



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON MIGRATION

Reference: Immigration detention in Australia

WEDNESDAY, 18 MARCH 2009

CANBERRA

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**JOINT STANDING
COMMITTEE ON MIGRATION**

Wednesday, 18 March 2009

Members: Mr Danby (*Chair*), Mrs Vale (*Deputy Chair*), Senators Bilyk, Fierravanti-Wells, Hanson-Young and McEwen and Mrs D'Ath, Mr Georgiou, Dr Stone and Mr Zappia

Members in attendance: Senators Bilyk, Fierravanti-Wells and Hanson-Young and Mr Danby, Mrs D'Ath, Mr Georgiou, Dr Stone, Mrs Vale and Mr Zappia

Terms of reference for the inquiry:

To inquire into and report on:

- the criteria that should be applied in determining how long a person should be held in immigration detention
- the criteria that should be applied in determining when a person should be released from immigration detention following health and security checks
- options to expand the transparency and visibility of immigration detention centres
- the preferred infrastructure options for contemporary immigration detention
- options for the provision of detention services and detention health services across the range of current detention facilities, including Immigration Detention Centres (IDCs), Immigration Residential Housing, Immigration Transit Accommodation (ITA) and community detention
- options for additional community-based alternatives to immigration detention by
 - a) inquiring into international experience;
 - b) considering the manner in which such alternatives may be utilised in Australia to broaden the options available within the current immigration detention framework;
 - c) comparing the cost effectiveness of these alternatives with current options

WITNESSES

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Committee met at 12.28 pm

CORRELL, Mr Bob, Deputy Secretary, Department of Immigration and Citizenship

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WILSON, Ms Jackie, First Assistant Secretary, Community and Detention Services Division, Department of Immigration and Citizenship

CHAIR (Mr Danby)—I declare open this public hearing of the inquiry into immigration detention in Australia. Today we welcome back our friends from the Department of Immigration and Citizenship. I would like to commence this proceeding by acknowledging the department's contribution to the inquiry to date. In addition to facilitating visits by the committee to the detention facilities around the country, as well as giving us the opportunity to meet with its clients, the department has endeavoured to respond to many written questions from the committee—probably many, many questions from the committee. I know that some questions have been difficult—some, even, that we are still discussing. We appreciate your ability to handle some of them.

We last heard from you on 24 September 2008. Since then, the committee has tabled its first report of the inquiry into immigration detention and we look forward to receiving the government's response to that report in the near future, particularly some aspects of it in the very near future. There have also been some significant changes since that date, most notably the opening of the Christmas Island Immigration Detention Centre in response to an increased number of unauthorised boat arrivals, including one reported to have been intercepted last week north of Darwin—to my personal great regret.

As we understand it, a feasibility study for the redevelopment of the Villawood Immigration Detention Centre is nearing completion. Interim works, including the refurbishment of stage 1 at Villawood, are currently underway. The outcomes of this study are of interest to the committee as our final report will look at preferred infrastructure options for contemporary immigration detention.

Mr Metcalfe and your team, we thank you for your appearance today and we look forward to your input into the hearing. If you would like to give an opening statement, as is normal, we would appreciate that. I just remind you that this hearing is the equivalent of the legal proceedings of the parliament and warrants the same respect as the proceedings themselves.

Mr Metcalfe—Thank you very much, Mr Chair and members of the committee, and thank you for your kind words about the assistance the department has given to date with the committee's inquiry. We certainly intend to continue in that way. I would like to provide an opening statement largely to update you on some recent developments and to cover some issues raised in the terms of reference that the committee is now focusing on.

Again, I will state for the record that we greatly appreciate the opportunity to develop and improve the management of immigration detention arrangements and the broader issues relating to whether people should be in detention in the first place—immigration status issues. This hearing of the committee assists greatly by addressing the committee's four terms of reference relating to options to expand the transparency and visibility of immigration detention centres, the preferred infrastructure options for contemporary immigration detention, options for the provision of detention services and detention health services across a range of facilities and options for additional community based alternatives to immigration detention.

The department very much welcomes the committee's first record which addressed the criteria that should be applied in determining how long a person should be held in detention, the criteria that should be applied in determining when a person should be released from detention following health and security checks, review mechanisms, removals policy and detention charges. The government's response to this first report is currently being finalised. In addition to assisting with the response, the department has also responded to questions asked by the committee, as you have noted, Mr Chair. To date, we received about 70, I think, questions in 2008 and another 22 were received on 29 January 2009. Only one is outstanding.

As have you noted, Mr Chair, I am very pleased to advise the committee that the government has acted on one of the recommendations of the committee's first report. The Migration Amendment (Abolishing Detention Debt) Bill 2009 was introduced into the Senate this morning. The bill seeks to amend the Migration Act to remove the liability for detention and related costs for certain persons and liable third parties and extinguishes all outstanding immigration detention debt. Prospective debt liability will remain in respect of convicted illegal fishers and convicted people-smugglers.

As the committee is aware, on 29 July last year the Minister for Immigration and Citizenship, Senator Chris Evans, announced the government's seven key immigration detention values. Under these values the key determinant for detaining a person is the risk they pose the community, and the department must justify the decision to detain against those values. In accordance with the government's policy, the presumption is that a person should be in the community while their immigration status is resolved, rather than in an immigration detention facility. The government's intention was that the detention values would be applied administratively in the first instance, followed by future regulation and legislative change as appropriate—and we have seen the commencement of that this morning. In line with that approach, the department is now well advanced in developing a package of legislative regulatory and policy reforms. Since July last year, there has been considerable progress in implementing

the new detention values administratively. The values are being used to inform the decisions to detain and guide all placement decisions within the detention environment. A robust risk assessment tool is being developed to identify risks posed by individuals and guide officers when checking whether an unlawful non-citizen should in fact be issued with a bridging visa and remain in the community or whether they should be detained in some form of immigration detention.

The principle that no children are detained in an immigration detention centre was implemented immediately and indeed, of course, reflects policy arrangements put in place in June 2005. The department are currently undertaking a review of all our policy and procedural matters relating to the treatment of minors as they enter, transit and leave the status of immigration detention. This review is to ensure that the best-interests-of-the-child principle is at the forefront if a minor is ever taken into the status of immigration detention.

The national status resolution service continues to boost the department to actively engage and resolve the immigration status of bridging visa holders without, if possible, ever resorting to their detention. These developments have been underpinned by a concerted strategy to fully engage with our key stakeholders. At the end of last year, the department met with community stakeholders in Sydney, Melbourne, Brisbane, Perth and Adelaide, and those consultations have greatly informed how we operate in this new environment. We have also been working very closely with the Commonwealth and Immigration Ombudsman and also consultants Ernst & Young in developing methodology for the three-month senior officer and six-month ombudsman reviews of persons in detention, while we have also established a detention review unit within the department to assist with those reviews. Initial reviews due with the ombudsman in April are underway and drafts are now almost complete.

In line with the minister's announcement, the department, together with the minister, has been reviewing the cases of those people in detention as at August last year. Four hundred and thirty-eight people were in detention in August, and the review of their cases is now nearing completion. As at 6 March this year, 431 cases had been considered by the minister and seven particularly complex cases were still actively being considered. Of those 438 cases, 202 people have departed or have been removed from Australia, 82 have been granted bridging visas and a further 74 have been granted permanent visas allowing them to remain in Australia. Eighty remained in detention as the minister considered it appropriate based upon the individual risks and the particular circumstances of their cases.

CHAIR—I am sorry to interrupt. At this point in time, there are 80 people in detention in Australia?

Mr Metcalfe—No, there are more than that. This relates to the cohort of people in detention in August, but of course many people have come in and out—

CHAIR—Subsequent to that time, okay.

Mr Metcalfe—and we can provide you with detail of that later. In line with the government's new processing regime on Christmas Island, we have introduced access to legal advice, independent review, oversight by the Immigration Ombudsman and procedural fairness for people who arrived unauthorised at offshore excised places.

We believe that the impact of these changes in our management of detention can now be seen in recent trends and analysis. Fewer unlawful noncitizens located in the community are being detained. Since July last year, around 50 per cent of people located by compliance officers in the field or through a police referral have been detained, comparing with about 65 per cent in the previous financial year. At the same time, the proportion of people complying with the departure requirement of their bridging visa E has remained steady at around 90 per cent. In other words, we believe that community management of immigration status is proving as effective as detention and indeed is leading to a far less risky environment for the department and a far better outcome for the individuals.

CHAIR—You said ‘remains’. So it was 90 per cent and it stays at 90 per cent?

Mr Metcalfe—It remains 90 per cent, so effectively immigration compliance outcomes have remained very positive while we have moved the management of the cases outside the detention environment, so it is something that we are very positive about it.

Those people who are being detained are on average spending less time in detention. In the first half of the 2008-09 financial year, around 73 per cent of people removed from Australia were so within two weeks of being detained. This compares with 66 per cent in the 2007-08 financial year. The proportion of people in detention for longer than six months has been halved from 49 per cent of the detention population in July 2008 to 22.6 per cent in January 2009. Also in line with the policy to apply the least restrictive form of detention, the proportion of the detention population held in community and alternative arrangements outside a detention centre has risen significantly. As positive as some of these trends are, we know that there is still much more that needs to be done and that can be done. The department remains committed to implementing further improvements to the way that immigration status resolution and immigration detention operate into the future.

Could I just briefly, now, update you on infrastructure matters. An essential part of ensuring that people in the immigration detention network are appropriately placed within the network and treated fairly and humanely is in developing a flexible, modern and appropriate range of accommodation options which reflect the new key immigration detention values. Accordingly, many changes have been made to our detention infrastructure.

Our detention network follows three main themes. Firstly, unauthorised boat arrivals are accommodated on Christmas Island at the various facilities—the construction camp, Phosphate Hill, a range of community accommodation in the main township and, only where necessary, the purpose-built facility at North West Point. Secondly, illegal foreign fishers are accommodated in Darwin at the Northern Immigration Detention Centre. Thirdly, visa overstayers, unauthorised air arrivals and people who have had their visas cancelled, amongst others, are accommodated in the network of facilities around Australia—in Perth, Maribyrnong and Sydney, in particular.

The mainland facilities seek to provide the least level of containment and restriction according to risk. Apart from community options, formal facilities now include immigration residential housing and immigration transit accommodation facilities, which are more domestic in nature. IRHs are available in Perth and Sydney and provide clients with independent family style housing in a community setting, while ITAs are small-scale, hostel style facilities for short-term, low-risk clients. They provide shared amenities—areas for dining, entertaining and catering,

indoor and outdoor recreation areas and landscaped outdoor recreation areas. The department currently has ITAs in Brisbane and Melbourne, and rental homes are being used in Adelaide. A future purpose-built ITA in Adelaide is under consideration. Villawood, in Sydney, is the largest immigration detention centre. It is supported nationally by a small centre in Perth and a medium-sized centre in Melbourne. All of those facilities have been modified and are being updated to provide better and more appropriate amenity for clients.

As you would be aware, Mr Chair, the government has announced, as part of the 2008-2009 budget, the provision of \$1.1 million for the department to bring forward a detailed redevelopment plan for Villawood. Options for that redevelopment are being investigated to bring proposals back to government in the 2009-2010 budget—in other words, at the moment. Funding proposals for this are being progressed for the 2009-2010 budget as well. In the meantime, a number of early works are currently underway at a cost of around \$7 million, including reducing the extent of razor wire, minimising the impact of the palisade fences in stage 1 and improving the conditions in the higher-care unit in stage 3. Further works have commenced and will be completed progressively between now and July, including the creation of the new stage 3 high-care unit that provides a range of care options, improvements to the higher-security stage 1 accommodation and amenities, and a realignment and reduction of fences in stages 2 and 3.

Villawood has the highest-risk clients in the immigration detention network. Several of those clients have their removal from Australia pending, following the cancellation, on character grounds, of their visas under the Migration Act, which may follow conviction of the visa holder for serious criminal offences. The redevelopment of the VIDC would provide a range of accommodation options for those in the care of the department, including better amenities and lifestyle prospects for people in detention who are awaiting removal or who cannot be immediately placed in a community setting. It will also provide a safer and more satisfying work environment for employees of the centre, as well as contribute to more efficient management.

Aside from Villawood, progress has also been made on Christmas Island. The department has been working closely with a range of key stakeholders to ensure that our clients on Christmas Island are accommodated in humane, modern and comfortable accommodation that reflects their individual needs and situations. As you have noted, Mr Chair, the department began using the newly-developed Christmas Island IDC on 21 December 2008. The opening of the centre reflected the need to make available alternative accommodation in other locations on the island to cater for the diverse composition of groups of people who had recently arrived, particularly family groups and unaccompanied minors. The IDC is only being used to house single men and, as per policy, women and children are not placed in the centre under any circumstances. The IDC is being used in a low-security mode, with many of the security features disabled. Accommodating single men at the new IDC has allowed the department to use the island's other facilities for women and families with children. This means that women and families with children can now be placed in what is effectively a much improved environment.

The construction camp is used for the initial immigration processing of all new arrivals. It is used to accommodate women, children, family groups, vulnerable clients and, where necessary, people in community detention arrangements. The amenity of the construction camp is being enhanced by landscaping, tree planting and construction of additional paths. It is complemented by a number of duplexes, which are used for families in community detention, and by the

Phosphate Hill facility, which is available for use if required but is not utilised at present. The department also ensures that all minors on Christmas Island are held in family-friendly accommodation. Once their initial entry screening is completed, they are placed in community detention and, if unaccompanied, with qualified live-in foster carers.

Besides Villawood and Christmas Island, the department is also undertaking a number of other developments to ensure that our facilities cater for the changing environment of immigration detention and to ensure that people in immigration detention are provided with accommodation and services which meet their needs. For example, Perth IDC is in the process of undergoing a \$3.1 million upgrade which will include removing razor wire and installing alternative anticlimb structures, upgrading recreational courtyards and improving access, constructing additional bathrooms, refurbishing accommodation areas and improving the internal layout to enhance operational arrangements.

Northern IDC in Darwin has also undergone some significant improvements in recent times with a view, in particular, to improving the facility and bringing it more in line with what is needed for our client base there—predominantly illegal foreign fishers—but also to make it more suitable for the particular climate in that part of Australia. For example, additional recreation areas are being developed along with multi-use purpose-built cyclone shelters and shade structures. Measures are also being put in place to address the issue of heavy rain. In addition to these advances, medical quarantine facilities have been improved and, once again, razor wire has been removed and electronic detection systems introduced. In addition, separate housing has been constructed for illegal foreign fishers under the age of 18. It is close to but separate from the IDC and, once implemented, will take the place of commercial accommodation that is currently being used to house minors in Darwin.

In conclusion, the department is looking forward to continuing to work closely with your committee to ensure that its clients are provided with the most appropriate services and facilities while their immigration status is being resolved. We look forward to receiving your further reports and comments and, through answering your questions today and questions on notice in future, we hope to aid your processes accordingly. Again I say that we warmly welcome the opportunity to take part in the hearing.

CHAIR—Thank you for your extremely comprehensive opening statement. It is full of interesting things which might, unfortunately, prompt us to ask more questions. In your opening comments you alluded to the fact that the first three-monthly reviews were undertaken recently and were due at the end of January or early February.

Ms Larkins—There has been a slight delay in getting the methodology established but the first cohort of reviews—say 12 reviews—that are due with the Ombudsman in April are at the moment being finalised. So we have started the process of reviewing.

CHAIR—That is with the Ombudsman, but what about the three-monthly reviews to be undertaken by—

Ms Larkins—The three-monthly reviews?

CHAIR—Yes.

Ms Larkins—For this first cohort, we will have all current clients who are in detention reviewed in a three-month and six-month process by July, but as a transition in, we are doing a review at five months to allow the Ombudsman to do the six-month review, and that first tranche of 12 that are due in April is nearly completed at the moment.

Mr GEORGIU—So has there been a three-month review?

Ms Larkins—For that cohort, no. We have basically collapsed the three and six months as a transition period, so we are doing a five-month review.

Mr GEORGIU—So when will we transit to a three-month review?

Ms Larkins—By July all clients will be moving to the three-month and six-month review.

CHAIR—How many people are in this collapsed review?

Ms Larkins—I have those figures; I will just find them.

CHAIR—And this is done as a once-off for everyone.

Ms Larkins—We have 12 who are due to be referred to the Ombudsman in April, 30 who are due to be referred to the Ombudsman in May and 126 who are due to be referred to the Ombudsman in June. From July we will have all clients who are in detention over six months having both the three- and six-month reviews. I should note that of the May number, 10 are clients who are currently in detention on Christmas Island, and of the June number, 107 are clients who are currently in detention on Christmas Island.

Mr Metcalfe—We would hope that some of those are no longer in detention and therefore the review is not necessary, Mr Chair.

CHAIR—Before I turn it over to other members of the committee, can I just ask you one more question, and switch to the area of community detention. We assume that the department has conducted a good deal of analysis about the Community Care Pilot, in light of the fact that the pilot is due to end in this financial year. Can you advise us of your preliminary findings? Do you think it is likely to be implemented permanently? Does the department anticipate a budget increase for the CCP?

Mr Metcalfe—I cannot go into budget issues, as you would appreciate, but the answer to that will be made available in the budget in May. We are very pleased with the progress of the Community Care Pilot. It was an idea that came from the department working in consort with key stakeholders some years ago. We are pleased that it has been funded to continue. My colleagues can provide more information about our assessment of the success in the business case. Without saying anything that would breach budget rules, I am very hopeful that we will be able to continue into the future.

Mr Hughes—We are very happy with the success of the Community Care Pilot. It has been very useful in terms of people having their status resolved and departing voluntarily without the use of detention, in quite a number of cases. I will ask Ms Gillam to fill that in a little bit further.

Ms Gillam—The Community Care Pilot has now been in operation since May 2006. We have had some 900 clients supported by the pilot, receiving services provided by the Red Cross to support them in terms of their health and welfare while they have been in the community having their immigration status resolved. Clients have also been supported by the IOM—the International Organisation for Migration—in terms of assisted voluntary returns. We have had really very pleasing results. Many of the clients in the pilot have been in the Australian community for a long time; on average, around six years. But for those who have received an immigration outcome while they have been supported through the pilot, they have received outcomes within—on average—about six months of support through the pilot. We are very pleased with the time in which we have been able to resolve those cases. To date, 114 clients have returned voluntarily to their community. That caseload, in particular, is of importance to us because they are clients who, in the past, we would not have been able to assist without detaining and removing. Another cohort of clients has been granted visas and only 33 were ultimately detained and removed.

CHAIR—Out of how many, altogether—900, did you say?

Ms Gillam—That is of the 420 clients who have exited with an immigration outcome.

Mr Metcalfe—Could I just very briefly say that, to be honest, I do not think that the department, prior to 2005, could have conceived of such a scheme. It was a new idea. I would just to place on the record the fact that Mr Correll was looking for new ways of doing things and worked closely with Grant Mitchell, who at that stage was working with the Hotham Mission. They had been promoting the idea of community resolution of cases. Out of that has come some very good work. And we are very hopeful it will continue into the future and, as I indicated before, demonstrate that we can achieve good outcomes, both in terms of status resolution for the individual—should they stay or go—but without people coming into a high risk detention environment.

Dr STONE—I guess we should commend Minister Amanda Vanstone for helping—

Mr Metcalfe—Yes. Certainly, the funding was provided in the budget a couple of years ago.

Mrs D'ATH—I have just a couple of questions. In relation to Christmas Island, can you tell me how many people are there now? And if there are any women and children, where are they exactly residing on the island?

Ms Wilson—There are currently 137 clients on Christmas Island. Of that, 104 are in the new detention centre and 33 are accommodated in the community, in community detention. There are no clients currently in Phosphate Hill or Construction Camp.

Mrs D'ATH—Could you repeat that?

Ms Wilson—As at 13 March, there are 137 clients on Christmas Island. One hundred and four are in the detention centre—single men, as the secretary outlined earlier—and 33 are accommodated in community detention arrangements, largely duplexes and other accommodation on the island.

Mrs D'ATH—None are in the construction camp?

Ms Wilson—No.

Mr Metcalfe—As you know, we are expecting another 54 clients to arrive in the next few days. As per our arrangements, they would be processed in through the construction camp, so it will be available for them.

Mrs D'ATH—You mentioned there were some security features that have been disabled in the new detention centre because of the level of security needed. Can you explain what security features have been disabled.

Ms Wilson—The centre works on the basis that every door is connected to a swipe card. To not move very far, you have to get through and have guards open doors and things like that, once people have got through separation detention and their initial entry interview, when they are able to mix. All of those doors have been held open rather than requiring a swipe to get through. As much as possible, there is movement within the whole complex so that people can go and use the gym and tennis courts and move around in the big open space. There is a central green area called the grass hub, so people can move around that freely as well. We currently have a group of people who have largely gone through their interview processing, so there is no need to keep individuals separate from other individuals who were in a boat or to separate boats from other boats that have arrived. There is freedom to move within the broader fenced environments.

Mrs D'ATH—Where are the 104 being accommodated?

Mr Metcalfe—Within the centre?

Mrs D'ATH—Yes. Are there different sections?

Ms Wilson—I do not have the details. They are in the lowest risk compounds. Those are the ones we filled first.

Mrs D'ATH—There was talk about Villawood and a whole lot of changes and modernisation happening. Are there any proposed changes for the security features—for example, electric fencing—at the new facility on Christmas Island?

Ms Wilson—We have got some feedback from people like Graeme Innes and stakeholders who have visited the island. We are trying to look at which fences we can remove and at the areas in which we can take away some of the security features that we are not using anyway. We are having a look at all of that. At the moment, we have departmental people on site identifying what can be done to improve those arrangements.

Mrs D'ATH—Okay. This committee has made a number of requests for information to DIAC, and the response has been that it is difficult to gather the statistical information being asked for. What action is being taken at the moment or has already been taken to start improving the record-keeping and tracking of information so that we know exactly how many people are on bridging visas, how many people have work rights, how many people have access to health services—all those sorts of things?

Mr Correll—Very good questions. One of the key things we are trying to do—and have been trying to do for the last 2½ years now—is a major revamp of the computer systems in the department and improving the management information. At the moment, we are about two-thirds of the way through that. The dominant work has initially been in the area of compliance, case management and detention areas. We will be introducing what is called a new portal with the new contracted service providers that may come out of the tender processes currently operating. That will basically be a key way for us to get much better information and data flowing through. At present, a lot of the requirements to pull out information have to be done in a highly manual way. In some cases, data fields are not complete to enable the sorts of definitions of information that you may be looking for.

In other areas—for example, in costing information—we are in a slightly difficult position at this stage because we are getting very close to the outcome of the tender processes, which means we are about to enter into a contract negotiation phase. That makes it very difficult for us to put current cost structures into the public domain, because they can influence the negotiations. We hope to be into that contract negotiation phase very soon now. We are getting very close to that point from the tenders.

Mrs D'ATH—I believe that we will be talking about that issue shortly. On the question of the computer system and the tracking of information, how far away you from having a system which can record and easily obtain records and analyse visas and so forth?

Mr Correll—Right now, a case manager in the department gets about what we would call a 90 per cent complete view of all client information. That means that any transactions that are occurring in relation to one of our clients in any different part of the organisation—it might be compliance; it might be in the detention area—are instantly visible to the case manager. That has represented a major step forward, as has the introduction of case management services within the department. That end-to-end view of the client did not exist until probably about 18 months to two years ago. All of those changes have been built in. The key thing that we probably have not quite got to the point of yet is having a complete data warehouse with all of the data fields populated so that when queries come through we can rapidly extract and then present useful information. That applies not just for your own questions but for effective management of performance within the organisation. It is a major priority to deliver those improvements.

Mrs VALE—Thank you very much for coming. Given the reforms that have happened, is it too early to ask how you see the future of the numbers relative to the different forms of detention, such as detention in the IDCs or the community or alternative detention or bridging visas?

Mr Metcalfe—We will probably see the trends that I outlined in my opening statement continuing in the same direction. If there is budget funding for the community care arrangements to continue into the future, then that will be a major capability that we will have to ensure that that non-detention status resolution activity occurs. The policy principles outlined by the government are very clear. We are already seeing a significant move away from detention centres into other forms of detention and community detention. Indeed, the phrase 'community detention' is the wrong phrase to use. It is really a form of bail or a reporting arrangement. Part of our work here is to get our definitions straightened out a bit. But we expect that there will be fewer people in detention, that people will be in detention for shorter periods of time and that

more people will be able to have their immigration status matters resolved in the community—apart from those arrangements that are in place relating to unauthorised arrivals that the government has some clear policies in regard to. In summary, my expectation would be that the trends you are seeing will continue.

Mrs VALE—I know that there is sensitivity to do with the costings and everything, but—without mentioning costs—is it your comprehension that community detention is not as expensive as full IDC detention? Can you say that now or is it better to leave that question to a later time?

Mr Correll—We have and understand the relative costs between the forms of detention. Without specifying them, the cost for someone who has been in a community setting under the traditional arrangements that have applied to date is probably the lowest cost. I cannot comment on whether that cost would be the same as a cost structure in the future where a different type of service framework might be applicable. Where someone has been in a detention situation in the community, generally the cost of that is lower than other forms of detention, such as residential housing, transit accommodation or in a detention centre.

Mr Metcalfe—I would also add that there is a different type of cost. Being in a detention environment carries significant costs and risks as far as the individual is concerned, such as the deprivation of liberty. It also places a great responsibility on the department. It is not just that it costs less for people to be in the community; there are actually fewer costs in terms of impact on individuals and, indeed, risks carried by the Commonwealth. So there are a range of reasons that you go down this path.

The key question is this: does this, in fact, ultimately weaken an integrated, robust immigration management system where we rely upon compliance with our rules and regulations by the millions of people who come to Australia every year—and where we have not developed, as have some other countries such as the United States or the United Kingdom, a huge number of people illegally in the community with all of the negative aspects associated with exploitation and that sort of thing? Our work to date shows that we are not running that risk—that we are able to maintain the number of overstayers in Australia at less than 50,000, even though the number of people travelling here has gone up. We have been able, based on the figures relating to the community care and bridging visa arrangements, to achieve immigration resolution in the community with an outcome similar to that for people entering into detention.

The trick is to achieve that good immigration system—and we, frankly, have got one of the best in the world—in a way that costs less and has much less impact on individuals. If you can do it, then that is obviously the policy direction that we are pursuing.

Mrs VALE—Of course, a lot of these people who really want to come here have an interest in abiding by the rules.

Mr Metcalfe—The vast majority do. Our global overstay rate, or non-return rate, is less than one per cent. So less than one person out of a hundred who comes to Australia overstays, works illegally, applies for some other visa—

Mrs VALE—I would like to go just a step further on community detention. We actually had a roundtable interview with several people who were in community detention but, quite frankly, community detention is not a great panacea either. It does have pitfalls or problems for the people who are in community detention. One of the most obvious to us was extreme loneliness. Also they were not able to work, so they were also probably being bored out of their brains. I suppose this will be something that you will look at down the track in a review. Are you intending to review community detention, the processes and how the people going through it are faring over time?

Mr Correll—That is an area where we are focusing very intensive policy consideration at the present stage and, obviously, looking to advise the minister. My earlier comment about relative costs made reference to the fact that a situation we describe as community detention—but it might be an individual in the community in the future—may need some level of support services that need to be appropriately designed.

The whole fundamental basis—what it is all about—is this: how can we, as quickly as possible, resolve the immigration status of that individual and, whilst that occurs, how can we effectively maintain reasonable circumstances in the community? That is the bottom line position. Then it becomes a question of what you need to put in place to make that work effectively and to have an environment which is most conducive to resolving the immigration status of the individual.

Mrs VALE—What is the rationale that they cannot work?

Mr Correll—It goes to questions of incentives or disincentives, and factors that might represent encouraging factors for people to be breaching the integrity of Australia's immigration and entry systems. I think that is part of the whole policy picture that needs to be looked at.

Mrs VALE—Even voluntary work—could they be encouraged to do that?

Mr Metcalfe—As Bob says, there is a range of policy work underway which gets tied up in budget processes and various other things, but the historical rationale was that Australia has quite a liberal visa arrangement in relation to tourists, and once people arrive in Australia then there is virtually zero government intervention in relation to their movement or anything like that. This is unlike some countries overseas where you have to leave your passport at the hotel and that sort of thing.

CHAIR—Identity documents.

Mr Metcalfe—And no identity documents and that sort of thing. The intention is that that would not impact on employment opportunities for Australians—that we do not develop a visitor visa system whereby people come to work in Australia. Unfortunately that does happen on some occasions, and we have just seen in the last week a fairly elaborate scheme where the department was involved in investigating identity fraud, illegal work and all that sort of thing.

There is a related set of issues, though, with people who may be seeking asylum in Australia and who have come to Australia. I think this committee in the past, certainly the parliament over the last 10 to 12 years, has looked at arrangements as to whether people who come to Australia

and then seek asylum in Australia should be permitted to work while that matter is resolved. In 1997 the parliament put in place regulations that limited access to work rights unless a person applied within 45 days—I think that was a negotiated period—of arriving in Australia. There has been significant policy consideration and consultation on those issues. I am not at liberty to discuss what decisions government may take in relation to that, but that is an active issue as well.

Mrs VALE—Since we had that particular roundtable, things have changed in the economic environment. This will be my last question because colleagues have questions to ask. When it comes to alternative accommodation, has the department ever thought of using Villawood but not having the wire and the guards there—having open-hostel type accommodation? This is something that people said at the roundtable about the ability to be able to talk to people of their own culture who are in a similar position, who are finding out things about this new land at a similar level—that kind of company that would be available. There is also the issue of protection. The women we spoke to felt very fearful about their personal safety out in the community.

Mr Metcalfe—You raise good issues. If we had been here 20 years ago, we would have been able to talk about the fact that we had migrant hostels in Wakool and Maribyrnong. Villawood was a migrant hostel, and they were elsewhere. For whatever reason, all of those facilities—

Mr Hughes—Back to the future.

Mrs VALE—It served a practical purpose.

Mr Metcalfe—Yes. What we have left, in terms of our owned accommodation, is detention facilities and virtually nothing else. We now have a bit more flexibility in relation to residential housing. The solution to getting women and kids out of detention centres and developing a community care pilot was really in partnership with the Red Cross. The only accommodation is rented accommodation, which brings about the issues you raise about disconnection and dislocation. I cannot see any immediate fix to the particular issue you have raised. We can certainly talk about what we would like to see in a refurbished Villawood, should funding become available through budget processes, and we are vigorously pursuing that—the sort of flexibility that we would like—but that is still largely a detention facility and, of course, what we are talking about here is a non-detention, community facility.

CHAIR—An open style reception centre.

Mr Metcalfe—Yes, an open style reception centre.

Mrs VALE—There are lots of roads that lead to Villawood. You could actually section a part off that has its own open street.

Mr Metcalfe—Yes. Flexibility in the design of a new Villawood would be important. Whether it is possible to have a part that is not, in fact, a detention centre at all but simply provides those sorts of facilities.

Mrs VALE—I have a very last question, and this will be quick because I have been getting the eye from the Chair! One of the concerns that two women had over a particular episode—they broke down into tears; they were absolutely shattered—is that they overstayed their visa and were taken by departmental people to Villawood or wherever, but they do not know what happened to their possessions. This is really a big thing for a woman. They were shattered about what happened to the photographs of their families—they do not know what happened to them.

Mr Metcalfe—That should not be the case. It is unacceptable if that has occurred. We might get details from the secretariat as to how we can fix that.

Mrs VALE—This is about two different women. I can only think it probably happens to others too. All the things—the treasures—they brought from their home country—

Mr Metcalfe—That is absolutely unacceptable. We will get some details and address that issue.

Mrs VALE—Thank you.

Senator HANSON-YOUNG—I have a few specific questions, but I also have some general questions around Christmas Island. I will ask the Christmas Island ones first and then we can go into the specifics. I apologise if any of these questions were asked while we had the division; just tell me if they were. Could you give us a rundown on the way things are operating at the moment in terms of the different facilities on Christmas Island? Then we can go from there.

Mr Metcalfe—For sure. I covered some of that in my opening statement, but perhaps Ms Wilson could give a brief recap on what is happening.

Ms Wilson—We mentioned earlier that the single males are all being accommodated in North-West Point. When people arrive on the island, all processing happens at the construction camp and we identify any family groups, any minors and any relationships. Anyone in a family group, a minor or people with any particular issue that we need to address will remain at the construction camp and the rest of the single males will move across to the North-West Point IDC. They remain there until we deal with issues of health, identity and security. Depending on decisions made they will then be moved out into the community on community detention into our duplexes, which are further away on the island.

Senator HANSON-YOUNG—Anyone who is not in the single-male group?

Ms Wilson—The families that include men will go to construction camp and remain there until their processing happens, and the single males remain in North-West Point until their processing happens and then they are released into community detention.

Senator HANSON-YOUNG—Okay. So both groups are then released?

Ms Wilson—Yes, depending on the processing of their individual cases, of course.

CHAIR—Can you describe to the senator very briefly what you said before about the kinds of circumstances that the people are kept in, in the least secure parts of the IDC?

Ms Wilson—North-West Point has different levels of security in the different compounds. We are using the compounds which are the least secure. That means things are not bolted to the floor and there is normal garden furniture and bedding furniture and things like that—what we would see in our own houses, I suppose. We are using those facilities, and we have opened all the doors so that people can move freely. In the detention centre there is a door almost every couple of feet and you have to use an electronic swipe card to get through. To operate in the low-security mode we have opened all of those doors up so that once people are able to move freely they can basically have access to as much of the centre, including the gym, the library, the tennis court or any of those facilities that they might want to access.

Senator HANSON-YOUNG—When is the decision made that they are able to move freely?

Ms Wilson—Within the centre it is once they have gone through some of the initial screening and once they have done their initial interviews. Basically, when a boat arrives, we keep people in separation detention until they have had the initial telling of their story about where they came from, why they came, who they came with and things like that, so that they do not go and talk to other people and there is no contamination of evidence from an AFP perspective of trying to track down the people involved in people-smuggling.

Senator HANSON-YOUNG—Using the most recent boatload that came on the weekend as an example—and I understand they have not quite reached the facility yet—how long would it take for all of those people to go through that isolated process?

Ms Wilson—Through the separation phase?

Senator HANSON-YOUNG—Yes, the separation phase.

Ms Wilson—It should be no more than a few days. There is a charter flight going to Christmas Island, which flies out from Perth today, which will take a load of AFP personnel ready to support the entering of that boat as the people land. We expect that boat to get to boat to get to Christmas Island on Saturday morning. So we have moved to get people on the island speedily so they are set up and ready to go when the boat arrives on Saturday.

Senator HANSON-YOUNG—I guess that starts leading into my other questions. One of the things I was going to ask was: how many DIAC staff are currently based at Christmas Island?

Ms Wilson—I would have to take that on notice. Today was the transition of our staff teams. We have teams of people who stay for two to three weeks at a time. Depending on where the individual clients are with their processing we might have different areas of DIAC staff on the island—for the intelligence, the compliance or the case management and so on.

Mr Metcalfe—We have a small group of folks who are there basically managing the overall operation and whatever, and we then have fly-in fly-out teams, depending upon where people are. In terms of our centre and contract management folk liaising with GSL and others—do you have a number there, Jackie?

Ms Wilson—Probably about 10.

Mr Correll—There would be about 10 people there as the core group but, people are moving on and off on a regular basis, particularly in the current environment there, and there are also other agencies represented there. So there are a number of agencies and the staff of a number of agencies on the island involved in the interview and screening processes.

Senator HANSON-YOUNG—Could you take on notice how many people are usually there on an ongoing basis? Perhaps you could use this week as an example as to the current rotation. That would be great. How much does it cost to fly to Christmas Island?

Mr Metcalfe—It depends which way you fly.

Senator HANSON-YOUNG—Let's say from Perth. Is Perth the closest?

Mr Metcalfe—There are commercial flights from Perth, depending which day of the week. The only other way to get to Christmas Island is through Kuala Lumpur. Quite often if we have large numbers of staff involving the sort of activity that Ms Wilson just described, going up to be ready to receive the new group of arrivals, a charter flight would be arranged and the entire costs of that charter would be borne by the Commonwealth.

Senator HANSON-YOUNG—How much are we talking?

Ms Wilson—The charter costs about \$70,000 but it depends on the number of people on the plane and on the freight, because we often take fresh food and produce with us.

Senator HANSON-YOUNG—Is that return or one-way?

Ms Wilson—That is return. We use it as an opportunity to take new staff who are going on island and on the way back, taking the people off the island who are coming off.

Senator HANSON-YOUNG—So that is something that the department organises. It is a chartered flight, not commercial; is that right?

Mr Metcalfe—It depends. As I said, if we were to have a major occurrence and some people were found to be refugees and were being brought to Australia, or some new asylum seekers were arriving and needed to be processed, then we would normally organise the charter, which would allow the rotation of staff and the transport of whatever goods. However, if there were no reason for a charter to occur, we would have officers travelling up on commercial flights and, as I said, that would be either on a domestic route that goes through Christmas Island or, on occasion, that does involve travel through Kuala Lumpur.

Senator HANSON-YOUNG—How many other organisations are based on Christmas Island in terms of NGOs and community groups that offer support and that you have formal relationships and dialogue with on Christmas Island, and who are they?

Ms Wilson—I know the acronyms but someone had better help me out. CARAD, one of the NGOs, has a person on island.

Ms Keski-Nummi—It's the asylum seekers support program that operates out of Western Australia.

Ms Wilson—They have one person who is a social worker.

Ms Keski-Nummi—I cannot remember exactly what the acronym stands for but they are the equivalent of an asylum seekers support centre.

Senator HANSON-YOUNG—Do you have a formal arrangement where they come in on certain days and speak to people? How do you run that type of service?

Ms Wilson—Our provider on island, G4S, actually engage with the range of NGOs that are available, similar to what they would do on the mainland. They enter into arrangements with people to come into the facilities and provide a range of activities and programs. We have in the past, for example, had the Coalition for Asylum Seekers, Refugees and Detainees—that is why I could not remember it—do things like cultural activities such as drawing and dance, and talking to our clients about Australian life, history, geography, flora and fauna. We have had people from Youth With a Mission running some classes on art, craft, music, dance and English as a second language. It is our provider who makes approaches to these mostly non-government organisations and enter into arrangements to provide what it is our clients might be interested in engaging in.

Senator HANSON-YOUNG—So G4S organise that and they approach them.

Ms Wilson—Yes, that is right. We have similar arrangements for all our mainland detention centres as well.

CHAIR—Some of them are local; they are not just Perth based. Is that right?

Ms Wilson—There is a person from CARAD on the island. With the other groups, we often make arrangements to bring people onto the island. There are volunteers who want to come and work and deliver these services on the island and many of them, as my colleague said, are Perth based, because that is the most convenient location for bringing them out from.

Mr Correll—There is also the Red Cross, with whom the department has a direct relationship. They have a presence, and that is now a permanent presence, on the island. There would also be the other agencies, which were referred to earlier, that are connected in. There is also the issue of unaccompanied minors.

Ms Wilson—There is Life Without Barriers, which is a national not-for-profit organisation providing support for our unaccompanied minors on the island.

Dr STONE—As the shadow minister I was keen to get out to the island. This is the second time I have been knocked back, which is a shame. With the CCP, I am very concerned that we have tended to concentrate our infrastructure and services back into the metro area. What if there are people in rural and regional areas who do not want to be shifted from their connections and perhaps even their family? To what extent are we able to offer CCP support now outside metro areas?

Ms Gillam—The Community Care Pilot was a trial that was specifically set up for Sydney, Melbourne and Brisbane. It was also very much focused on vulnerable clients. We have from time to time extended services, where we have been able and where our service providers have had the capacity, to some clients in other areas. We have done a little bit of that in Queensland—we have gone outside the Brisbane area—and there have been a small number of clients in the ACT that we have managed to support. But it has been very small and in the context of a trial where we have concentrated our setup expenses in the major eastern seaboard cities.

Dr STONE—Is your expectation to expand it to other places where there have been minority groups. Is that part of your further budgeting?

Ms Gillam—That is part of the budget consideration.

Dr STONE—I also share Dana's concern about the employment situation, because a lot of the people on bridging visas who have health costs, in particular, are in a great deal of strife when it comes to being able to manage their own affairs. What are you doing about access to Medicare for health costs for people on bridging visas?

Mr Hughes—Mr Metcalfe has mentioned what is happening in terms of government policy in relation to the 45-day rule, as it was known. If the cases you are mentioning are asylum seekers—and that is currently under consideration and there may be something further on that in the budget context—I think there is still assistance through the Asylum Seeker Assistance Scheme, to a certain extent, with medical costs.

Dr STONE—What about those on bridging visas who may be awaiting an outcome because their cases are under appeal and are in community detention?

Mr Metcalfe—Again, it all depends slightly on the status of the individual. The majority, I imagine, would be asylum seekers and, as Mr Hughes has mentioned, the limitation on work rights has been associated with the so-called 45-day rule. There is more of that to come in terms of future policy directions.

The issue of asylum seekers also raises the issue of the Asylum Seeker Assistance Scheme, which has been in place for quite a long time now and which I think provides access to benefits at around 89 per cent of the Special Benefit rate. That is available for some people as well. There will be a different cohort who are the people who are over-stayers who may be on a bridging visa; they are not asylum seekers but are seeking some sort of resolution and they are unable to work. Our intention with the vast majority of those clients is to have the quickest possible status resolution and either their departure from Australia or access to a process that allows them to stay in Australia.

I do not want to be difficult, but I think part of the issue here is that we are probably dealing with a number of different groups and statuses. It would be best if we were able to pin down exactly what issues you have so that we can provide a precise description of current arrangements and what might change into the future.

Senator BILYK—I have one quick follow-on question from that. How many families with dependent children would there be on bridging visas who do not have access to—

CHAIR—Work rights.

Mr Metcalfe—We would have to take that on notice.

Senator BILYK—If you could give us that information, that would be really great.

Mr Metcalfe—Perhaps we could give you that over the last 12 months or something like that, because over the years there would have been thousands of people in that situation because bridging visas can exist for a day or for 10 years. But we will try and give you a meaningful response.

Senator BILYK—Thank you.

CHAIR—Over the last 12 months and the average amount of time that they have been without work rights.

Mr Metcalfe—Yes.

Dr STONE—Evidence has been from both the NGOs and from the people on bridging visas themselves, and of course we do not have any ability to work out what numbers we are talking about there quite often, but it has been a great financial distress, and the NGOs are saying, ‘We can’t continue.’

Mr Metcalfe—Yes. It is very well known and understood that the charitable groups and others have seen this as essentially a cost to them. That is largely focused on the issue of the so-called 45-day rule, as well as work rights, following a primary decision as people progress through a review process into judicial review and possibly the exercise of ministerial determinations. It is something that is very well understood. We discuss it regularly with stakeholders, and it is an issue that the minister is well aware of and considering.

Dr STONE—I ask about the health checks for asylum seekers, particularly boat people but also anyone else who might be coming in. What are the diseases and the particular checks? Do you have a list that you stick to—TB and so on—or is it just completely open ended?

Ms Wilson—There is a general health induction assessment that happens for all arrivals into detention, but when we have people arriving on boats—depending on where they come from and what countries they might have transited through—there are other particular things we might be doing additional checks for. You mentioned TB. That is the classic one that we tend to look at.

Dr STONE—So you have a list somewhere for your inductions?

Mr Metcalfe—There is a whole set of protocols.

Dr STONE—Where would I find those?

Mr Metcalfe—We can provide those to you.

Dr STONE—Please do.

Mr Metcalfe—Yes.

Dr STONE—Finally, there are obviously some people who have broken their visa conditions, who have offended, whom we regard as very high risk, whom we wish to be caught and from whom we wish the community to be kept safe. They have typically been in Villawood stage 1. Stage 1 is being demolished—that was the expectation.

Mr Metcalfe—We all hope so, one of these days.

Dr STONE—So what is the alternative accommodation expected to be like for people who are typically in stage 1?

Mr Metcalfe—As I said before, we were given some money in the last budget to come forward with a full business case, which is being considered in this budget, for the redevelopment of Villawood. Subject to approval of that, it is certainly our intention to replace stage 1, to demolish stage 1 and to create a new, more flexible Villawood, but we have identified that we will have a long-term need for what you would regard as a high-security facility for people who have largely come out of the prison system, whose visas have been cancelled. We are talking about some of the most serious offenders in Australia.

CHAIR—Mr Metcalfe, can I interrupt you there. I do not understand. Why isn't it possible to manage these people through the end of their prison term, not in a community care project but where immigration officials work with the prison officials and the individual, instead of having all of that period in prison and then in a detention centre? Why not use the period in prison to resolve the end of their status in Australia?

Mr Metcalfe—Absolutely correct, Mr Chair; that is what we try and do. We have had a policy approach by state corrections departments in the recent past, in the last five or 10 years, that they are not prepared to keep in immigration detention persons whose prison term has expired and who only remain in detention because consideration is given to whether deportation should occur or because they are awaiting removal, particularly for people where removal is difficult because of access to travel documents if the person is uncooperative. For example, some years ago, there were a large number of Vietnamese prisoners who remained in immigration detention long after their custodial sentences had expired but who did not cooperate with passport applications, and the Vietnamese government was not prepared to accept their return. An MOU was ultimately established with Vietnam, and that issue has now been dealt with.

The issue you raise, though, is a very important one. We seek to identify people in the prison system who may be subject of visa cancellation at an early stage of their custodial sentence and then to undertake a detailed engagement with them some years before the expiry of their sentence, bearing in mind that that is never a certain date because of parole and other issues, so that the question of whether their visa should be cancelled and whether they should be removed is resolved well before they finish their custodial term. The optimal arrangement is that they are released from prison at the end of their term and they go on a plane back home. Having said that, there will always be occasions where that does not work—either there is early release or there is protracted litigation or there is an inability to remove, and yet we have a very serious criminal. We certainly aim to minimise the number of people coming into our custody under that arrangement by dealing with the issues while they are in the corrections system.

CHAIR—It does work for some?

Mr Metcalfe—It does work.

CHAIR—I understand you are already doing it. Obviously, as Dr Stone was suggesting, your aim is to keep people who are non-criminal system people away from people who are in detention for immigration reasons?

Mr Metcalfe—Essentially, we draw a distinction between people who we would regard as high-risk individuals who may be at risk to others or to the community and people who are being held primarily for availability. But our objective there, too, is to hold as few people there. The whole discussion we have had today has been about getting those people into the community and certainly we are consistent with government principle. We believe long term that, even if we successfully manage people in the prison system who are to be deported, removed or have their visa cancelled, we will still need some sort of high-security facility. Villawood stage 1 is, to be perfectly blunt, a disgrace. It is long past its demolition date. We are incredibly frustrated that it has taken this long to get to this stage. I completely agree with the Human Rights Commissioner on this point. The minister is of the same view. Anyone who has been there is of the same view. We are very hopeful that, through the current budget processes, we will be able to achieve a road map forward for Villawood which sees the demolition of stage 1 and its replacement of new, modern purpose-built secure facilities for that small number of people who we need to accommodate in that way, together with more flexible arrangements that allow some calibration and as much freedom as possible for the other people who may be in immigration detention, acknowledging that we want to keep that to as smaller number as we possibly can.

Senator BILYK—Going back to Christmas Island, currently there are minors there in care?

Mr Metcalfe—There are minors on Christmas Island.

Senator BILYK—How many?

Ms Wilson—There are 26 in community detention on Christmas Island.

Senator BILYK—Do we know the age of the youngest?

Ms Wilson—I am sorry, I do not have that information with me at the moment.

Senator BILYK—Would you take that on notice for me. How are they cared for?

Ms Wilson—There are 20 unaccompanied minors who are in community detention with carers from Life without Barriers.

Senator BILYK—They are likely to have come on boats as workers—

Mr Metcalfe—No. They are young people, usually young men. Being regarded as unaccompanied, they have not arrived with a parent. Quite often they arrive as part of an extended relationship but they are not there with a parent.

Senator BILYK—It might be a different relative?

Mr Metcalfe—Yes. We have a particular care need but proper carer—sort of foster parent arrangements are put in place and they are accommodated in the duplex accommodation.

Senator BILYK—There are six minors on the island in the duplexes and the bedsits with their families.

Ms Wilson—With their families.

Senator BILYK—Are the foster care arrangements subject to the normal foster care processes for checking of carers?

Ms Wilson—They are. Life without Barriers delivers their services nationally and are a recognised organisation. We have checked that they do all the appropriate checks of their carers and that kind of thing.

Senator BILYK—Okay. Are they people who are already on the island?

Ms Wilson—They are. They have been doing this since they took over at the end of December or the start of January.

Senator BILYK—Sorry—do the foster carers themselves already live on the island?

Ms Wilson—The carers have been brought in from the mainland.

Senator BILYK—So it is not a normal family type situation.

Mr Metcalfe—The size of the island community is not such that it could provide that.

Senator BILYK—That is where I was a bit confused.

Ms Wilson—We have had really positive feedback from all the NGOs, the ombudsman and people who have been on the island and talked to the children. It has been working really well.

Senator BILYK—Is there any education process that these kids can attend?

Ms Wilson—They all go to school.

Senator BILYK—That is great.

CHAIR—In the local school?

Ms Wilson—That is right. There are a range of activities run over school holidays.

Senator BILYK—How have they been affected in general?

Ms Wilson—The feedback about the engagement in the school has been very positive. We have arrangements with the school and provide additional resources for the school to support the extra pupil load. It is very positive.

Senator BILYK—What sorts of resources do you provide?

Ms Wilson—I understand we provide an extra teaching resource, but I can check that for you.

Senator BILYK—Are there practical goods? Could you check exactly what you provide?

Ms Wilson—Yes.

Mr Metcalfe—The whole intention is that, if these young people have been identified as engaging Australia's protection obligations, their stay on the island will be quite short in any event.

Senator BILYK—I understand.

Ms Wilson—They are then passed to the next phase of their care in Australia.

Senator BILYK—My concern is about the quality and duty of care issues.

Mr Metcalfe—Absolutely. Perhaps, on notice, we could provide you with some more information about the circumstances.

Senator BILYK—That would be good. I would appreciate that.

Mr Metcalfe—We might do that. The population will change with arrivals and departures, so we may do it from today's date.

CHAIR—Are there any minors amongst these people who are arriving on Saturday?

Ms Wilson—There is one child—one boy, who is six. Sometimes, as they come to the island, we discover there are more minors. People just do not think they look like minors. This has happened a couple of times.

Mr Metcalfe—Part of our initial entry screening is identifying age. 'Is this young man 19 or 17?' A person under 18 is regarded as a minor.

Ms Wilson—And in their culture some of them see themselves as adults even though they are under age 18, so they declare themselves as adults when asked.

Mr GEORGIU—I am unclear why the North West Point detention facility was opened.

Mr Metcalfe—We ran out of space in Phosphate Hill and the construction camp.

Mr GEORGIU—They are all full?

Mr Metcalfe—They were full at the time the decision was made to open the centre. Bear in mind that the construction camp, which was never designed as an accommodation facility, was being used as an accommodation facility and also that it was in that period of initial restricted detention. Logistically, we had people across Phosphate Hill, the construction centre and the duplexes. There was a particular boat arrival that essentially tipped the balance into us saying, ‘We can’t manage with these facilities; therefore, single men will move into North West Point.’

Mr GEORGIU—So you have now adopted a policy that all single men are going to go into the high-security detention facility?

Mr Metcalfe—No, that is not a policy. It will be considered on a case-by-case basis. If other facilities become available, it will be possible to mothball the North West Point facility.

Mr GEORGIU—Run that past me again. All the available facilities are full now at Phosphate Hill?

Mr Metcalfe—No, they are not.

Mr GEORGIU—So why are there still people in the high-security detention centre?

Mr Metcalfe—Because at the moment we have 54 people on the way who will need to move into the construction camp.

Mr GEORGIU—We are putting them into the construction camp?

Mr Metcalfe—They will go into the construction camp for initial assessment. What then happens—

Mr GEORGIU—Is to keep them segregated. What happens after that initial period, and why have you not taken people out of the high-security centre and put them back in after the initial processing?

CHAIR—Put them where?

Mr GEORGIU—There is space at Phosphate Hill or the construction camp. That is what we were just—

CHAIR—I just wanted to be clear what your question was.

Mr Metcalfe—I think the question you are trying to ask, Mr Georgiou, is: if in fact the construction camp and Phosphate Hill become available, would we then move people out of North West Point back into those facilities?

Mr GEORGIU—Yes.

Mr Metcalfe—I will get Mr Correll to answer that.

Mr Correll—Generally the amenity that is available within the North-West Point facility, in terms of facilities available for people there, is better than that which we have available at the Construction Camp and Phosphate Hill, particularly, sites. For that reason, you would generally find—I think this is true; Ms Wilson will confirm it—that, in most cases, the individuals themselves would invariably want to stay in that location. Essentially what we are managing on the island is a position where we have a range of facilities and, based on the composition of the boat arrivals, we are attempting to make the best possible use of it and match with the circumstances there. A single adult male situation at the North-West Point facility, given the numbers there at the present stage, would be the only practical way of managing those numbers at the present stage. The tipping point that caused North-West Point to be opened was, I think, that the sequence of boats that arrived produced a particular number, and we simply could not continue to manage those numbers through the Construction Camp. Of course, as claims were assessed, we have had people coming off the island and being settled on the mainland and, as a result of that, we are constantly looking at how to optimise use of the accommodation options that are available on the island.

Ms Wilson—Four boats arrived within under three weeks of each other with large numbers of people on each of the boats. As I mentioned earlier, to enable efficient processing we had to keep each boat separate from each other as we started doing entry interviewing—keeping individuals within a boat situation.

Mr GEORGIU—But that has all happened and there is still a need for a high security detention centre. You have made a de facto policy position that single males are going to go into a high security centre. I am sure that lots of people would rather be behind the wire in more comfortable circumstances, but I am not sure that you actually asked them about their preference. On a couple of other things: I think you said that there were 80 people in detention for more than six months.

Mr Metcalfe—I do not think I said that, but I think someone else did.

Mr GEORGIU—I am sorry.

CHAIR—When you say someone else did, is that accurate?

Mr Metcalfe—I am just checking to see what the current figure is. I think Ms Larkins is going on statistics before the forthcoming reviews that are taking place.

Mr GEORGIU—Okay. The question is: how many people have been in detention for more than six months, and how many people are still in detention that the Ombudsman recommended should be released into the community? Take that on notice.

Mr Correll—Perhaps I can answer that. As at 6 March—

CHAIR—Is this in our papers somewhere so that we can refer to it or is it in your papers?

Mr Correll—This is the latest report. As at 6 March, there were 96 people who had been in immigration detention for a period greater than six months.

Mr GEORGIU—And the Ombudsman?

Mr Metcalfe—We will have to check that, I think.

Mr GEORGIU—Okay. Can I still have a breakdown of periods by six months, 12 months, five years et cetera. Can I pursue the point about the holding of children in immigration detention other than in the community. How many children do we have in immigration detention broadly defined as ‘not in the community’?

Ms Wilson—As at 10 March there were 34 children under the age of 18 in immigration detention. As I explained before, 26 were on Christmas Island—

Mr Correll—In the duplexes on Christmas Island.

Ms Wilson—There were seven in the community on residence determinations. Actually, it is 33, because there was one in the Sydney immigration residential housing but the family were granted a bridging visa and they were released on 16 March.

Mr Correll—Senator, I know this was an issue you raised with us at the last hearing.

CHAIR—No, he works. He is a House of Representatives member.

Mr Correll—This was an issue you raised with us at the last hearing. The one case that we had at the immigration residential housing was a case of a family that arrived as an unauthorised air arrival at the airport. They were immediately relocated from Sydney Airport to the Sydney immigration residential housing, and then action was taken as quickly as possible to locate them into the community.

Mr GEORGIU—I have two process questions. One, we have requested a report by RPR Consulting on the community detention program. For some reason, we have not received it. Could we get it, please?

Ms Wilson—I think there was a concern with the quality of that report, and my understanding was that the department was never provided with a final report taking into account all of the things—the consultants drafted a report and there was a process of negotiation and consulting on it. There were a whole range of things that the department said were factually incorrect, and we went back to the consultant, but those edits were never made and it was never provided back to us in a final form.

Mr GEORGIU—Could we get a copy of the report?

Mr Metcalfe—Unless there is some reason that we discuss with the committee, we would look at providing a copy of the draft report, but on the basis that we attach to it a letter that indicates that we have concerns about the following things and, therefore—

CHAIR—Could you just remind me what the report was?

Mr GEORGIU—There was a process report on a community residential, and we asked for it and it was not given to us on some ground.

Mr Metcalfe—And we have said that there was no final report, it was a draft report. Unless there is some commercial or other reason, we will give it you, but we will give it to you with context around it.

Senator FIERRAVANTI-WELLS—Mr Metcalfe, I am very conscious that—having just had a look at the first report, and given my background—every time you open up and give another avenue of review or otherwise, there is a correlating legal cost associated with it. I would really appreciate it if the government, in its response to the first report, could actually look at—it is all very well to do (a), (b), (c), and (d)—the correlating legal cost that comes with that. I would appreciate it if you could make that assessment.

Mr Metcalfe—We will take that on board.

Senator FIERRAVANTI-WELLS—I am also conscious that the more avenues of review you open up, given the caseload that exists at the moment, there will be increased costs. I think if you are going to look at costs of detention—and there are not just the costs that are the day-to-day cost of keeping people—there is the industry that is associated with the legal industry. I think you know the point that I am making. I would really appreciate it if you could take that on board, and particularly in the response to report No.1.

Mr Metcalfe—There is a whole range of reasons associated with this. I think I mentioned in Senate estimates, that when I became Secretary we had over 4,000 cases in the Federal Court and the AAT. The figure last week, I think, was about 800.

Senator FIERRAVANTI-WELLS—I am not questioning the figures. I am really questioning that, for everything you do on this side of the balance sheet, there is a correlation on the other side of the balance sheet. I would like to understand, if you have the costs of detention, that there are other costs associated. The more you open up, the more you release people out into the community, the more you do these things, there is a correlating cost associated with the risk that there will be more litigation. That is really what I am asking. Do you think there is more risk of litigation or do you think that the risk of litigation—

Mr Metcalfe—I think there may be less risk in some areas.

Senator FIERRAVANTI-WELLS—I would be happy to hear that.

Mr Metcalfe—While I am very pleased of the fact that we have got our ADJR and AAT caseload down to around 800 cases, we have seen a development in torts cases, in personal injuries claims, flowing from people who were detained.

Senator FIERRAVANTI-WELLS—Yes, that is exactly right.

Mr Metcalfe—We now have roughly 300 cases that we are negotiating, settling, and dealing with in relation to essentially personal injuries claims from people who may have been in detention. So I think there are issues either way, and the whole concept of this inquiry and the

work that the government has been doing is: how do you devise a system that reduces risk as much as it possibly can in terms of cost, harm to individuals, harm to the community and integrity of the migration program but at the same time achieves good outcomes? As I said before in my opening statement, I think that we have now identified that a different way of doing things can in fact be positive and is not having an impact in terms of illegal immigration or visa overstay rates.

Senator FIERRAVANTI-WELLS—I guess I am looking at it from the point of view of dollars to taxpayers.

Mr Metcalfe—Understood, yes.

Senator FIERRAVANTI-WELLS—My last question is about this legislation you have introduced today about forgiving costs. I would like to look at it from the global system. Is our immigration system going to cost us more, given what you want to now do, with all those options? Ultimately, it is Australian taxpayers who pay for it, because not only are they paying in added ways but also you are not even going to pursue the costs against overstayers et cetera. So I would like to know if you have factored this into the risk and what costs you anticipate will be forgone by taxpayers—

CHAIR—Senator, you have read the report. You cannot just state premises to the secretary that we have already dealt with, and that is—

Senator FIERRAVANTI-WELLS—No, no—

CHAIR—One of the things we have looked at is the cost of making these debt recoveries as against the debts that are recovered. We have looked at that area already. It is not as if we are naive and just gone in and recommended things to the government without examining them both ways.

Mr Metcalfe—Just to add to that, Chair, I was going to say, Senator, that in the explanatory material for the legislation, in the second reading speech, there is advice that the vast majority of those detention costs were never recovered; they were written off. It was not an effective policy tool, as I think the committee recognised in its earlier report. What we do have, of course, is an overall immigration system that almost pays for itself. We charge quite significant application fees to many people, and I think—do not hold me to the precise figure—last financial year we raised around \$700 million or \$800 million—

Mr Hughes—Eight hundred and eighty million dollars, I think it was.

Mr Metcalfe—eight hundred and eighty million dollars—and the portfolio is worth \$1.2 billion. So we almost have an argument to move off-budget!

Senator FIERRAVANTI-WELLS—Mr Metcalfe, I am just making sure that that is part of the balancing equation in what we do.

Mr Metcalfe—Yes, understood—and as for the point you raised, in terms of whether the government is able to provide that in its response to the committee, I will obviously take that on board.

Senator FIERRAVANTI-WELLS—Thank you.

CHAIR—Mr Metcalfe and all of the team from the department, thank you very much for your appearance today.

Mr Metcalfe—Thank you, Chair.

CHAIR—It was one of those knockdown, drag-out sessions, with lots of questions and lots of answers.

Mr Metcalfe—We are here to help.

CHAIR—Thank you.

Resolved (on motion by **Senator Fierravanti-Wells**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 1.58 pm