



Australian Government
Department of Immigration and Citizenship

Detention Operations Update 2007/03
Items Not Permitted in Immigration Detention Centres

Purpose

To implement a revised list of items that are not permitted in Immigration Detention Centres (IDCs), including excluded and controlled items.

Update

Excluded items

1. Items that are not permitted in Immigration Detention Centres (IDCs) include items that are illegal in the Australian community, items that present a risk to the health of detainees, visitors and staff, items that present a risk to privacy, safety or security, or items that may be offensive to others.
2. The attached list provides examples of items that are either 'excluded' (not permitted in any circumstances) or 'controlled' (may be permitted under strict conditions of entry and use) in IDCs. All previous information referring to contraband items is to be withdrawn from circulation.

Items that are permitted

3. Detainees and visitors may retain any items that are permitted within these revised guidelines as 'in possession' property, including previously contraband items held as 'in trust' property.

Controlled items

4. Detention Services Officers and Centre Management may permit onsite staff, official visitors and professional visitors to bring certain 'controlled' items (marked with an asterisk "**") into the centre, subject to conditions of entry and use.
5. Official visitors include offsite departmental and Detention Services Provider (DSP) staff, emergency workers, and representatives from law enforcement agencies, the Immigration Detention Advisory Group (IDAG), the Detention Health Advisory Group (DeHAG), the Ombudsman, Human Rights and Equal Opportunities Commission (HREOC), Australian Red Cross and similar organisations. Professional visitors include consular officials, religious visitors, legal practitioners, migration agents and others providing services to detainees.
6. Conditions of entry and use can include the requirement to register the item on entry and exit, not to use the item or provide it to detainees, and other requirements at the discretion of the DSP, Centre Executive or their representative.

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Refusing permission and handling breaches

7. Decisions in respect of particular items are to be made by staff using their discretion in accordance with prevailing community standards. All disputes as to whether particular items are permitted in the IDC, or conditions of entry and use, are to be referred to and resolved by the Centre Executive or their representative.
8. Queries in respect of particular items may be directed to the Detention Procedures Help Desk on (02) 6264-1448 or by email (detention.procedures@immi.gov.au).
9. Items that are identified as being unlawful under a Commonwealth law or in the State or Territory in which the detention centre is located must be immediately referred to the appropriate law enforcement agency for investigation and disposal. They must not be returned to the detainee or visitor.
10. Visitors are to be provided with access to lockers or secure storage for items that they are not permitted to bring into the centre and other items that they decide not to bring into the centre. Visitors use these lockers at their own risk.
11. Items that belong to a detainee but are not permitted in the IDC are to be held as 'in trust' property or otherwise dealt with in accordance with procedures, including forfeiture or disposal where required.
12. An incident report is to be raised in accordance with procedures whenever items are not permitted to detainees and visitors (such as at reception) and whenever such items are found in the centre. Non-compliance by visitors with conditions of entry and use for controlled items is also to be reported through an incident report.
13. This update does not alter the specific requirements of the *Migration Act 1958* relating to entry of persons to immigration detention centres (s252G), screening procedures in relation to immigration detainees (s252AA), or strip search of immigration detainees (s252A).

Background

The previous contraband list, as outlined at Attachment C to Operational Procedure 10.4 *Detainee Visits Entitlements and Processing*, has been revised to ensure consistency with the client-focused immigration detention services network. The revision also provides greater flexibility and discretion to the DSP and Centre Executives to permit 'controlled' items, in accordance with the Centre Management Model.

This has involved a reduction in the number of items not permitted in IDCs, for example:

- a range of personal items are permitted;
- food may be brought in by visitors to cook or consume in the visitor's area, but this is restricted to reasonable amounts and not for detainees to retain within the IDC;
- mobile phones without camera capabilities are permitted (DOU2006/03), but mobile phones with camera capabilities should be considered controlled items;
- computers are permitted, but computers with modems should be considered controlled items as these services are or will be provided through the DSP;

- electrical items may be brought in with prior approval, subject to space restrictions, safety considerations and where applicable, a current electrician's certificate that the item complies with relevant safety regulations;
- craft tools and sporting equipment used for programs and activities (for example, knitting/sewing needles and scissors) run by approved visitors should be considered controlled items;
- other tools and equipment should be considered controlled items; and
- items used in religious worship (eg sacramental wine and candles) should be considered controlled items to a registered Religious Visitor and consumed or removed at the end of the visit.

Implementation and transitional arrangements

Centre Executives should implement this update in consultation with the DSP with effect from 1 March 2007.

The Public Information Office will provide Centre Executives with posters and information brochures explaining the revised list. Please arrange for the posters to be displayed in all reception and visits areas, and for the information brochures to be freely provided to detainees, visitors, staff or other parties. The Public Information Office will also arrange for the revised list to be made available on the departmental Internet site.

Centre Executives should monitor compliance with the revised list and incident reporting by Detention Services Officers. Please provide feedback, or direct queries in respect of particular items, to the Detention Procedures Help Desk on (02) 6264-1448 or by email (detention.procedures@immi.gov.au).

References

OP 4.4	Property Protocol
OP 10.4	Detainee Visits Entitlements and Processing
OP 12.7	Items Presenting Particular Risk to Security
OP 12.9	Visits Security
MSI 345	Powers under s252G of the Migration Act - Entry of persons to immigration detention centres
MSI 346	Screening procedures in relation to immigration detainees (s252AA)
MSI 347	Strip search of immigration detainees (s252A)

Items Not Permitted In Immigration Detention Centres

Items that are illegal in the Australian community, for example:

- illicit drugs and associated paraphernalia

Items that present a risk to the health of detainees, visitors and staff, for example:

- alcohol
- non-prescribed medication, vitamins or supplements
- uncooked animal products (including eggs, raw meat/fish, etc)*
- sharps including syringes, knives or razor blades*
- glass items including mirrors and picture frames containing glass components*
- 'untagged' electrical equipment (current electrical certificate required)*

Items that present a risk to privacy, safety or security, for example:

- weapons of any kind
- flammable sprays, liquids and solids (including cigarette lighters and matches)*
- modems and IT communications devices that allow internet access*
- tools and equipment*
- sporting equipment*
- cameras and audio-visual recording devices*
- travel documents
- photographs and photographic identification documents, including passports*
- money, including cash, cheques and banking cards*

Items that may be offensive to others, for example:

- pornographic books, magazines or material (not lifestyle preference materials)
- material that incites violence, racism or hatred

Controlled Items in Immigration Detention Centres

Detention Services Officers and Centre Management may permit may permit official and professional visitors to bring into the centre certain items marked with an asterisk '*' under conditions of entry and use that may include registering the item.

Prior approval should be sought should you wish to bring such items into an IDC. The entry of all items to an IDC may be subject to screening or searching by centre staff. All disputes as to whether items are permitted in the IDC, or conditions of entry and use, are to be resolved by the departmental Centre Executive.

Property Limits

Please be aware that detainees have limited property storage space.

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About Detention Operations Updates

Detention Operations Updates provide all departmental and detention services provider staff working in the detention services network with nationally consistent guidance on interpreting and applying operational procedures.

Application to staff and service providers

This update is binding on departmental staff and on all detention services providers and their staff. It supersedes any earlier advice on this topic and relevant operational procedures to the extent of any inconsistency. Centre Executives and Managers should implement this update in consultation with detention services providers. This update must be interpreted and applied in accordance with the law and all relevant departmental standards, policies and procedures.

Further information

For further information on this update, please contact the Detention Procedures Help Desk through the form on the Intranet, by phone on (02) 6264-1448, or by email to detention.procedures@immi.gov.au.

Acknowledgement

Please acknowledge receipt of this update in writing to the Detention Procedures Help Desk by return email to detention.procedures@immi.gov.au by close of business 9 February 2007.

Issued by



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Department of Immigration and Multicultural Affairs

2 February 2007