

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003

#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

##### **(28) Output 1.3: Enforcement of Immigration Law**

Senator Allison (L&C 78) asked, "In relation to RHPs, provide the committee with the rules of engagement, as it were, on what detainees can and cannot do, how often and so forth?"

*Answer:*

As in the existing detention facilities, there are organised recreational and activities programs, including English language training, computer and sewing classes that are developed in conjunction with the participants and the detention services provider.

The program includes excursions to local shops and other town facilities, such as the swimming pool and cinema, and to participate in educational and developmental activities.

All school-age children accommodated in the RHP receive formal education from schools in the local community.

Regular trips to the supermarket are organised so participants can purchase groceries, which are paid for from an allowance by the detention services provider. Participants are also able to purchase personal items, using their own funds.

The participants are free to visit each other in the houses, and arrangements are made for them to visit family and friends at the relevant detention facility several times a week, including overnight trips.

Partners, fathers or other family members who remain in detention facilities are able to visit their families at the RHPs at organised times, but not overnight. However, overnight visits by RHP residents to detention facilities are possible.

Accommodation at Port Augusta RHP, for instance, consists of three- bedroom houses with bathroom, dining room, kitchen, laundry and lounge room and are all fitted with evaporative cooling and solar hot water systems. Each house offers flexible bedding arrangements, wardrobes, a lounge suite, dining table and chairs, a washing machine, television and DVD or video player and outdoor furniture, and is complemented with landscaped surroundings.

One house is configured to accommodate residents with disabilities.

Other amenities include:

- telephones and intercoms in each house;
- shaded playground equipment and sand pit;
- outdoor sporting equipment;
- vegetable gardens for each house;
- shade structures, a BBQ area and outdoor furniture; and
- an administration and programs (eg sewing, computing) house.

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### **(29) Output 1.3: Enforcement of Immigration Law**

Senator Allison (L&C 78-79) asked, "How many children currently in detention are on medication for mental illness, what is the number of incidents of mental illness amongst children and how many detainees are on sleeping tablets?"

*Answer:*

As at 27 November 2003, there is one child currently in detention on medication for mental illness, which was prescribed by a General Practitioner.

There are two children currently in detention diagnosed as having a mental illness, including the one child on medication.

There are 42 adult detainees currently prescribed medication to assist with sleeping. No child detainee is prescribed sleeping tablets.

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### **(30) Output 1.3: Enforcement of Immigration Law**

Senator Allison (L&C, 79) asked for a response to the statement in the National Rural Health Alliance newsletter of September 2003 that with the Australasian Correctional Management (ACM) there is 'A culture of profit, lack of transparent accountability, conflict of interest (the source of the distress provides the service that purports to treat it) and resulting compromises of professional ethics, affect all health treatment decisions'.

*Answer:*

As stated by Mr Farmer at the Supplementary Budget Estimates Hearing on 4 November 2003 when this question was raised, the statement in the National Rural Health Alliance newsletter is a statement of opinion made by an advocacy group.

The department's immigration detention centres are continually subject to scrutiny from external agencies, including the Senate Legal and Constitutional Legislation Committee, the Human Rights and Equal Opportunity Commission and the Commonwealth Ombudsman. The department takes very seriously its responsibilities to meet the fundamental needs of detainees as well as ensuring their stay in detention is as short as possible.

Service delivery in all detention centres must meet the quality levels established in the Immigration Detention Standards. These standards set out the contractor's obligations to meet the individual care needs of detainees in a culturally appropriate way while at the same time providing safe and secure detention. The standards were developed in consultation with the Commonwealth Ombudsman's office and ensure consistency with Australia's international treaty obligations. The contract includes a range of incentives and sanctions as a means of ensuring high quality service provision, which clearly links payment to performance standards.

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#### (31) Output 1.3: Enforcement of Immigration Law

Senator Marshall (L&C 85) asked, "How many of the people in detention centres are asylum seekers as opposed to other groups of people, such as those who are about to be removed for other purposes?"

*Answer.*

The following table provides the number of persons in immigration detention seeking asylum and all other detainees, as at 7 November 2003.

Location Group	Status Group	Persons
IDC/IRPC	Detained No PV Application	414
IDC/IRPC	In PV Process	293
IDC/IRPC	PV Finalised - Available for Removal	376
	Total	1083

Location Group	Status Group	Persons
Other Facility	Detained No PV Application	65
Other Facility	In PV Process	13
Other Facility	PV Finalised - Available for Removal	21
	Total	99

Grand Total	1182
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Please note, those persons described as 'Detained No Protection Visa Application' have not made claims for protection. Those persons described as 'In PV Process' have made claims which are still being assessed. Those persons described as 'PV Finalised – Available for Removal' have made claims, but have been found to not engage Australia's protection obligations.

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### **(32) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 86) asked, "How much of the cost over the last two years has gone directly into services provided by Christmas Island, ie where you might directly purchase a service on the island?"

*Answer:*

Most of the costs associated with detention on Christmas Island relate to staffing by both the service provider and DIMIA. Though not quantifiable, items purchased by staff on the Island for food, clothing and recreational activities would have a direct impact on the Christmas Island economy.

In addition to the expenditure mentioned above, local trades people, merchants, transport, recreational facilities and health services are all accessed by both the service provider and DIMIA on a user pays basis when available.

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### **(33) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 86) asked, "How many Christmas Island people are currently employed?"

*Answer:*

The Department does not directly employ any Christmas Island residents. However, the Department, in conjunction with other Commonwealth agencies, contracts Gutteridge Haskins Davey Pty Ltd (GHD) to manage works in relation to routine maintenance and access to DIMIA accommodation units. GHD employs three full-time staff to fulfil these dual requirements.

The detention services provider, Australasian Correctional Management, employs ten Christmas Island Residents, three full-time and seven part-time.

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### **(34) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 86) asked, "What was the cost of flying in staff to the Christmas Island IRPC for the most recent group of arrivals?"

*Answer:*

DIMIA required three charter flights to move DIMIA and ACS staff, equipment and food supplies to Christmas Island in July. The total cost of these charter flights was \$199,590.



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#### (35) Output 1.3: Enforcement of Immigration Law

Senator Crossin (L&C 87-88) asked:

- (1) What is the current cost of maintaining the Coonawarra facility?
- (2) What is the current amount of money that has been expended to date in building that facility?
- (3) Provide a breakdown of what has been spent to date in building that centre?"

*Answer:*

- (1) The current cost of maintaining the Coonawarra facility is as follows:

General ground maintenance	Department of Defence covers this aspect
Other maintenance (including fire safety maintenance)	\$65,119 per annum

- (2) The current amount of money expended to date in building the facility is \$7.4 million.
- (3) The breakdown of the \$7.4 million is as follows:

	Million
Supply, transport, erection and fit out of demountable units	\$4.5
Perimeter security (fence, lights, site preparation)	\$1.2
Site works, services upgrade and minor civil/drainage	\$1.0
Electrical/data and minor establishment works	\$0.4
Design and construction management fees	\$0.2
Recreation and landscaping	\$0.1

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**(36) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 88) asked, "Have you had a letter from the Department of Defence about the possible sale of Coonawarra?"

*Answer:*

The Department has no record of a letter from the Department of Defence about the possible sale of Coonawarra.

The Department has approached Defence to clarify this matter.

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### **(37) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 88-89) asked, "What approaches has DIMIA had to release Coonawarra for community use?"

*Answer:*

The Department records show two approaches for the release of Coonawarra for community use:

In April 2003, the NT Christian Schools Association requested that some of the buildings be made available for relocation to another site to accommodate staff and students.

The Mayor of Palmerston approached the Department in June 2003 seeking the possible use of the Coonawarra facility for a variety of uses including emergency accommodation.

The Department responded to both requests outlining that the facility at Coonawarra is a contingency immigration detention facility and must be available for use at short notice. A number of the buildings are in fact the property of the Department of Defence and in use from time to time. Both of these factors meant the requests were not agreed to.

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**(38) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 89) asked, "Has the Department had some discussions with the Department of Defence about overcoming the problem of access to community groups?"

*Answer:*

No.

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#### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

#### **(39) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 89) asked, "Are illegal fishermen still being processed through the Foskey pavilion at the showgrounds and how many have been processed through the showgrounds since 1 January this year and on what dates?"

*Answer:*

Foskeys pavilion was used once during 2003 for the detention of 45 illegal fishers for a period of three days. This occurred between 10-12 March when a cyclone warning was in force and the Darwin Harbour Master implemented the harbour cyclone strategy. (The cyclone warning included the requirement that no person remain on their vessel in the harbour. Foskeys pavilion was used during the cyclone warning, as an alternative place of detention for the illegal fishers as it was an approved cyclone shelter).

Logistical issues surrounding the move to Foskeys pavilion, security and catering were undertaken by NT Fisheries. DIMIA supplied bedding, towels, crockery, tables and chairs from the unauthorised boat arrivals contingency store.

Illegal fishermen are not currently processed through Foskeys pavilion. Following apprehension by NT Fisheries, they are detained on their vessels under Fisheries legislation. On cessation of their enforcement visa, they are then detained by DIMIA. While in immigration detention, they remain on their vessel in the care of NT Fisheries until their situation has been resolved.

Where fishers cannot be held on their vessels, such as during poor weather, DIMIA can assist NT Fisheries with land-based immigration detention arrangements. One option available is Foskeys pavilion, which is a gazetted place of immigration detention.

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##### **(40) Output 1.3: Enforcement of Immigration Law**

Senator Scullion (L&C 90) asked for an update of the training provided to detention centre security guards.

*Answer:*

##### **Detention Officers Pre-Service Training**

All new Detention Officer recruits receive 240 hours of orientation and pre-service training, with ongoing on the job training of up to 15 months, working towards their Certificate III in Correctional Practice.

##### **Certificate III in Correctional Practice**

The Certificate III in Correctional Practice has been utilised throughout ACM operations to effectively train their staff. As there is no formal Certificate in Detention Services, ACM has delivered this program to better suit detention services by ensuring that the units used in this package have been included in the learner resources and can be related to the services provided in the contract. DIMIA has reviewed and approved the use of this training course.

ACM is a Registered Training Organisation with the Australian National Training Authority (ANTA) for the purposes of delivering the Certificate III in Correctional Practice program.

In June 2002, a new Correctional Package – CSC 30201 was issued to replace the previously used package CSC 30198. This new package included extensive requirements in the communication modules and also allowed for a more broad combination of units in order to obtain competency. The course is comprised of 16 units of which the four core units are completed in the first six weeks of the pre-service training. The remaining 12 units are completed on the job over a 15 month period.

The new Correctional package has been revised by ANTA and includes more references and information on cultural dynamics, communication strategies, environmental considerations and more, and this has been enhanced by the feedback from experiences in detention services.

During the training the following topics are covered:

Cultural Awareness	Explanation of Traineeship
Human Rights	Fire Safety Awareness
Onshore Protection	First Aid
Refugee Council of Australia presentation	Health & Hygiene
Sexual Abuse Management	HRAT (High Risk Assessment Team)
Suicide awareness	Infection Control
Torture & Trauma Awareness	Managing Emergencies
Course Administration	Occupational Health & Safety
Commonwealth Privacy Legislation	Detainee Management
Communication	Ombudsman
Control & Restraint	Preservation of a Crime Scene
Defence Tactics	Radio Telephone Procedure
DIMIA Detention Policy	Safety & Security
EEO, Harassment	Use of Batons
Escort Procedures	Use of Handcuffs

Where possible, tutors are sourced from specialist organisations in the field covered by a particular topic. (eg the Human Rights topic is presented by a representative from the Human Rights and Equal Opportunity Commission and the Torture and Trauma topic is presented by a representative from the organisation Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS)). ACM employees are generally engaged to deliver safety and security components of the program.

### **Annual Refresher Training**

Refresher training for operational staff shall include, but is not limited to:

- Maintaining First Aid skills and qualifications;
- Health and Safety updates;
- EEO, and Anti-Harassment and Bullying policies;
- Fire awareness and suppression;
- Suicide prevention and HRAT; and
- Q.A. & Policy and procedure updates.

### **Correction Officers Bridging Training**

This course has been developed to assist Correctional Officers to achieve a smooth transition into the field of Detention Services. (24 hours direct tuition, 6 hours self paced pack, 2 hours briefing and 8 hours on site orientation).

Key areas targeted are as follows:

- Legislative Overview;
- Multicultural Awareness;
- Role of a Detention Officer;
- Code of Conduct;
- Immigration Detention Standards;
- Onshore Protection and the Privacy Act;
- Cross Cultural Communication;
- Escort;
- Searches; and
- Language Services

### **Independent Assessment of Training**

In accordance with the Australian Qualification Training Framework Standards, ACM is required to undertake an annual audit in order to ensure that training methods are meeting the standards. These standards dictate compliance with regards to being a Registered Training Organisation.

In November 2002, Australasian Correctional Management underwent an independent evaluation of its training programs across the detention services sites. This evaluation was conducted by the East Gippsland Institute of TAFE (EGIT). Recommendations for improvement with regards to policies and procedures have since been implemented and proven to be sound.

Regular internal audits are also conducted to ensure compliance with the relevant standards.



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**(41) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 92) asked for a copy of the quarterly performance assessment.

*Answer:*

The information sought is considered to be commercial-in-confidence.

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**(42) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 95) asked, " When was the department first notified about this boat - at what time and by what means?"

*Answer:*

The Department was first advised on 4 November 2003 at around 14:15 Eastern Standard Time in Canberra, by Coastwatch, and in our Northern Territory Office, by the Northern Territory Police.

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**(43) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 95) asked, " When was the Minister notified, the time, and by whom? In addition, what action was then taken?"

*Answer:*

The Department advised the Minister on 4 November 2003 at about 14:30 and a meeting of the People Smuggling Task Force (PSTF) was called for 16:00 that day to develop and manage the response to the incident.

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**(44) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 95) asked:

When were the Migration Amendment Regulations 2003 (No. 8) introduced, gazetted or signed, as the case may be?

*Answer:*

The Migration Amendment Regulations 2003 (No.8) were made by the Governor-General in Executive Council on the afternoon of 4 November 2003. The Regulations were notified in the *Gazette* on the same afternoon.

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**(45) Output 1.3: Enforcement of Immigration Law**

Senator Ludwig (L&C 95) asked, "What was the time, the longitude and latitude of the boat when it was first picked up, spotted or identified and the means by which that was done?"

*Answer:*

The vessel was first reported to Australian authorities by a resident of the Melville Island Snake Bay community at about 12:45 local time. He and others in the community observed the vessel arrive at Snake Bay. The latitude and longitude of Snake Bay is approximately 11° 25' South, 130° 40' East.

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### **(46) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 96) asked, "In relation to the reintegration packages for Afghans, are those figures for people returned under the initial \$2,000 package?"

*Answer:*

The figures quoted by Mr Steve Davis, First Assistant Secretary of the Unauthorised Arrivals and Detention Division at the Supplementary Budget Estimates Hearing on 4 November 2003 related to the \$2,000 Afghan reintegration package.

As at 30 September 2003, 130 offers had been made to Afghans in immigration detention, 79 persons had accepted the package and 54 had returned. Also, 40 Afghan TPV holders had accepted the reintegration package.