of the place of accommodation includes, but is not limited to:

- meal times
- access to health services
- when medication is dispensed
- mail and property deliveries
- arrangements for visitors
- arrangements for smokers and
- any curfews.

Counselling

3.5.4 IDS 2.2.1.1.1 states that detainees are able to access timely and effective primary health care, including psychological / psychiatric services (including counselling):

- in a culturally responsive framework and
- where a condition cannot be managed within the facility, by referral to external advice and/or treatment.

3.5.5 The DSP must consider the cultural and social implications for individual detainees who have been transferred within an IDF. Counselling services must be made available to detainees where this is recommended by a qualified medical professional.

Visits

3.5.6 IDS 4.2.2 and 4.2.3 relate to personal and other visits. Detainees are able to receive visits from relatives, friends, community contacts or diplomatic or consular representatives subject to restrictions on the detainee's movements

for management reasons. Access by detainees to HREOC, the Commonwealth Ombudsman, ARC, legal representatives and other organisations or groups as determined by DIMIA should always be facilitated.

3.5.7 If a detainee is denied access to a visitor for management reasons a record must be kept of the reason for refusal.

3.5.8 If the transfer of the detainee will limit access to visits, arrangements should be made to inform any regular visitors of the restriction whether by the detainee or the DSP. It is particularly important that if a decision is made to cancel a pre-approved visit, the visitor be informed in a timely manner.

Access to services, amenities and open air

3.5.9 Detainees who have been transferred to more restrictive places of accommodation will continue to receive services such as medication, access to daily nursing clinics, regular meals and laundry facilities.

3.5.10 Detainees whose movements are restricted will continue to have access to the telephone and mail, subject to the good order and security of the IDF and the welfare of those within it. The DSP must ensure that the detainee has reasonable access to facilities (such as mail and telephone) for obtaining legal advice or taking legal action in relation to his/her immigration detention ([s 256](#) of the *Migration Act 1958* (Migration Act)).

3.5.11 IDS 3.2.4 requires that detainees whose movements are restricted for management reasons must be able to access services and amenities and open air subject to the good order and security of the facility and safety of those in it. Detainees must be provided with reasonable access to open air, including for the purposes of smoking, as smoking is not permitted in Commonwealth buildings.

3.5.12 Detainees whose movements are restricted must not be subject to enclosed spaces which do not have sufficient ventilation.

3.5.13 Detainees must have access to supervised exercise periods as much as possible, but for not less than two 1 hour periods per day, at least one of which, where practicable, must be in daylight hours.

4 PROCEDURES AND RECORD KEEPING

4.1 Compulsory components of decision to transfer a detainee to a more restrictive place of accommodation within an IDF

4.1.1 There are two compulsory components of a decision to transfer a detainee to a more restrictive place of accommodation within an IDF for behaviour management reasons:

- initial assessment of the appropriateness or otherwise of transferring a detainee to a more restrictive place of accommodation and
- review of the decision to transfer a detainee to a more restrictive place of accommodation.

4.1.2 In making initial assessments and reviewing transfer decisions, it should be noted that the capacity of each place of accommodation within the IDF and the overall logistical requirements of the IDF are crucial considerations. See [3.2.10](#) for a non-exhaustive list of factors to consider when deciding whether to transfer a detainee to a more restrictive place of accommodation within an IDF.

Initial assessment

Warning of transfer

4.1.3 A detainee ordinarily should be given a warning, in a language and terms he or she understands (including using interpreters as needed), that a transfer to a more restrictive place of accommodation within the IDF will occur on behaviour management grounds unless there is a cessation of specified non-compliant behaviour. A warning should be given unless the situation is so urgent that to take the time to do so would impact on the good order and security of the IDF or the safety of any individual in it. The warning should

include advice to the detainee about how he or she could improve the non-compliant behaviour and the consequences of non-compliance with the warning.

4.1.4 The detainee should be given sufficient opportunity to improve the non-compliant behaviour. The period of time given within which to improve the behaviour will depend on the particular circumstances, such as the seriousness of the behaviour.

4.1.5 All details of a warning of possible transfer should be recorded on the detainee's file, including the date of the warning, the advice given to the detainee of the consequences of non-compliance with the warning, use of interpreters if applicable and the response of the detainee to the warning.

Recommendation regarding transfer

4.1.6 If the DSP Detention Services Officer considers that the detainee is compliant with the order or direction to improve the non-compliant behaviour the detainee will remain in the existing place of accommodation.

4.1.7 If the DSP Detention Services Officer considers that the detainee is continuing the behaviour which prompted the warning, and having taken into account the factors at [3.2.10](#), he or she may recommend that the detainee be transferred to a more restrictive place of accommodation.

4.1.8 If a DSP Detention Services Officer is involved in an incident which subsequently leads to the transfer of the detainee, it is ordinarily not appropriate for that officer to recommend the transfer.

4.1.9 The DSP Detention Services Officer must record a decision or recommendation under [4.1.6](#) or [4.1.7](#) above on the detainee's file.

Format of approval

4.1.10 The DSP Detention Services Officer must prepare a "Request for approval for transfer of detainee to a more restrictive place of accommodation within an immigration detention facility" form for consideration by the DSP General Manager, or delegate (see [Attachment 2](#)).

4.1.11 It is essential that a clear record of the decision making process is available. The reasons for the transfer should be clearly stated, and all relevant considerations that were addressed in the decision making process should also be documented. It is not sufficient to state the reason(s) in general terms, such as “for the good order and security of the IDF”.

4.1.12 The DSP General Manager, or his or her delegate, must signify on the form either an approval or refusal of the transfer in writing.

Notice to transfer

4.1.13 Where a decision to transfer a detainee to another place of accommodation has been made in accordance with this MSI, the detainee is to be provided with a “Notice to detainee of transfer to another place of accommodation within an immigration detention facility ”(see [Attachment 3](#)) prepared by the DSP Detention Services Officer. This notice documents the reasons for transfer and when and by whom a review of this decision will be conducted.

4.1.14 A detainee must be given the opportunity to read and to sign the notice of transfer detailing the reasons for transfer unless the situation is so urgent that to take the time to do so would impact on the good order and security of the IDF or the safety of any individual in it. A translation must be given, either in writing or orally, into a language and terms the detainee understands. It would be preferable for the notice to be translated for the detainee in writing.

4.1.15 The detainee may then:

- (i) Indicate an intention to comply with all lawful orders and directions
- (ii) Provide additional information (for example, that he or she is not the person who was involved in a particular incident). The detainee may request an interview to discuss the matter with the DSP General Manager, or his or her delegate, to pass on this additional information. The DSP may decide not to proceed with the transfer on the basis of this information or
- (iii) Signify an intention to remain non-compliant with all lawful orders/directions.

4.1.16 If the DSP General Manager, or his or her delegate, is satisfied that circumstances in 4.1.15 (i) or (ii) apply, he or she may decide that the detainee is to remain in the existing place of accommodation. This decision must be noted on the detainee's file and dated.

Consultation with DIMIA officer

4.1.17 Performance measure (d) of IDS 6.4.6 states that there must be "no substantiated instance of a facility or part of a facility being used as a place where detainee movements are restricted without the prior approval of the Department". Therefore the DSP must gain approval from the DIMIA Manager before part of a facility is used as a more restrictive place of accommodation.

4.1.18 If the DSP General Manager, or his or her delegate, is satisfied that a detainee intends to continue to refuse to comply with lawful/reasonable directions, he or she must consult with, the DIMIA Manager or Deputy Manager, prior to the detainee being transferred to a more restrictive place of accommodation in an IDF so that the DIMIA Manager or Deputy Manager is informed of the detainee's movement and has the opportunity to input into ongoing detainee management strategies..

Appropriate period of notice of transfer to be given to detainee

4.1.19 The DSP General Manager, or delegate at a managerial level, should ensure that the detainee has been provided with an appropriate period of notice of the transfer depending on the particular circumstances of a case.

4.1.20 The appropriate period of notice will vary on a case by case basis. For example, no formal notice is required where a detainee is transferred to a management support unit during a riot.

4.1.21 There may be operational reasons why a detainee cannot see the notice prior to transfer. For example, intelligence may be received as to an impending serious incident involving a detainee and it is considered that the security of the IDF would be put at risk if the detainee received prior notification of a

transfer. See [3.1.16 - 3.1.21](#) for the circumstances in which assessment procedures may not be followed.

Transfer of detainee

4.1.22 If the DSP General Manager, or his or her delegate, decides to transfer the detainee to another place of accommodation, the transfer must be effected as soon as practicable after the decision is made and the DIMIA Manager or Deputy Manager has been consulted regarding the transfer.

4.1.23 The DIMIA Manager or Deputy Manager is to ensure that the DSP has made the appropriate arrangements prior to any transfer taking place. Such arrangements include, but are not limited to, the following:

- identification of available bedspace
- preparation of suitable bedding
- advice to health services so that medication is delivered to the new location
- redirection of mail and telephone calls
- preparation for transfer of personal belongings (eg providing containers and assigning responsibility for packing to the detainee or the DSP Detention Services Officer) and
- possible rescheduling of educational and recreational activities.

4.1.24 It may be more appropriate to transfer a detainee into the same level of place of accommodation rather than a less or more restrictive one. For example, in the case of two detainees in a singles general compound, neither of whom display violent behaviour to any other person but do so to each other, it may be more appropriate to place one of the detainees in a different singles general compound at the same level of restriction.

4.1.25 The notice to transfer must be placed on the detainee's file. If the detainee refuses to sign the notice, the reasons for this (if any are given) should be noted on the file. If the detainee was not given the opportunity to see the notice prior to transfer the reasons for this should be noted on the file. A refusal by the detainee to sign the form does not mean that the transfer cannot occur.

4.1.26 The DSP Detention Services Officer must ensure all property of the detainee is either moved with the detainee upon transfer or appropriately

secured to prevent the possibility of theft. A record must be made of the action taken in relation to the property and the location of the property following transfer. Where possible, the detainee will be provided with the opportunity to pack and remove their own belongings.

Transfer of family members

4.1.27 In the case where an adult member of a family group is transferred to another place of accommodation within the IDF, consideration should be given to whether it is appropriate to also transfer other family members to that same place of accommodation.

4.1.28 Other family members may be given the option to transfer to the same place of accommodation as their relative who was transferred if there is appropriate accommodation and such a transfer will have no adverse impact on the safe and secure management of the IDF or the safety of the family members.

4.1.29 IDS 2.2.3.2.1 states that “the safety, care, welfare and well-being of detainee children, in particular unaccompanied minors, are managed effectively and appropriately in accordance with:

- their age, family circumstances, gender, background (cultural, linguistic, religious), personal history and physical/mental health
- the law
- relevant Memoranda of Understanding and other agreements agreed between the Department and State/Territory agencies and
- relevant Departmental procedures or instructions”.

4.1.30 If consideration is being given to transferring a child with an adult family member to another place of accommodation within an IDF, relevant factors to consider in making such a decision include:

- whether the adult family member being transferred is the sole care giver for the child
- the age of the child
- facilities available in the place of accommodation and
- characteristics of the residents of that place of accommodation.

- 4.1.31 The parents or guardian of the child must always be consulted on their views in relation to the possible transfer of the child to another place of accommodation within the IDF.
- 4.1.32 A crucial factor when considering the transfer of a child with an adult family member is whether the transfer is in the best interests of the child.
- 4.1.33 It may be more appropriate for a child whose sole care giver parent is being transferred to a more restrictive place of accommodation to remain in the care of another family in the IDF. If this occurs, visits to the parent must be facilitated on a regular basis. If the child is separated from a sole care giver parent, the relevant child welfare authority must be notified.
- 4.1.34 Refer to MSI [*Alternative Places of Detention*](#) for factors to be taken into account in considering transfer of a child to an alternative place of detention and MSI [*Bridging E visa \(Subclass 051\) - Legislation and guidelines*](#) for factors to be taken into account in considering release of a child on a bridging visa.

Review of transfer decisions

- 4.1.35 Every decision (except those made for medical reasons – see paragraph 3.1.21) to transfer a detainee to a more restrictive place of accommodation must be regularly reviewed by the DSP and recorded on the “Review of decision to transfer detainee to a more restrictive place of accommodation” form prepared by the DSP Detention Services Officer (see [Attachment 4](#)).
- 4.1.36 The review must be conducted on a daily basis if the detainee is in a management support unit or self harm prevention unit and on a weekly basis if the detainee is in a more restrictive place of accommodation (apart from a management unit or a self-harm prevention unit).

Non-exhaustive list of factors to consider when recommending a review of decision to transfer to a more restrictive place of accommodation in an IDF

4.1.37 The DSP Detention Services Officer must consider the following factors when forming a recommendation to review a decision to transfer a detainee to a more restrictive place of accommodation in an IDF. Note, this list does not prevent the DSP officer from taking account of any other factors he/she considers relevant:

- the seriousness of behaviour which initiated the transfer
- compliance with milestones in any behaviour management agreement
- the risk of harm to the detainee or others if the detainee is moved back to the place of accommodation from which they were transferred
- the behaviour of the detainee in the place of accommodation to which moved
- whether the detainee is separated from support networks
- the effect a transfer back to a less restrictive place of accommodation may have on other detainees
- whether the detainee is likely to resume disruptive behaviour/refuse to comply with lawful orders/directions if moved back to a less restrictive place of accommodation
- the detainee's wishes
- medical/mental health assessments
- logistical and infrastructure requirements and
- all relevant opinions in relation to the transfer of a detainee to another place of accommodation, including but not limited to, those of the DIMIA case coordinator (in those IDFs which employ a case coordinator).

4.1.38 The DSP Detention Services Officer may recommend the detainee:

- remain in the current place of accommodation or be moved to the same level of accommodation in another part of the IDF
- be moved to a more restrictive place of accommodation or
- be moved to a less restrictive place of accommodation.

4.1.39 Consideration of a transfer to a more restrictive place of accommodation may include moving the detainee to another IDF or to a correctional facility. See the MSI on [*Transfers of detainees to state prisons*](#).

4.1.40 The DSP General Manager, or his or her delegate, may either approve or reject the recommendation of the DSP Detention Services Officer by a written notation on the "Review of decision to transfer detainee to a more restrictive place of accommodation" form ([Attachment 4](#)).

4.1.41 The DSP General Manager, or his or her delegate, is to consult with the DIMIA Manager or Deputy Manager in making his or her decision regarding the review of the place of accommodation and is to take account of any additional information provided by the DIMIA Manager or Deputy Manager in making the decision.

4.1.42 The detainee must be informed of the outcome of the decision, in a language and terms he or she understands, on the day it is decided. This notification must be in writing on the “Notice to detainee of outcome of review of decision to transfer to a more restrictive place of accommodation” prepared by the DSP Detention Services Officer (see [Attachment 5](#)). This notice will also advise the detainee when the next review is to take place. The detainee will be given the opportunity to make comments regarding this decision on the form and to sign it. The detainee will also be informed in writing of the complaints mechanism and provided with access to any relevant detainee request form if they indicate that they wish to make a complaint about the process.

4.1.43 If a decision is taken to transfer the detainee to another place of accommodation, the transfer must be effected as soon as practicable after the decision is made.

4.1.44 All information regarding the review of the place of accommodation within the IDF, including relevant factors in making the decision as to whether the detainee is to remain in the current place of accommodation or to be transferred, must be recorded on the detainee’s file.

4.1.45 A request for a review of the decision to transfer for behaviour management reasons may not ordinarily be made by the detainee. This guideline may be waived in emergency situations such as the death or serious illness of a family member of the detainee who is held in another place of accommodation. Any such request, and the response, must be noted on the detainee’s file. However, detainees do have the right to lodge complaints about the review process and officers must ensure that such complaints are investigated and resolved as soon as possible.

4.1.46 A checklist for officers in relation to procedures to follow to transfer a detainee within an IDF for behaviour management reasons is at [Attachment 6](#).

4.2 Procedures for transfers within an IDF for other reasons

4.2.1 Transfer of detainees to less restrictive or more restrictive places of accommodation within an IDF may occur for reasons other than for behaviour management reasons. These reasons include, but are not limited to:

- logistical purposes
- infrastructure purposes
- the prevention/containment of contagious diseases
- management of other medical emergencies
- a detainee is being threatened by another detainee and is moved for their own protection and
- at the detainee's request.

4.2.2 The list of factors referred to at [3.2.10](#) should be considered in relation to the transfer of detainees within an IDF for reasons other than for behaviour management reasons.

4.2.3 The procedures set out at [4.1.13 - 4.1.46](#) must be followed in relation to transfer of detainees for reasons other than for behaviour management reasons.

4.2.4 The appropriate DIMIA officer must ensure that where a detainee is transferred to a more restrictive place of accommodation within an IDF for reasons other than for behaviour management reasons, the place of accommodation is suitable for the specific needs of the detainee. This applies in particular to the transfer of detainees for medical reasons.

4.2.5 The appropriate period of notice of the proposed transfer referred to at [4.1.13 - 4.1.16](#) will vary on a case by case basis. For example, a detainee may be transferred to a medical facility in an emergency situation, in which case no notice will be required. A detainee who has requested their own transfer may be able to be moved on short notice.

4.2.6 A checklist for officers in relation to procedures to follow to transfer a detainee within an IDF for reasons other than behaviour management reasons is at [Attachment 7](#).

4.3 Record management

4.3.1 Record keeping is an integral and critical component in both managing the behaviour of detainees and transferring detainees to other places of accommodation within an IDF. All records and relevant information in relation to a transfer to another place of accommodation must be placed on a detainee's file within 24 hours of making the notation, unless another time frame is imposed by the IDS. Such documents include, but are not limited to:

- minutes of counselling
- incident reports
- DSP security intelligence reports
- file notes on any telephone or other conversations in relation to the transfer
- video recordings
- whether a warning of possible transfer is given to a detainee
- any notices in relation to transfer
- a list of any personal property that is transferred with the detainee
- comments by the detainee
- any medical, psychological or psychiatric reports
- detainee care plan
- behaviour management agreement (if any) and
- any other document referred to in this MSI.

4.3.2 As far as practical, all records in relation to the transfer should be kept on one file. If it is not possible to place relevant records on a consolidated file, cross-referencing should be made to the file on which the relevant record is placed.

4.3.3 Files should be kept in good order and in accordance with departmental policy and best practice in record management.

4.3.4 All records in relation to the transfer of a detainee within an IDF must be relocated with that detainee if he or she is transferred to another IDF.

5 USE OF REASONABLE FORCE AND ALLEGATIONS OF UNLAWFUL DETAINEE BEHAVIOUR

5.1 Use of reasonable force

5.1.1 If the use of force or an instrument of restraint is required to effect a transfer of a detainee to a more restrictive place of accommodation within an IDF, due to non-compliance with a lawful order or direction, this must be reasonably necessary and proportionate in the particular circumstances. It must only be used as a last resort and employed for the minimum time necessary to achieve its objective – that is, to restore the safety and good order of the IDF or prevent the detainee from harming himself or herself or others.

5.1.2 Use of force may be utilised in such circumstances as self-protection, to protect detainees or other people from harm, to prevent detainees harming themselves or to prevent malicious damage to property. The level of force applied must be reasonable. The question of what constitutes “reasonable force” will depend on all the circumstances of the case. If the court considers the force used to be unreasonable, the person who applied the force could be liable to civil and criminal proceedings for trespass to the person.

5.1.3 The DSP must ensure that, where force has been used, an appropriate medical professional examines the detainee(s) on whom the force has been used as soon as reasonably practicable, preferably within 2 hours of the incident.

5.2 Allegations of unlawful behaviour involving detainees

5.2.1 IDS 6.4.4 states “detainees are informed that, if they commit a criminal act, they can expect to be charged according to State/Territory/Commonwealth law and, if convicted, may be transferred to a correctional facility”.

5.2.2 IDS 6.4.5 states “where a potential criminal act is suspected, the Detention Services Provider takes appropriate action”.

5.2.3 DIMIA officers are limited to responding to criminal behaviour specifically covered by either the Migration Act or the *Migration Regulations 1994*. For example, DIMIA officers are able to respond to cases of escape

from lawful immigration detention, which is an offence under [s 197A](#) of the Migration Act. However in the case of criminal acts not included in the Migration Act, such as theft or assault, DIMIA officers have no authority to act in relation to prosecutions except to call upon the appropriate law enforcement agency, namely the State or Federal Police.

5.2.4 Factors taken into consideration in deciding whether to call upon the State or Federal Police include:

- the seriousness of any act
- the intention and maliciousness of the act
- any physical harm inflicted on other persons in the IDF
- any damage to property in the IDF
- the likely impact on the daily operations of the IDF if no referral is made
- whether there has been any previous police involvement with the same detainee in relation to similar matters and
- the wishes of any victim.

5.2.5 If there is any doubt it is preferable to refer such matters to the State or Federal Police in accordance with arrangements applying locally, including memoranda of understanding.

5.2.6 In dealing with allegations of a criminal nature, every care must be taken to protect the rights of the parties involved, and also to ensure that there are no further possible infringements of the law in trying to deal with the alleged matter.

5.2.7 Once the State or Federal Police have been called upon, it is then up to the police to make a recommendation to the Director of Public Prosecutions (DPP) concerning prosecution. The decision to initiate prosecution action always lies with the DPP.

5.2.8 DIMIA officers have a role in the investigation and the submission of a brief of evidence to the DPP on offences under the Migration Act, but not in respect of incidents constituting criminal offences under other legislation. DIMIA and DSP officers should cooperate with any police investigation into an incident at an IDF.

(signed)

S D Davis

First Assistant Secretary

Unauthorised Arrivals and Detention Division

ATTACHMENT 1 - BEHAVIOUR MANAGEMENT AGREEMENT

Detainee Biodata:

Name:

Detainee ID Number:

Date of Birth:

DSP Case Officer:

Is an interpreter required? (circle one) Yes No

Language in which detainee communicates:

Names, ID numbers, ages and location of any family members held in immigration detention:

Details of incident(s) leading to transfer to another place of accommodation:

[Detention officers should ensure that file notes on any warning of a transfer to another place of accommodation, the detainee's response, the "Request for approval for transfer of detainee to a more restrictive place of accommodation within an immigration detention facility" and the "Notice to detainee of transfer to another place of accommodation within an immigration detention facility" are attached to the detainee's file].

Details of medical/mental health assessment(s) and by whom conducted (if any):

Undertaking by Detention Services Provider:

Detention Services Provider (DSP) staff will treat you politely, fairly and impartially in accordance with the immigration detention standards contained in the contract between the Commonwealth and the DSP for the provision of detention services, relevant Commonwealth, State and Territory legislation and in accordance with Australia's international obligations.

Behaviour Management Agreement

Undertaking by Detainee:

I,(insert name of detainee)undertake that I will:

(Insert specific undertakings tailored for the individual detainee)

-
-
-
-

I am aware of my rights in relation to access to the Commonwealth Ombudsman and the Human Rights and Equal Opportunity Commission.

Milestones:

(Insert details of event or time period at which an assessment of detainee's adherence with the undertakings are made.)

Access to amenities:

(Insert any restrictions on amenities)

Access to visitors:

(Insert names and occupation of permitted visitors and how often permitted to visit)

Signature of DSP case officer:

.....

Date signed:

Signature of detainee:

.....

Date signed:

If this form has not been signed by detainee, record the reason(s) why below:

**ATTACHMENT 2 – REQUEST FOR APPROVAL FOR TRANSFER OF
DETAINEE TO A RESTRICTIVE PLACE OF ACCOMMODATION
WITHIN AN IMMIGRATION DETENTION FACILITY**

This notice has been prepared by Detention Services Officer (insert name):

.....

Detainee Name:

Detainee ID Number:

Date of Birth:

Reasons for transfer:

(Insert detailed reasons for transfer. General wording that it is “for the good order and security of the Centre” is not sufficient).

Other relevant factors:

Location to which it is proposed that the detainee be transferred:

If the transfer is for behaviour management reasons, has a medical assessment by a qualified medical practitioner been undertaken? (*circle one*)

Yes No

If yes, on what date was the assessment undertaken?

If yes, list any particular mental and/or physical health needs of the detainee which have been identified:

If no, why has an assessment not been undertaken?

Was this notice translated into a language that the detainee understands? (circle one)

Yes No

If yes, please attach the translation to this notice.

**Request for approval for transfer of detainee to a more restrictive place
of accommodation within an immigration detention facility**

If no, what further steps are being taken to ensure the detainee understands the nature of the transfer?

Has DIMIA Manager/Deputy Manager been consulted? (circle one)

Yes No

Decision of DSP Manager or delegate at a managerial level (circle one)

Approved Not approved

Signature of DSP Manager or delegate at a managerial level:

.....

Name of DSP Manager or delegate at a managerial level:

.....

Date signed:

**ATTACHMENT 3 - NOTICE TO DETAINEE OF TRANSFER TO
ANOTHER PLACE OF ACCOMMODATION WITHIN AN
IMMIGRATION DETENTION FACILITY**

This notice has been prepared by Detention Services Officer (*insert name*):
.....

Detainee Name:

Detainee ID Number:

Date of Birth:

The DSP..... (insert appropriate level) Manager,(insert name of DSP Manager) has approved your transfer to(insert name of place of accommodation to which detainee is to be transferred) within.....(insert name of immigration detention facility).

Reasons for transfer:

(Insert detailed reasons for transfer. General wording that it is “for the good order and security of the Centre” is not sufficient).

Outcome of medical assessment (if undertaken):

Date review of decision to transfer will be undertaken:

Name of officer who will undertake this review:

.....

Has the detainee been informed of his/her rights in relation to visits?

Yes No

**Notice to detainee of transfer to another place of accommodation
within an immigration detention facility**

**Was this notice translated into a language which the detainee understands?
(circle one).**

If yes, please attach the translation to this notice.

Yes No

If no, what further steps are being taken to ensure the detainee understands the nature of the transfer?

Detainee comments (if any):

Signature of detainee:

.....

Date signed:

Reason detainee did not sign notice (if applicable):

Additional comments by DSP Manager:

**ATTACHMENT 4 - REVIEW OF DECISION TO TRANSFER TO
DETAINEE TO A MORE RESTRICTIVE PLACE OF
ACCOMMODATION**

This notice has been prepared by Detention Services Officer (*insert name*):.....

Detainee Name:

Detainee ID Number:

Date of Birth:

Recommendation following review:

Reasons supporting recommendation:

Has DIMIA Manager/Deputy Manager been consulted? (*circle one*)

Yes No

Date that next review will be undertaken:

**Was this notice translated into a language which the detainee understands?
(*circle one*)**

If yes, please attach the translation to this notice.

Yes No

Decision of DSP Manager or delegate at a managerial level: (*circle one*)

Approved Not Approved

Signature of DSP Manager:

.....

Name of DSP Manager or delegate at a managerial level:

.....

Date signed:

**ATTACHMENT 5 - NOTICE TO DETAINEE OF OUTCOME OF
REVIEW OF DECISION TO TRANSFER TO A MORE RESTRICTIVE
PLACE OF ACCOMMODATION**

This notice has been prepared by Detention Services Officer (*insert name*):.....

Detainee Name:

Detainee ID Number:

Date of Birth:

The DSP.....(insert appropriate level) Manager,.....(insert name of DSP Manager) has reviewed the decision to transfer you to(insert name of place of accommodation to which detainee is to be transferred) within.....(insert name of immigration detention facility).

Outcome of review:

Reasons for decision:

If the decision is to remain in existing place of accommodation, date that next review will be undertaken:

Was this notice translated into a language that the detainee understands? (*circle one*)

If yes, please attach the translation to this notice.

Yes No

Detainee comments (*if any*):

Signature of detainee:

.....

Date signed:

If this form has not been signed by detainee, record the reason(s) why below:

**ATTACHMENT 6 - CHECKLIST FOR TRANSFER OF A DETAINEE
WITHIN AN IDF FOR BEHAVIOUR MANAGEMENT REASONS**

Prior to transfer

Detention Services Officer

- ρ I have considered whether other behaviour management strategies would be more effective in managing the behaviour of the detainee than transferring the detainee to a more restrictive place of accommodation.

- ρ restrictive place of accommodation will occur unless there is a cessation of non-compliant behaviour.

- ρ I gave the detainee sufficient opportunity to improve the non-compliant behaviour.

- ρ I have recorded the details of this warning on the detainee's file.

- ρ I have considered all relevant factors in deciding whether to recommend a transfer, including, but not limited to:
 - the capacity of each place of accommodation within the IDF
 - the overall logistical requirements of the IDF
 - the population and configuration of the place of accommodation to which transfer is being considered
 - the risk profile of the detainee including both the risk of escaping from immigration detention and the risk to the security and safety of others in the level of accommodation (taking into account any previous history of escapes or violence)
 - the gender mix in the place of accommodation to which transfer is being considered

- the age of the detainee
- the immigration processing status of the detainee
- family composition (taking into account whether separation from the detainee's family or other support networks will occur)
- health needs (taking into account special needs due, but not limited to, illness, disability, immobility and psychological or psychiatric conditions)
- behaviour management issues, including
 - seriousness of behaviour (taking into account factors such as previous escapes, rioting, arson, destruction of property, sexual offences, attacks on staff, self-harm and bullying/standover tactics). See paragraph 5.2 of MSI Transfer of detainees within Immigration Detention Facilities in relation to referral of unlawful behaviour to policing authorities.
 - whether violence is involved
 - intention or malice
 - frequency
 - effect of behaviour on other detainees
- all relevant views in relation to the transfer of a detainee to another place of accommodation, including but not limited to, those of medical staff and the DIMIA case coordinator (in those IDF's which employ a case coordinator)
- wishes of the detainee to be transferred and of any other detainee who may be affected by the transfer
- the likelihood of imminent release from immigration detention or removal from Australia
- operational needs in regard to a particular detainee or other detainees within an IDF and
- any relevant factors as specified in MSIs General detention procedures, Transfer of detainees to state prisons, Procedures for unaccompanied wards in Immigration Detention Facilities and Alternative places of detention.

ρ If practicable, I have obtained the expert opinion of a qualified medical professional regarding the mental and physical health of the detainee.

ρ I have prepared a Request for approval for transfer of detainee to a more restrictive place of accommodation within an immigration detention facility form for consideration by the DSP General Manager or delegate at a managerial level stating clear reasons for the transfer.

- ρ Where the Detention Services Provider (DSP) General Manager or delegate at a managerial level has approved the transfer, I have prepared a Notice to detainee of transfer to another place of accommodation within an immigration detention facility detailing the reasons for the transfer and by whom a review of this decision will be conducted.

- ρ All notices have been translated into a language and terms the detainee understands and the detainee has been given the opportunity to read and sign the notices.

- ρ The detainee has been given the opportunity to provide any additional information he or she believes is relevant, and to indicate his or her intention to comply or not comply with all lawful orders or directions.

- ρ I have considered whether other family members should be transferred with the detainee.

- ρ I have placed all documentation in relation to the proposed transfer on the detainee's file, including reasons why a strict adherence to procedures may not have taken place, if applicable.

- ρ I have not been involved in any incident leading to the transfer.

DSP General Manager

- ρ I have signified approval or refusal for a transfer on an Approval of transfer of detainee to another place of accommodation within an immigration detention facility form.

- ρ I have reviewed the response of the detainee as to whether he or she:
 - (i) has signified an intention to comply with all lawful orders and directions

- (ii) has produced additional information that may warrant a reassessment of the transfer decision (for example, that the detainee is not the person who was involved in a particular incident) or
- (iii) has signified an intention to remain non-compliant.

ρ I have consulted with the DIMIA Manager or Deputy Manager regarding the transfer.

ρ Where I have deemed it necessary, I have reviewed appropriate documentation such as incident reports and video records and/or met with the detainee.

ρ I have ensured the detainee has been provided with an appropriate period of notice of the transfer depending on the particular circumstances.

Transfer

Detention Services Officer

ρ I have ensured the detainee has been advised of the routine of the place of accommodation to which he/she has been transferred.

ρ I have ensured a detainee care plan is in effect.

ρ I have ensured a behaviour management agreement is in effect.

ρ I have ensured the case manager has contact with the detainee daily if the detainee is in a management unit or self harm prevention unit.

- ρ I have ensured the case manager has contact with the detainee weekly if the detainee is in a more restrictive place of accommodation apart from a management unit or self harm prevention unit

- ρ I have ensured where the detainee's movements are restricted, he or she has access as much exercise as possible, but at least two 1 hour periods of supervised exercise per day (at least one of which is in daylight hours where practicable).

- ρ I have ensured the detainee has reasonable access to open air.

- ρ I have ensured a detainee placed in a management or self-harm unit is seen daily by a qualified medical practitioner and this contact is noted on the detainee's file.

- ρ I have considered the cultural and implications of the transfer for the individual detainee.

- ρ I have ensured the detainee's property has been moved with him/her or otherwise appropriately secured.

- ρ I have ensured that if force was used to effect the transfer, a qualified medical professional has examined the detainee(s) as soon as practicable after the transfer took place.

Review of decision to transfer

Detention Services Officer

- ρ I have undertaken a review of the decision to transfer each day if the detainee is in a management unit or self harm prevention unit.

- ρ I have undertaken a review of the decision to transfer each week if the detainee is in a more restrictive compound (other than a management support unit or a self-harm prevention unit).
- ρ I have considered all relevant factors in reviewing the decision to transfer, including, but not limited to:
- the seriousness of behaviour which initiated the transfer
 - compliance with milestones in any behaviour management agreement
 - the risk of harm to the detainee or others
 - the behaviour of the detainee in the place of accommodation to which moved
 - whether the detainee is separated from support networks
 - the effect a transfer back to a less restrictive place of accommodation may have on other detainees
 - whether the detainee is likely to again behave in a disruptive manner if transferred back to a less restrictive place of accommodation
 - the detainee's wishes
 - medical/mental health assessments
 - logistical and infrastructure requirements and
 - all relevant opinions in relation to the transfer of a detainee to another place of accommodation, including but not limited to, the DIMIA case coordinator (in those IDFs which employ a case coordinator).
- ρ I have prepared a Review of decision to transfer detainee to a more restrictive place of accommodation form for consideration by the DSP General Manager or delegate at a managerial level stating clear reasons for the recommendation made.
- ρ I have informed the detainee of the outcome of the decision and I also informed the detainee of the date of the next review. I informed the detainee of these matters in a language and terms he or she understands, by way of a Notice to detainee of outcome of review of decision to transfer to a more restrictive place of accommodation.

ρ I have given the detainee an opportunity to make comments regarding this decision on this form and to sign it.

ρ I have placed all documentation in relation to the review of the transfer decision on the detainee's file.

DSP General Manager

ρ I have consulted with the DIMIA Manager or Deputy Manager and taken into account any additional information provided by him or her in relation to review of the transfer.

ρ I have made a written notation of my decision on the Review of decision to transfer detainee to a more restrictive place of accommodation form.

**ATTACHMENT 7 - CHECKLIST FOR TRANSFER OF A DETAINEE
WITHIN AN IDF FOR REASONS OTHER THAN BEHAVIOUR
MANAGEMENT**

Prior to transfer

Detention Services Officer

- ρ I have considered all relevant factors in deciding whether to recommend a transfer of a detainee to another place of accommodation within the IDF, including, but not limited to:
- the capacity of each place of accommodation within the IDF
 - the overall logistical requirements of the IDF
 - the population and configuration of the place of accommodation to which transfer is being considered
 - the risk profile of the detainee including both the risk of escaping from immigration detention and the risk to the security and safety of others in the level of accommodation (taking into account any previous history of escapes or violence)
 - the gender mix in the place of accommodation to which transfer is being considered
 - the age of the detainee
 - the immigration processing status of the detainee
 - family composition (taking into account whether separation from the detainee's family or other support networks will occur)
 - health needs (taking into account special needs due, but not limited to, illness, disability, immobility and psychological or psychiatric conditions)
 - behaviour management issues, including
 - seriousness of behaviour (taking into account factors such as previous escapes, rioting, arson, destruction of property, sexual offences, attacks on staff, self-harm and bullying/standover tactics). See paragraph 5.2 of MSI "Transfer of Detainees within Immigration Detention Facilities" in relation to referral of unlawful behaviour to policing authorities.
 - whether violence is involved

- intention or malice
 - frequency
 - effect of behaviour on other detainees
- all relevant views in relation to the transfer of a detainee to another place of accommodation, including but not limited to, medical staff and the DIMIA case coordinator (in those IDFs which employ a case coordinator)
 - wishes of the detainee to be transferred and of any other detainee who may be affected by the transfer
 - the likelihood of imminent release or removal
 - operational needs in regard to a particular detainee or other detainees within an IDF and
 - any relevant factors as specified in MSIs General detention procedures, Transfer of detainees to state prisons, Procedures for unaccompanied wards in Immigration Detention Facilities and Alternative places of detention.
- ρ Where practicable, I have obtained the expert opinion of a qualified medical professional regarding the mental and physical health of the detainee.
- ρ I have prepared a Request for approval for transfer of detainee to a more restrictive place of accommodation within an immigration detention facility form for consideration by the DSP General Manager or delegate at a managerial level stating clear reasons for the transfer.
- ρ Where the Detention Services Provider (DSP) General Manager or delegate at a managerial level has approved the transfer, I have prepared a Notice to detainee of transfer to another place of accommodation within an immigration detention facility detailing the reasons for the transfer and by whom a review of this decision will be conducted.
- ρ All notices have been translated into a language and terms the detainee understands and the detainee has been given the opportunity to read and sign the notices.
- ρ The detainee has been given the opportunity to provide any additional information he or she believes is relevant, and to indicate his or her intention to comply or not comply with all lawful orders or directions.

- ρ I have considered whether other family members should be transferred with the detainee.

- ρ I have placed all documentation in relation to the proposed transfer on the detainee's file, including reasons why a strict adherence to procedures may not have taken place, if applicable.

- ρ I have not been involved in any incident leading to the transfer.

DSP General Manager

- ρ I have signified approval or refusal for a transfer on a Request for approval for transfer of detainee to a more restrictive place of accommodation within an immigration detention facility form.

- ρ Where I have deemed it necessary, I have reviewed appropriate documentation such as incident reports and video records and/or met with the detainee.

- ρ I have ensured the detainee has been provided with an appropriate period of notice of the transfer depending on the particular circumstances.

Transfer

Detention Services Officer

- ρ I have ensured the detainee has been advised of the routine of the place of accommodation to which he/she has been transferred.

- ρ I have ensured a detainee care plan is in effect.

- ρ I have ensured the case manager has contact with the detainee daily if the detainee is in a management unit or self harm prevention unit.

- ρ I have ensured the case manager has contact with the detainee weekly if the detainee is in a more restrictive place of accommodation apart from a management unit or self harm prevention unit.

- ρ I have ensured where the detainee's movements are restricted, he or she has access to as much exercise as possible, but at least two 1 hour periods of supervised exercise per day (at least one of which is in daylight hours where practicable).

- ρ I have ensured the detainee has reasonable access to open air.

- ρ I have ensured a detainee placed in a management or self-harm unit is seen daily by a qualified medical practitioner and this contact is noted on the detainee's file.

- ρ I have considered the cultural implications of the transfer on the individual detainee.

- ρ I have ensured the detainee's property has been moved with him/her or otherwise appropriately secured.
- ρ I have ensured that if force was used to effect the transfer, a qualified medical professional has examined the detainee(s) as soon as practicable after the transfer took place.

Review of decision to transfer

Detention Services Officer

- ρ I have undertaken a review of the decision to transfer each day if the detainee is in a management unit or self harm prevention unit.

- ρ I have undertaken a review of the decision to transfer each week if the detainee is in a more restrictive compound (other than a management unit or a self-harm prevention unit).

- ρ I have considered all relevant factors in reviewing the decision to transfer, including, but not limited to:
 - whether the detainee is separated from support networks
 - the effect a transfer back to a less restrictive place of accommodation may have on other detainees
 - the detainee's wishes
 - medical/mental health assessments
 - logistical and infrastructure requirements and
 - all relevant opinions in relation to the transfer of a detainee to another place of accommodation, including but not limited to, the DIMIA case coordinator (in those IDF's which employ a case coordinator).

- ρ I have prepared a Review of decision to transfer detainee to a more restrictive place of accommodation form for consideration by the DSP General Manager or delegate at a managerial level stating clear reasons for the recommendation made.

- ρ I have informed the detainee of the outcome of the decision and I also informed the detainee of the date of the next review. I informed the detainee of these matters in a language and terms he or she understands, by way of a Notice to detainee of outcome of review of decision to transfer to a more restrictive place of accommodation.

- ρ I have given the detainee an opportunity to make comments regarding this decision on the relevant form and to sign the form.

- ρ I have placed all documentation in relation to the review of the transfer decision on the detainee's file.

DSP General Manager

- ρ I have consulted with the DIMIA Manager or Deputy Manager and taken into account any additional information provided by him or her in relation to review of the transfer.
- ρ I have made a written notation of my decision on the Review of decision to transfer detainee to a more restrictive place of accommodation form.
- ρ I have made the detainee aware of the complaints mechanisms

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(130) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

- (1) What training do DIMIA and GSL staff have in recognising mental health problems among detainees?
- (2) What procedures are followed when detainees are suspected of suffering from a mental illness? Are these written, and if so, can they be produced?

Answer:

- (1) Provision of training in recognising mental health problems for staff from all agencies working within detention facilities is the responsibility of the Detention Services Provider under the Detention Services Contract.

Global Solutions Limited (GSL) provides relevant training in the following subjects to their immigration detention service officers (refer to Question 91 for a complete list). The training is delivered by GSL staff, Professional Support Services staff (PSS is the psychological services sub-contractor of GSL) and South Australian Survivors of Torture & Trauma Assistance and Rehabilitation Service (STTARS) and includes:

- Communication issues
- Cultural Awareness
- Health Services and Care
- Suicide and Self-Harm (SASH)
- Torture and Trauma Sufferers
- Management of Special Needs
- International Health Medical Services

If on-site staff have any concerns regarding the mental health of a detainee this is referred directly to International Health and Medical Services (IHMS is the general medical subcontractor of GSL) or PSS for medical and/or psychological assessment/support.

PSS provide additional training to their medical and professional staff. Also, individualised personal development courses are conducted annually to update medical and professional staff in the latest developments and treatments. This year many PSS staff focussed on torture and trauma related issues. This covers cultural diversity; working with children, torture and trauma survivors; suicide and self harm.

IHMS recruit staff with the appropriate medical and professional qualifications and provide additional training in cultural awareness, detainees with special needs and signs or symptoms that alert to psychological disorder. This additional training is

delivered by GSL trainers, PSS, International SOS, Port Augusta and other hospitals and training consultants.

On occasions, DIMIA staff may become aware of an issue of concern. To assist DIMIA staff being alert to this possibility, during the course of the normal two week DIMIA training course DIMIA Centre Managers and Deputy Managers are provided with information about recognising mental health problems. Following recent reviews of detention management training, DIMIA intends to incorporate a more substantive component on recognising possible mental health problems.

(2) Detainees have a health assessment, including a broad mental health screen and a risk assessment, on arrival. Where a mental health issue is identified, the detainee is referred to a psychologist for more comprehensive assessment and can be placed under a level of observation. If required, the General Practitioner (sometimes as an outcome of a psychologist's recommendation) will refer the detainee to a specialist psychiatrist.

Mental illness is not always immediately apparent. Being alert to signs that a detainee may need additional help is managed in a multidisciplinary way (including by medical professionals), in accordance with recognised good practice. If non-medical staff have any concerns regarding a detainee's mental health, these concerns are to be immediately brought to the attention of the medical staff.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(131) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

(We have deleted the following person's name for privacy reasons. We have called him Mr H as consistent with a recent court case.)

I am concerned about the treatment of the Baxter detainee Mr H. I understand his lawyer asked to have an independent psychiatrist assess Mr H but that this was refused. I also understand that it took two weeks and eight court appearances, and, finally, an informal request from a judge before Mr H was transferred to Glenside Hospital in Adelaide on 23 December 2004 for assessment.

Evidence suggests that Mr H suffers serious psychiatric problems that may include, Post Traumatic Stress Disorder, paranoid psychosis and major depression. He has remained at Glenside Hospital for nearly two months, a fact that suggests that the concerns leading to his admission were well justified.

- (a) Why was Mr H refused an independent psychiatric assessment initially?
- (b) Who made the decision to fight for to prevent an independent assessment of Mr H in court and why?
- (c) How much did these legal proceedings cost DIMIA?
- (d) Is it true that Mr H was unable to see a psychiatrist from August to December? If so, why?
- (e) Does the Department intend to move Mr H back to detention in the near future? If so, how will they ensure that he gets adequate health care?

Answer:

(a) Mr H's representatives filed an action on 10 December 2004 in the SA Federal Court in which his representatives claimed inter alia that Mr H was unlawfully detained and should be removed to an appropriate medical centre.

DIMIA challenged this contention as health professionals of the medical provider at Baxter IDF maintained that urgent referral to a psychiatrist was not required. It is the Department's view that it is inappropriate for anyone apart from the medical professionals who were treating Mr H and who were familiar with his circumstances,

to make the referrals for specialist care. This is consistent with the practices in the community.

(b) When evidence provided at the hearing by one of the treating medical professionals revealed that he considered further medical assessment was required, then the Department immediately undertook to refer Mr H for specialist assessment.

(c) As at 7 March 2005 the Commonwealth's legal costs totalled \$13,159.00.

(d) Mr H saw a GP regularly between August 2004 and December 2004 and was referred to a psychiatrist on 5 August 2004 who he saw on 7 August 2004.

(e) As an unlawful non-citizen Mr H is currently in immigration detention, albeit in an alternative detention arrangement. The Department will continue to assess the appropriate place of his detention taking into account the advice of medical professionals, including those treating him at his current location.

Immigration detainees in any immigration detention facility have access to comprehensive on-site medical services and health care professionals.

Similar to the practices in the community, medical professionals decide who is referred to specialist medical services.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(132) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

Guardianship for the mentally incapable.

(1) When detainees are deemed mentally incapable, is a guardian appointed?

If not, why not?

If so,

(a) how is a guardian appointed?

(b) Who is usually the appointed guardian?

(c) What access do they have to the detainee and appropriate interpreter services?

If the Minister is appointed guardian,

(2) There seems to be an inherent conflict between the Minister's role as guardian of the detainee and their role as gaoler and their requirement to remove the person from the country

(a) How does the Minister fulfil the duties of a guardian?

(b) Does the Minister receive regular reports? Who from?

Does the Minister visit and speak directly with the detainee?

(3) How many people in detention have guardians been appointed for in the last five years?

Answer:

(1) Under the provisions of State or Territory guardianship laws, immigration detainees can, and have, been appointed a guardian. This can include instances when a person is found by the guardianship authorities to be deemed mentally incapable.

The various State or Territory guardianship laws allow the guardianship authorities to make certain orders in relation to people with an incapacity, including a mental incapacity. Similar to the community, applications for the appointment of a guardian for an immigration detainee can be submitted to the guardianship authorities directly.

The guardianship authorities will determine the appropriate guardian. This could include a family member, a close friend, a public advocate or public guardian.

An appointed guardian would be provided with access to an immigration detainee and the Department would expect interpreter services to be used as required.

(2) The Minister is not appointed as guardian for detainees who are deemed mentally incapable.

(3) It is difficult to provide the exact number of immigration detainees for whom a State or Territory guardian authority have appointed a guardian. These records would be held on an immigration detainee's individual case file, many of whom would have ceased their immigration detention by departing Australia or being granted a visa.

In the case of South Australia there are four reported cases where an immigration detainee was appointed a guardian after entering immigration detention by the SA Guardianship Board. One in March 2002; one in January 2004 and two in February 2005. To date the Board has appointed the SA Public Advocate as the Guardian.

In these cases the Department has advised the SA Guardianship Board that the exercise of authority under the South Australian Guardianship and Administration Act 1993 and/or Mental Health Act 1993 needs to be consistent with the provisions of the Migration Act. The Board is assured of the Department's willingness to work cooperatively with a Guardian to ensure that an immigration detainee's interests are protected and the Department's obligations under the Migration Act continue to be satisfied.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(133) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

Medication in Baxter detention centre:

- (1) What percentage of long term detainees (over 6 months) in Baxter Detention Centre are given medication to treat psychiatric symptoms?
- (2) Can you provide a breakdown of the common types of medication that are given out at Baxter?

Answer:

The numbers of adult immigration detainees with a mental illness, and the nature of those illnesses, varies over time. While some detainees have a diagnosed chronic psychological condition, a larger number of detainees experience episodes of less acute mental health concerns eg reactive depression. Many of them have been unsuccessful in their claims to remain in Australia despite several court appeals. In this context, some of them experience a range of reactions to their personal circumstances.

As part of an immigration detainee's treatment for mental health concerns, sometimes the General Practitioner or Psychiatrist prescribes medication. As in the community, this is a matter between a patient and their treating doctor. As at 25 January 2005 at Baxter Immigration Detention Facility, 47 detainees were on medication for a mental health concern. The vast majority of these detainees were on medication such as antidepressants to relieve anxiety or reactive depression, while one detainee was on psychotropic medication.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(134) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

What arrangements exist for independent psychologists and psychiatrists to assess detainees? (a) Can detainees obtain such independent assessment on request? If not, why not? (b) How many times has the management of Baxter arranged to have detainees examined by independent mental health experts in the past two years?

Answer:

Psychological services in immigration detention centres are provided by a specialist subcontractor, Professional Support Services. Psychiatric services are provided either by visiting psychiatrists engaged by a specialist medical subcontractor (International Health Management Services) or external referral. As in the community, the treating doctor is responsible for arranging a referral to a psychiatrist, often on the recommendation of the treating psychologist.

In Baxter Immigration Detention Facility, for example, there is a visiting psychiatrist who travels to the facility around every six weeks as well as a full-time qualified psychologist and a counsellor on staff. On site mental health services are augmented by inpatient and outpatient care at external facilities. Acute psychiatric assessment and interventions are available at any time in accordance with agreed protocols with the South Australian Mental Health Unit.

As in the community, the treating doctor is responsible for arranging a referral to a psychiatrist, often on the recommendation of the treating psychologist. The Department will facilitate a detainee's request for a second opinion, wherever practicable, at the detainee's expense.

In relation to the question regarding how often Baxter management has arranged independent assessments, the Department does not have this information readily available and to collate this information would involve a manual examination of individual files. This is an unreasonable diversion of departmental resources.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(135) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

How much has the department spent on Crown initiated appeals over the past few years? Can you provide a breakdown of the number of cases and the reasons why appeals were pursued?

Answer:

For the period 1 July 2002 to 28 February 2005 the Department spent \$1,218,517.81 on appeals that were filed on behalf of the Minister and pursued to hearing. This represents 64 appeals. (30 in 2002-03, 27 in 2003-04 and 7 in 2004-05).

The Commonwealth Legal Service Directions require the Department, as a model litigant to be satisfied when pursuing appeals that there are reasonable prospects of success and/or that it is justified in the public interest.

In all matters filed on behalf of the Minister and pursued to hearing, in line with our obligations as a model litigant, one or both of the above requirements are met. Counsel's advice is obtained before a decision is made to proceed with an appeal.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(136) Output 1.3: Enforcement of Immigration Law

Senator Nettle asked:

(1) Is the department investigating ways of monitoring the wellbeing of deportees in such a way that it does not infringe on state sovereignty?

(2) When considering the case for deporting a failed asylum seeker, are efforts made to investigate whether the potential deportee will be safe on return?

If not, why not?

If so,

(a) What do these efforts include?

(b) Who conducts the investigation?

(c) To whom do they report?

Answer:

(1) No. The only effective way to ensure that asylum seekers do not suffer refugee persecution if returned to their homeland is to have a robust process to identify refugees and protect them so that they are not returned. Australia has such a process. The persons returned have been conclusively found not to face any well founded fear of refugee persecution. Thousands of individuals are removed from Australia each year and it would be impracticable and costly to monitor significant numbers of these after their departure.

(2) Deportation refers to the powers of the Minister under the *Migration Act 1958* (the Act) to order the expulsion of a non-citizen on grounds such as criminal convictions and character issues. Failed asylum seekers are not deported; they are removed from Australia under section 198 of the Act, either voluntarily or involuntarily. As the removal is effected as a matter of law, there is no requirement for the Minister to order the removal, as would be the case for deportees.

(a) The Department continually reviews removal cases, including prior to removal action being undertaken. Relevant country information is assessed for potential changes to the circumstances concerning the individual to be removed and claims raised by the individual, both prior to and following merits review are reviewed. In cases where there has been a change in the individual's homeland, or other circumstances which might enhance their claims for protection, the issues are drawn to the Minister's attention to enable her to allow the individual to lodge a fresh visa application if she considers this to be in the public interest.

(b) Refer to answer (a).

(c) Refer to answer (a).

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(137) Output 1.5: Offshore Asylum Seeker Management

Senator Ludwig asked:

- (1) How many people are currently detained in the Nauru detention facility?
- (2) Of these, how many are:
 - (a) Male.
 - (b) Female.
 - (c) Children.
- (3) What is the nationality of these remaining people?
- (4) Are any of the remaining Nauru detainees considered likely to be granted any kind of Australian residence, visa or Citizenship?
- (5) What is the current and estimated cost of maintain the Nauru facility?
- (6) What is the period of agreement between the Governments of Nauru and Australia?

Answer:

- (1) There are currently 54 residents in the Offshore Processing Centre. They are not detained, but are in Nauru legally under Special Purpose Visas issued by the Government of Nauru.
- (2)
 - (a) 47.
 - (b) 7.
 - (c) 6.
- (3)
 - 29 Afghan
 - 20 Iraqi
 - 2 Iranian
 - 2 Bangladeshi
 - 1 Pakistani
- (4) Of the 54 people remaining in Nauru, there are two who are awaiting decisions arising from a recent re-assessment of their cases in the light of

developments in their homeland. Decisions on these cases are expected shortly and if approved may result in a visa for travel to Australia.

(5) Actual costs, including departmental support costs, for the six months ending December 2004 are \$19 million. Full-year costs are estimated to be about \$28 million.

(6) 25 February 2004 to 30 June 2005.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO (138) Output 1.5: Offshore Asylum Seeker Management

Senator Ludwig asked:

(1) Are there any plans to further extend the Memorandum of Understanding with Nauru?

(a) Are any asylum seekers are still present at Nauru? (sic)

(i) If so, how many?

(ii) What stage are their visa applications at?

(b) Are there plans to extend their Memorandum of Understanding past June 2005?

(2) I note in your annual report you state that the Manus Island facility Memorandum of Understanding was extended until 21 October 2004?

(a) Has it been subsequently extended?

(b) What are the continuing costs, from this financial year, of the operation of the Manus Island facility?

(c) How many people are detained there (Manus)?

(i) If none, when did the last person leave the Manus Island facility?

(3) Is the department in negotiations or have plans to sign a memorandum of understanding with any other nations in respect of offshore visa processing?

Answer:

(1) The Government has made no announcement on renewing the MOU.

(a) Yes.

(i) 54, all of whom are failed asylum seekers.

(ii) No resident in the Nauru Offshore Processing Centre has a Visa Application with Australia. There are two people in the Nauru Offshore Processing Centre who are awaiting decisions on recent re-assessments of their cases initiated in the light of developments in their homeland. Both had previously been found not to be refugees at the Refugee Status Assessment (RSA) stage and at subsequent review of the

RSA decision. These people are not visa applicants.

(b) The Government has made no announcement on renewing the MOU with Nauru.

(2) Yes.

(a) The MOU has been extended with the agreement of both the PNG and Australian Governments until 21 April 2005.

(b) As at December 2004, monthly costs for the 2004-05 financial year averaged around \$150,000.

(c) There are currently no residents in the Manus Offshore Processing facility.

(i) The last asylum seeker, for whom Australia had responsibility, left the Manus Island Facility in July 2003. The last asylum seeker at the Centre, a PNG case, left in May 2004, although he was earlier free to leave the facility but not the Manus Province.

(3) No, in respect of asylum seeker processing in offshore centres.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 15 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(139) Output 1.5: Offshore Asylum Seeker Management

Senator Nettle asked:

(1) International Organisation for Migration & Commonwealth funding

- a) In 2003-2004, how much funding did the Australian Government give towards IOM as a whole?
- b) How much is budgeted for 2004-2005?
- c) How much of this funding went towards 'administrative costs'?
- d) How much of this funding went towards maintaining the camps in Nauru?
- e) How much is for support and processing of asylum seekers in transit countries?
- f) Can I have a breakdown of these costs?

(2) The departmental publication Protecting the Borders: Immigration Compliance 2000 edition, specifically states that camps were set up in Indonesia by IOM to house intercepted boat people.

- a) What is the nature of Australia's relationship with these IOM run camps, given that many of the people residing in them were "pushed back" by Australia?
- b) Do any of the funds provided by Australia go toward the funding of these IOM camps?
- c) Does Australia monitor conditions in these camps, specifically the camp in Lombok, Indonesia? If not, why not? If so, is the department satisfied with conditions in these camps?

Answer:

(All figures have been rounded to nearest \$100,000.)

(1)(a) In the 2003-04 financial year, DIMIA paid \$44.9 million for services provided by the International Organization for Migration (IOM).

(b) The amount to be paid in 2004-05 is subject to variation dependent on the services provided but is likely to be comparable to 2003-04. For the 2004-05 financial year (at end February 2005), DIMIA has paid \$26.2 million to IOM.

(c) Included in the amount stated in (1)(a), DIMIA paid \$700,000 to the administration component of the IOM budget consistent with Australia's assessed level of contribution as a member of IOM. In 2004-05, DIMIA has paid \$800,000 to the administration component.

In addition, IOM's fees for all project work include a twelve per cent overhead component. The overhead is used by IOM to cover operating costs. Accordingly, a proportion of the twelve per cent of all other monies paid to IOM by DIMIA would also be used by IOM for administration costs. DIMIA cannot quantify the amount more precisely.

(d) DIMIA paid \$23.8 million in the 2003-04 financial year to the IOM to reimburse the IOM for expenses in operating the Offshore Processing Centre in Nauru. In the financial year 2004-05, to end February 2004, the equivalent expenditure was \$14.9 million.

(e) In the 2003-04 financial year, DIMIA paid \$3.3 million to IOM for the support of persons in transit countries under regional cooperation arrangements. In the 2004-05 financial year, as at 31 December 2004, DIMIA paid \$1.3 million for this service.

(f) Yes, see answers (1)(a) to (1)(e) above. Details of other major areas of expenditure follow:

- DIMIA paid \$4.2 million in the financial year 2003-04 for Refugee and Humanitarian Programs (including travel, medical and cultural orientation). In 2004-05 (to end February 2005) \$6.5 million was paid for these services;
- DIMIA paid \$6 million in the 2003-04 financial year to the IOM to reimburse the IOM for expenses in operating the Offshore Processing Centre in Manus. In the financial year 2004-05, to end December 2004, the equivalent expenditure was \$1.1 million; and
- DIMIA paid \$1.2 million in the 2003-04 financial year to IOM for capacity building activities. In 2004-05 (to end February 2005) \$1 million was paid for these services.

(2)(a) The Australian Government funds the International Organisation for Migration to accommodate asylum seekers in Indonesia.

Under regional cooperation arrangements in Indonesia, the authorities permit persons who may intend to travel to Australia without legal authority to remain while their situation is addressed. As part of this process, the IOM and UNHCR perform the following functions:

- IOM advises those persons of their options and refers to UNHCR any person who signals a potential protection need;
- UNHCR assesses any protection claims. Australia provided one-off funding of USD 389,950 to the UNHCR in 2000 for establishment costs associated with the refugee status determination procedures that it conducts in relation to those persons processed under the arrangements;
- IOM provides practical support such as accommodation in hostels, food and emergency medical assistance in various locations across Indonesia, including Lombok; and
- IOM also arranges the travel of those who wish to return to their country of origin or country of prior residence.

(b) See answer to (2)(a) above.

(c) See answer to (2)(a) above.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(140) Output 2.1: Settlement Services

Senator Ludwig (L&C 26) asked:

Do you have a list of organisations which have received a grant or some other subsidy from an available pot of money, if I might call it that, from Settlement Services? Is there a discrete list of all of those? Is that included by name of service provider and the amount of the grant and can it be broken down by electorate?

Answer:

Yes. The attachment provides a list of organisations funded under the Migrant Community Services appropriation for 2003-04 and 2004-05 by postcode. This list is in three parts:

- (a) organisations awarded Community Settlement Services Scheme(CSSS) grants ;
- (b) Migrant Resource Centres/Migrant Services Agencies (MRCs/MSAs) awarded core funding grants; and
- (c) organisations awarded grants as a result of redistributed funds from approved reductions to four MRC/MSA core funded grants in 2003-04.

(a) Organisations awarded Community Settlement Services (CSSS) grants

ORGANISATION NAME	POSTCODE	2003-04	2004-05
Anglicare Diocese of the NT	0810	\$ 105,725.00	\$ 115,075.00
Multicultural Council of the NT, Inc.	0812	-	\$ 34,355.00
Multicultural Community Services of Central Australia Inc	0870	\$ 45,000.00	\$ 50,000.00
Thai Welfare Association Inc	2000	\$ 54,080.00	\$ 55,600.00
The Smith Family	2000	\$ 146,250.00	\$ 198,900.00
Australian Chinese Community Association of New South Wales Inc.	2010	\$ 194,450.00	\$ 207,446.00
Youth Action & Policy Assoc. NSW Inc. (YAPA)	2010	\$ 61,100.00	\$ 63,821.00
Ethnic Communities Council of NSW Inc	2017	\$ 197,046.00	\$ 133,682.00
ECHO Bondi Junction Neighbourhood Centre Inc.	2022	\$ 95,400.00	\$ 95,136.00
Jewish Care	2025	\$ 53,275.00	\$ 56,716.00
Friends of Refugees from Eastern Europe	2026	\$ 60,900.00	\$ 60,000.00
Sydney Multicultural Community Services Inc	2032	-	\$ 102,000.00
Co.As.It. Italian Association of Assistance	2040	\$ 60,200.00	\$ 30,100.00
Greek Welfare Centre	2042	\$ 108,226.50	\$ 54,113.00
Mercy Works Inc.	2049	\$ 88,250.00	\$ 90,000.00
The Trustees of the Society of St Vincent de Paul - NSW / ACT	2049	\$ 119,250.00	\$ 119,626.00
Portuguese Welfare Centre Inc.	2050	\$ 49,700.00	\$ 24,850.00
North Sydney Community Service Ltd	2065	\$ 111,650.00	\$ 115,944.00
Diocese of the Armenian Apostolic Church of Australia and New Zealand	2067	\$ 52,550.50	\$ 26,275.00
Migrant Network Services (Northern Sydney) Ltd	2077	\$ 55,825.00	\$ 58,722.00
Northern Beaches Neighbourhood Services	2099	\$ 61,100.00	\$ 63,821.00
Christian Community Aid Service Inc.	2122	\$ 51,450.00	\$ 58,691.00
Cherrybrook Chinese Community Association Inc.	2126	\$ 27,638.00	\$ 29,100.00
Chinese Migrant Welfare Association Inc	2131	\$ 55,400.00	\$ 92,392.00
Polish Welfare and Information Bureau Inc.	2131	\$ 49,466.50	\$ 24,733.00
Indonesian Welfare Association Inc.	2134	\$ 30,450.00	\$ 35,000.00
Russian Ethnic Community Council of NSW Inc.	2134	\$ 55,545.75	\$ 57,742.00
Australia Alevi Cultural Centre	2141	\$ 29,550.00	\$ 32,712.00
Bosnia Herzegovina Project Inc.	2141	\$ 81,375.00	\$ 83,410.00
Ukrainian Welfare Association Inc.	2141	\$ 30,000.00	\$ 15,000.00
Australian Egyptian Council Forum Incorporated Association	2142	\$ 58,363.00	\$ 60,827.00
Association of Bhanin El Minieh - Australian Arabic Community Welfare Centre Inc	2144	\$ 25,675.00	\$ 29,037.00
Auburn Migrant Resource Centre Inc.	2144	\$ 256,675.00	\$ 280,908.00
Auburn Turkish Islamic Cultural Centre	2144	\$ 60,836.00	\$ 62,337.00
Australian Turkish and Kurdish Community Services Co-op Ltd	2144	\$ 60,375.50	\$ 54,735.00
Turkish Welfare Association Inc.	2144	\$ 60,900.00	\$ 63,924.00
Blacktown Migrant Resource Centre	2148	\$ 300,730.50	\$ 348,422.00
La Valette Social Centre Inc.	2148	\$ 24,700.00	-
Philippine Australian Community Services Inc	2148	\$ 53,550.00	\$ 57,457.00
Baulkham Hills Holroyd Parramatta Migrant Resource Centre	2150	\$ 270,055.00	\$ 350,008.00
Iranian Community Organisation	2150	\$ 64,801.25	\$ 60,343.00
Maronite Catholic Society Inc.	2150	\$ 30,450.00	\$ 32,712.00
Sydney Anglican Home Mission Society Council	2150	\$ 116,175.00	\$ 120,292.00
Australian Lebanese Welfare Group	2160	\$ 163,971.00	\$ 166,225.00
Assyrian Australian Association	2165	\$ 91,124.75	\$ 92,120.00
NSW Spanish And Latin American Association for Social Assistance	2165	\$ 117,007.75	\$ 83,587.00
Cabramatta Community Centre	2166	\$ 190,775.00	\$ 241,911.00
Cambodian-Australian Welfare Council of NSW Inc.	2166	\$ 70,441.00	\$ 69,182.00
Lao Community Advancement (NSW) Co-operative Ltd	2166	\$ 87,880.00	\$ 92,185.00
Salvadorean Association In Australia Inc	2166	\$ 13,200.00	-
Serbian Orthodox Welfare Assoc. of NSW Inc.	2166	\$ 184,523.00	\$ 189,039.00
Timorese Australian Council Inc.	2166	\$ 121,800.00	\$ 115,924.00
Vietnamese Women's Association in NSW Inc.	2166	\$ 55,400.00	\$ 57,392.00
Australian Bosnian and Herzegovinian Cultural Association Inc	2170	\$ 65,581.50	\$ 56,516.00
Liverpool Migrant Resource Centre Inc	2170	\$ 86,628.25	\$ 112,545.00
Croatian Australian Welfare Centre	2176	\$ 50,911.00	\$ 46,500.00
Khmer Community of NSW Inc.	2177	\$ 90,430.00	\$ 90,009.00
Melkite Catholic Eparchy Corporation	2190	\$ 30,450.00	\$ 32,712.00
Australia Korean Welfare Assoc. Ltd	2194	\$ 60,900.00	\$ 63,924.00
Canterbury-Bankstown Migrant Resource Centre Inc.	2194	\$ 155,078.00	\$ 174,073.00
Chinese Australian Services Society Co-op Ltd (Grant: CDO)	2194	\$ 189,000.00	\$ 232,193.00
Samoan Advisory Council Sydney Inc	2194	\$ 55,400.00	\$ 58,892.00
Uniting Church/ Board of Mission/Pacific Islands Council	2194	\$ 86,892.00	\$ 92,333.00
Greek Orthodox Community of NSW	2195	\$ 58,760.00	\$ 29,380.00
Lebanese Moslem Association	2195	\$ 52,875.00	\$ 56,172.00
United Muslim Women Association Inc.	2195	\$ 126,982.00	\$ 129,505.00
Australian Lebanese Christian Federation Inc	2196	\$ 51,840.00	\$ 54,311.00
Indonesian Community Council of NSW Inc	2196	\$ 30,000.00	\$ 42,300.00
Arab Council Australia Inc.	2200	\$ 68,968.00	\$ 62,924.00
Asian Women at Work Inc	2200	\$ 53,261.00	\$ 56,697.00
Lebanese Community Council of NSW	2200	\$ 126,875.00	\$ 68,878.00
Vietnamese Australian Welfare Association NSW Inc	2200	\$ 63,600.00	\$ 66,358.00
Vietnamese Community in Australia - NSW Chapter Inc.	2200	\$ 167,860.00	\$ 175,544.00
Australian Lebanese Association of NSW Ltd	2203	\$ 38,786.00	\$ 54,249.00
African Communities Council Incorporated	2204	\$ 42,458.00	\$ 57,742.00
May Murray Neighbourhood Centre Inc.	2204	\$ 130,680.00	\$ 147,676.00
Al Zahra Muslim Women's Association Inc.	2205	\$ 60,900.00	\$ 62,424.00
Coptic Orthodox Church - Diocese of Sydney and Affiliated Regions	2207	\$ 53,400.00	\$ 63,924.00

(a) Organisations awarded Community Settlement Services (CSSS) grants

ORGANISATION NAME	POSTCODE	2003-04	2004-05
Macedonian Australian Welfare Association of Sydney Inc.	2216	\$ 63,600.00	\$ 66,358.00
St George Lebanese Joint Committee Inc.	2216	\$ 36,950.00	\$ 32,712.00
St George Migrant Resource Centre Inc.	2216	\$ 68,310.00	\$ 63,802.00
GyMEA Community Aid and Information Service Inc	2227	\$ 65,975.00	\$ 69,126.00
Wyoming Community Centre Inc.	2250	\$ 60,900.00	\$ 62,424.00
Migrant Resource Centre of Newcastle and the Hunter Region	2303	\$ 184,800.00	\$ 263,026.00
Manning Valley Neighbourhood Services Inc.	2429	\$ 27,500.00	\$ 36,500.00
Coffs Harbour Neighbourhood Centre Inc.	2450	\$ 46,286.00	\$ 52,748.00
Multicultural Access & Resource Service (MARS)	2450		
Woolgoolga Neighbourhood Centre Inc	2456	\$ 27,850.00	\$ 34,750.00
Lismore Neighbourhood Centre Inc.	2480	\$ 27,850.00	\$ 34,750.00
Illawarra Multicultural Services Inc	2500	\$ 139,250.00	\$ 211,130.00
Italian Social Welfare Organisation	2500	\$ 25,764.00	\$ 12,882.00
South Coast Portuguese Association	2502	\$ 27,449.50	-
Macedonian Welfare Association Inc.	2505	\$ 30,450.00	\$ 32,712.00
Australian Philippine Association Illawarra Incorporated	2525	\$ 28,600.00	\$ 31,500.00
Lao-Australian Group Community Services Association Inc	2560	\$ 53,400.00	\$ 56,172.00
Macarthur Diversity Services Inc/GCSSS	2560	\$ 158,175.00	\$ 237,167.00
Croatian Community Welfare Centre Inc	2601	\$ 5,100.00	-
Migrant Resource Centre of Canberra and Queanbeyan Inc.	2601	\$ 51,000.00	\$ 61,250.00
Multicultural Women's Advocacy Inc	2601	\$ 8,233.00	-
Belconnen Community Service Inc.	2616	\$ 26,973.25	\$ 28,129.00
Queanbeyan Multilingual Centre Inc	2620	\$ 26,719.00	\$ 53,404.75
Ethnic Communities Council of Wagga Wagga Inc.	2650	\$ 45,980.00	\$ 51,000.00
Griffith Multicultural Community Council Inc.	2680	\$ 55,095.00	\$ 48,773.75
Supreme Islamic Council of New South Wales Inc	2756	\$ 53,148.00	-
Nepean Migrant Access Inc	2760	\$ 124,845.00	\$ 127,969.00
Australian Kurdish Association Inc.	2765	\$ 51,392.00	\$ 57,381.00
Mt Druitt Ethnic Communities Agency	2770	\$ 120,447.50	\$ 124,014.00
Mountains Community Resource Network Inc.	2782	\$ 63,600.00	\$ 66,360.00
Bathurst Information and Neighbourhood Centre	2795	\$ 27,850.00	\$ 48,061.00
Orange City Council	2800	\$ 30,000.00	\$ 42,300.00
Dubbo Community Services & Information Centre Inc.	2830	\$ 27,850.00	\$ 39,100.00
Lightning Ridge and Region Transcultural Community Council inc.	2834	\$ 27,850.00	\$ 34,750.00
Mudgee Shire Council	2850		
Broken Hill Multicultural Women's Resource and Information Centre	2880	\$ 25,250.00	\$ 28,000.00
Centre for Philippine Concerns - Australia, Victoria Branch	3000	\$ 52,825.00	\$ 13,275.00
Federation of Chinese Associations (Vic) Inc	3000	\$ 117,300.00	\$ 122,400.00
Indo-China Ethnic Chinese Association of Victoria Inc	3000	\$ 13,000.00	-
Victorian Immigrant and Refugee Women's Coalition Inc.	3000	\$ 59,655.00	-
Victorian Multi Ethnic Slavic Welfare Association Inc.	3000	\$ 59,655.00	\$ 61,200.00
Adult Multicultural Education Services	3001	-	\$ 240,000.00
Centacare Catholic Family Services	3002	-	\$ 36,000.00
Albanian-Australian Community Association Inc.	3011	\$ 52,587.00	\$ 57,620.00
Australian Croatian Community Services	3011	\$ 99,937.50	\$ 91,800.00
Australian Polish Community Services Inc (APCS)	3011	\$ 61,900.00	\$ 30,950.00
Filipino Community Council of Vic. Inc.	3011	\$ 52,825.00	\$ 59,175.00
Horn of African Communities Network in Vic. Inc.	3011	-	\$ 61,239.00
Inner Western Region Migrant Resource Centre Inc.	3011	\$ 14,700.00	-
Maribyrnong City Council	3011		
Spanish Latin American Welfare Centre Inc	3011	\$ 112,020.00	\$ 65,280.00
Vietnamese Community In Australia/Vic Chapter	3011	\$ 115,065.00	\$ 120,538.00
Migrant Resource Centre North West Region	3021	\$ 390,950.00	\$ 524,633.00
Migrant Resource Centre Westgate Region	3025	\$ 115,065.00	\$ 306,000.00
Doutta Galla Community Health Services Inc.	3039	\$ 55,410.00	-
Kurdish Association of Victoria	3044	\$ 52,825.00	\$ 13,275.00
Northern Metropolitan Migrant Resource Centre	3046		
Victorian Arabic Social Services	3047	\$ 58,650.00	-
Dianella Community Health	3048	\$ 107,500.00	\$ 100,109.00
Eritrean Islamic Society in Australia	3051	\$ 26,725.00	-
Australian Multicultural Foundation/Centre for Multicultural Youth Issues (CMYI)	3053	\$ 131,110.00	\$ 126,767.50
Co.As.It. - Italian Assistance Association	3053	\$ 105,830.75	\$ 52,915.00
African Australian Welfare Council of Victoria Inc	3056	\$ 83,355.00	\$ 85,680.00
Australian Greek Welfare Society Ltd	3056	\$ 108,222.75	\$ 54,111.00
Australian Lebanese Welfare Inc.	3056	\$ 157,910.00	\$ 174,060.00
Fitzroy Learning Network	3065	\$ 13,000.00	-
Islamic Women's Welfare Council of Victoria	3065	\$ 182,185.00	\$ 188,540.00
National Ethnic and Multicultural Broadcasters' Council (NEMBC)	3065	\$ 59,655.00	-
Greek Welfare Centre of Victoria	3070	\$ 107,000.00	\$ 53,500.00
Northern Migrant Resource Centre	3072	\$ 461,669.50	\$ 521,768.50
Community Information Whittlesea Inc.	3076	\$ 205,846.00	\$ 187,680.00
Jesuit Social Services	3121	\$ 110,875.00	\$ 171,149.00
North Richmond Community Health Centre Inc.	3121	\$ 59,655.00	\$ 61,140.00
Chinese Community Social Services Centre Inc.	3128	\$ 160,325.00	\$ 166,362.00
Cambodian Community Welfare Centre Inc.	3131	\$ 64,301.00	\$ 69,770.00
Lao Australian Welfare Assoc. Inc.	3131	\$ 52,365.00	\$ 57,293.00
Migrant Information Centre (Eastern Melbourne) Ltd	3132	\$ 110,820.00	\$ 113,520.00
South Central Region Migrant Resource Centre	3166	\$ 219,795.00	\$ 300,711.00

(a) Organisations awarded Community Settlement Services (CSSS) grants

Southern Ethnic Advisory and Advocacy Council Inc	3166	\$ 58,650.00	\$ 61,200.00
Springvale Community Aid and Advice Bureau Inc.	3171	\$ 185,114.50	\$ 122,400.00
ORGANISATION NAME	POSTCODE	2003-04	2004-05
Springvale Indo-Chinese Mutual Assistance Assoc. Inc.	3171	\$ 59,160.00	\$ 61,200.00
Khmer Community of Victoria Inc.	3172	\$ 13,000.00	-
Merhamet Muslim Welfare Association Inc	3174	\$ 153,890.00	\$ 122,400.00
Serbian Welfare Association of Victoria, Inc.	3175	\$ 120,205.00	\$ 107,280.00
South Eastern Region Migrant Resource Centre	3175	\$ 283,567.50	\$ 312,921.00
St John of Kronstadt - Russian Welfare Soc. Inc.	3175	\$ 44,874.75	\$ 22,437.00
Eastern and Central Africa Communities of Victoria Inc	3181	\$ 126,325.00	\$ 146,450.00
Russian Ethnic Representative Council in Victoria, Inc.	3204	\$ 68,250.00	\$ 27,300.00
Geelong Ethnic Communities Council Inc.	3218	\$ 57,825.00	\$ 60,450.00
Sunraysia Ethnic Communities Council Inc.	3500	\$ 154,154.75	\$ 157,080.00
Cutting Edge Youth Service - UnitingCare	3630	\$ 45,000.00	\$ 61,200.00
Ethnic Council of Shepparton and District Inc.	3630	\$ 181,960.00	\$ 200,665.00
Albury Wodonga Multicultural Resource Centre Inc.	3690	\$ 58,402.50	\$ 59,039.00
Gippsland Migrant Resource Centre Inc	3840	\$ 53,768.50	\$ 13,576.25
Australian Red Cross Society - Queensland	4000	\$ 73,750.00	\$ 145,540.00
Cathay Community Association Inc	4006	\$ 30,000.00	\$ 30,600.00
Multicultural Community Centre	4006	-	\$ 45,000.00
(CMPC)Corp. of the Trustees of the Roman Catholic Archdiocese of Brisbane	4064	\$ 30,000.00	-
Inala Community House	4077	\$ 72,500.00	\$ 96,852.00
Corporation of the Synod of the Diocese of Brisbane	4102	\$ 51,875.00	-
Islamic Women's Association of Queensland Inc.	4109	\$ 55,000.00	\$ 56,100.00
Assisting Collaborative Employment Support Services Incorporated	4114	-	\$ 47,600.00
MultiLink Community Services Inc	4114	\$ 247,000.00	\$ 227,308.00
Multicultural Development Association Inc.	4120	\$ 197,500.00	\$ 210,000.00
Multicultural Families Organisation Inc	4215	\$ 165,471.00	\$ 149,333.00
Ipswich City Council	4305	\$ 30,000.00	\$ 30,600.00
Corporation of Roman Catholic Diocese of Toowoomba	4350	-	\$ 64,300.00
Lifeline Darling Downs and South West Queensland Ltd	4350	\$ 63,535.00	\$ 61,935.00
Maroochy Neighbourhood Centre Inc	4558	\$ 57,814.00	\$ 70,590.00
Multicultural Information Network Service Inc	4570	\$ 33,354.00	\$ 35,700.00
Hervey Bay Neighbourhood Centre Association Inc.	4655	\$ 62,118.00	\$ 73,358.00
Mackay Regional Council for Social Development	4740	\$ 66,208.00	\$ 79,250.00
Migrant Resource Centre Townsville Thuringowa Ltd.	4810	-	-
Townsville Multicultural Support Group Inc.	4812	-	\$ 52,058.00
Mount Isa Community Development Association Inc.	4825	\$ 28,680.00	\$ 29,990.00
The Roman Catholic Trust Corporation for the Diocese of Cairns operating as Centacare Cairns	4870	\$ 147,500.00	\$ 147,900.00
African Communities Council of SA Inc.	5000	\$ 43,000.00	\$ 60,780.00
Chinese Welfare Services of SA Inc.	5000	\$ 46,250.00	\$ 54,400.00
Federation of Polish Organisations in SA (Inc)	5000	\$ 7,000.00	-
Federation of Spanish Speaking Communities of SA Inc	5000	\$ 26,000.00	-
Greek Orthodox Archdiocese of Australia (GOAA)	5000	\$ 36,000.00	\$ 40,000.00
Greek Orthodox Community of South Australia Inc.	5000	\$ 36,000.00	\$ 18,000.00
Jewish Community Services Inc	5000	\$ 10,000.00	\$ 12,500.00
Middle Eastern Communities of SA Inc	5000	\$ 44,500.00	\$ 58,499.00
Migrant Resource Centre of South Australia Inc	5000	\$ 11,750.00	-
Multicultural Youth South Australia Inc.	5000	\$ 42,250.00	\$ 48,000.00
Muslim Women's Association of South Australia Incorporated	5000	\$ 61,000.00	\$ 68,000.00
Serbian Community of South Australia Inc.	5000	\$ 52,750.00	\$ 50,000.00
South Australian Lebanese Women's Association	5000	\$ 7,000.00	-
The Croatian Club Adelaide Inc	5007	\$ 28,000.00	\$ 31,000.00
Associazione Nazionale Famiglie Degli Emigranti Inc.	5008	\$ 36,000.00	\$ 36,000.00
Vietnamese Community in Australia / SA Chapter Incorporated.	5012	\$ 77,000.00	\$ 83,000.00
Bosnian and Hercegovina Muslim Society SA Inc.	5014	\$ 29,000.00	\$ 48,362.00
Overseas Chinese Assoc. of SA Inc.	5023	\$ 46,250.00	\$ 55,450.00
Australian Refugee Association Inc.	5032	\$ 51,500.00	\$ 104,000.00
Co-ordinating Italian Committee Incorporated	5069	\$ 48,000.00	\$ 24,000.00
Lutheran Church of Australia - SA/NT District	5084	-	\$ 46,000.00
Cambodian Association of SA Inc.	5108	\$ 51,500.00	\$ 52,000.00
Lifelink South East (SA) Inc	5290	-	\$ 31,993.00
South East Local Government Association Inc.	5290	\$ 28,000.00	-
South East Multicultural Network Inc.	5290	\$ 2,000.00	-
Riverland Multicultural Forum Inc.	5345	\$ 32,000.00	\$ 62,500.00
Port Lincoln Multicultural Council Incorporated	5606	\$ 26,000.00	\$ 33,000.00
Whyalla Multicultural Communities Centre Incorporated	5608	\$ 30,400.00	\$ 33,000.00
Coober Pedy Multicultural Community Forum Inc	5723	\$ 28,000.00	\$ 30,000.00
Australian Asian Assoc. of WA Inc.	6000	\$ 100,325.00	\$ 106,200.00
Catholic Migrant Centre	6000	\$ 120,525.00	\$ 153,250.00
Italo-Australian Welfare & Cultural Centre Inc	6000	\$ 20,000.00	\$ 10,000.00
Afrikan Community in Western Australia Inc.	6004	\$ 73,558.00	\$ 96,000.00
Fifth Greek Orthodox Archdiocesan District of Western Australia Welfare Association	6006	\$ 20,000.00	\$ 10,000.00
Multicultural Services Centre of WA Inc.	6006	\$ 164,047.50	\$ 192,100.00
Blue Sky Community Group Inc.	6054	\$ 51,750.00	-
UCA Assembly Limited	6056	\$ 257,725.00	\$ 256,000.00
Metropolitan Migrant Resource Centre Inc	6061	\$ 25,334.00	\$ 200,730.00
Northern Suburbs Migrant Resource Centre Inc	6061	\$ 52,841.00	-
Trustees of Christian Brothers WA Inc-Edmund Rice Centre	6061	\$ 66,000.00	\$ 94,000.00

(a) Organisations awarded Community Settlement Services (CSSS) grants

Muslim Women's Support Centre of WA (Inc)	6105	\$ 52,000.00	\$ 68,000.00
Communicare Inc.	6107	\$ 140,995.00	\$ 160,147.00
The Gowrie (WA) Inc	6152	\$ 65,250.00	\$ 97,000.00
ORGANISATION NAME	POSTCODE	2003-04	2004-05
South Metropolitan Migrant Resource Centre	6160	\$ 152,561.00	\$ 152,200.00
South West Migrant Service Inc.	6230	\$ 47,625.00	\$ 54,400.00
Kanwork Options Centre Inc	6317	\$ 23,000.00	\$ 34,800.00
Geraldton Regional Community Education Centre	6530	\$ 7,622.50	-
Carnarvon Family Support Service Inc.	6701	\$ 12,000.00	-
Migrant Resource Centre (Southern Tasmania) Incorporated	7000	\$ 88,396.00	\$ 72,745.00
Philippine-Australia Community Of Tasmania Inc.	7000	\$ 250.00	-
Migrant Resource Centre (Northern Tasmania) Inc.	7250	\$ 55,070.00	\$ 97,055.00

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(141) Output 2.1: Settlement Services

Senator Ludwig (L&C 28) asked:

In relation to the client information systems, provide updated information on what the individual system's outcome was going to be, what the cost of the system was, what the development costs were going to be, when it was likely to be completed by, and whether it went through a tender process.

Answer:

The proposed client information collection tool will be a statistical reporting mechanism that will provide national standardised aggregate data for reporting and planning purposes. The objective of the mechanism is to improve the conformity and quality of statistical data and to provide a simpler method of submitting reports.

The client information collection tool is still under development. It is anticipated that it will be operational from 1 July 2006. The Grant Management System (GMS) has been enhanced to enable the deployment of various online data collection tools including the proposed client information collection tool once its development is finalised.

The system enhancements for the proposed client reporting mechanism will build on DIMIA's existing GMS using DIMIA's internal technical IT expertise and therefore, no tender process is required. It is difficult to identify the specific costs for the development of the client information collection tool as it has been done in parallel with GMS enhancements in the general area of online form submission capability.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(142) Output 2.1: Settlement Services

Senator Ludwig (L&C 30) asked for a copy of the combined grants program paper be provided when it becomes available.

Answer:

A Community Discussion Paper on the combined grants program is currently being finalised and will be circulated publicly prior to community consultations, to be held in each capital city within the next few months.

A copy of this document will be made available as soon as it has been finalised.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(143) Output 2.1: Settlement Services

Senator Ludwig (L&C 30) asked:

Provide a list of the MRCs that have had funding ceased and the reason the funding was withdrawn.

Answer:

Since 1 January 2003, six MRCs have had funding withdrawn. The balance of funding notionally allocated to these MRCs was retained within those states and reallocated through grants under the Community Services Settlement Scheme (CSSS). The table below lists the MRCs that have had funding withdrawn, and provides the reasons for the withdrawal of funding.

MRC	Date funding withdrawn	Reason
Central Australia (NT)	2003	Low and declining client numbers. Core funding replaced with CSSS grant.
Northern Metropolitan (VIC)	2003	Performance and management committee problems.
Inner Western (VIC)	2003	Insolvency. Decision to cease operating made by management committee.
Northern Suburbs (WA)	2004	Performance of the management committee. Replaced by new Metropolitan MRC.
South Metropolitan (WA)	2004	Isolated location and low number of new arrivals in area. Continued to receive CSSS grant.
Botany (NSW)	2004	Low numbers of target settlement group in the area. Core funding replaced with CSSS grant.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(144) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Ludwig (L&C 31) asked:

In relation to the cultural orientation program, provide a breakdown of the cost of the program in total and the cost for each site.

Answer:

A breakdown of expenditure to 28 February 2005 by region is provided below (all amounts are in Australian dollars).

	Egypt	East Africa	South Asia	Middle East	South East Asia	West Africa	ALL LOCATIONS
FY 03/04	47,472.84	116,309.82					163,782.66
FY 04/05	91,931.58	171,914.24	55,946.65	131,714.41	36,655.03	190,698.42	678,860.33
Total AUD	139,404.42	288,224.06	55,946.65	131,714.41	36,655.03	190,698.42	842,642.99

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(145) Output 2.2: Translating and Interpreting Services

Senator Ludwig (L&C 35) asked:

What was the cost of developing the Automated Telephone Interpreting Service (ATIS)?

Answer:

The total cost for the three year contract (September 2002 to September 2005) is \$5.2m including development and service charges. The development component of \$2.4m is comprised of \$1.966m paid to Telstra and \$0.434 paid to CSC for upgrading Jessica (the TIS Job Entry System) to be compatible with Computer Telephony Integration or CTI. Service charges over the three years are \$3.564m.

Note: a correction to evidence before the Committee was referred to the Chair on 9 March 2005. This notice corrected earlier advice that the system was developed in house. The contract for development was awarded to Telstra after a public tender exercise.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(146) Output 2.2: Translating and Interpreting Services

Senator Ludwig (L&C 35) asked:

In relation to ATIS, provide a breakdown of the number of calls by language.

Answer:

A total of 4828 calls were received during the period February 2004 to January 2005. These calls converted to 2291 “jobs” and these are broken down into the 18 ATIS languages as follows:

Arabic	192
Bosnian	11
Cantonese	320
Croatian	4
Dari (Afghani)	56
Greek	34
Italian	47
Japanese	99
Khmer	18
Korean	286
Mandarin	667
Persian	117
Russian	20
Serbian	41
Somali	3
Spanish	33
Turkish	47
Vietnamese	296

The total number of calls includes client cancellations due to, for example, clients choosing not to continue, or clients calling the wrong contact number for the required language. This explains the variation between the number of calls and “jobs” allocated.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(147) Output 2.2: Translating and Interpreting Services

Senator Ludwig (L&C 36) asked:

In relation to ATIS usage, how much of the three per cent is not departmentally driven?

Answer:

The percentage of ATIS usage not departmentally driven for the past three months is:

November	0.82%
December	1.09%
January	0.88%

The range for the 12 months since the commencement of ATIS in February 2004 is 0.04% to 1.09%.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(148) Output 2.3: Australian Citizenship

Senator Ludwig (L&C 37) asked:

Also the number of guests was limited to two per recipient. If these restrictions were put in place, who put them in place?

Perhaps you could make available to the committee the information sent to the recipients and highlight whether it included a limit in terms of guests that could attend, whether or not it included a broader invitation for the remainder of the families to enjoy the day and how they would then go about doing that. If it was not communicated in that document then please advise of other documents the recipient would have got that would have indicated that.

Answer:

DIMIA's ACT and Regions Office introduced the limit of two guests per conferee to ensure that there was sufficient seating for conferees and their guests. The limit was also set to assist the Country Women's Association with planning for the morning tea following the ceremony.

The text of the advice sent to conferees is attached. A number of conferees contacted the Department about bringing more than two guests. All were advised that additional guests were welcome to attend but were not likely to be able to be seated or join the morning tea after the ceremony. Some conferees advised on arrival, for the briefing prior to the ceremony, that additional guests were in attendance. They were also informed that their guests were welcome, but may not be able to be seated or join the morning tea.

A citizenship ceremony is one of a number of public events that take place in Commonwealth Park on the morning of Australia Day each year. All the events are widely advertised in the media in the lead up to Australia Day.

Dear

You were recently advised that your application for the grant of Australian citizenship had been approved.

I now have the pleasure of inviting you to a conferral ceremony at Regatta Point, Commonwealth Park on Australia Day, January 26th 2005. On this day you will be able to make your Pledge of Commitment as a citizen of the Commonwealth of Australia and be presented with your certificate of Australian Citizenship. Please note that children are not required to make the Pledge, but may do so if they wish.

Details of the citizenship ceremony are as follows:

Date: Wednesday 26th January 2005

Venue: Regatta Point, Commonwealth Park

Time: 9.30am arrival for briefing
10.00am Ceremony begins

Please allow sufficient time to ensure that you are at the briefing no later than 9.30am. Parking will be available in Commonwealth Park.

You may wish to invite up to two guests to share in celebration of the day's events. The Country Women's Association will be providing morning tea for you and your guests.

Please bring this letter to the ceremony as well as a form of photo identification (for example a driver's licence or passport). If you have any queries in relation to the above program please do not hesitate to contact Ana Park on 02 6274 4533.

I look forward to seeing you.

Yours sincerely

Nelly Siegmund
Territory Director
ACT and Regions Office

**Australia Day Citizenship Ceremony
Regatta Point Commonwealth Park Canberra**

Information for conferees

Name:

Row No.

Seat No.

Welcome to this special ceremony where you will become an Australian Citizen and part of the Australian family.

Each person has been allocated a seat in the order they will be called to receive their Citizenship Certificate from the Prime Minister - your number is noted above

It is important that you do not move seats

Ushers will be present to advise you when it is your turn to go forward to receive your Citizenship Certificate. When you have received your Certificate please return to your seat promptly

As an Australian Citizen you have the right to enrol to vote at elections. If you are 18 years or over you may wish to enrol today.

Your Citizenship Certificate will come with an envelope. Inside the envelope will be an Australian Electoral Enrolment form with your details already printed on it.

- Check that your name and address details on the form are correct
- Sign your form in front of another Australian Citizen (you can do this in front of an Australian Electoral Commission Officer)
- Ask the witness to sign your form

Australian Electoral Commission Officers will be in attendance at the end of the Citizenship Ceremony to receive your enrolment form and answer any questions you may have.

Alternatively you can place your enrolment form in the postage paid envelope provided and post it to the Australian Electoral Commission.

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 18 February 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(149) Output 2.3: Australian Citizenship

Senator Ludwig (L&C 38-39) asked:

In relation to two news articles that appeared in the *Canberra Times* on 18 January concerning the Australia Day citizenship ceremony in the ACT, provide a time line on what occurred.

Answer.

A response was provided at the hearing. Page 39 of the Hansard refers.