



Department of Home Affairs' response

The Department of Home Affairs (the Department) values the work of the Australian Human Rights Commission (the Commission) in inspecting immigration detention facilities and acknowledges the findings and recommendations identified in this report. The text below provides the Department's response to the recommendations in each section of the report.

Issues and concerns impacting women across the detention network

RECOMMENDATION 1 - For Government Consideration

The Government should replace the current system of mandatory immigration detention with a case-by-case assessment process that takes individual circumstances into consideration. Closed detention should only be used as a last resort in circumstances where all of the following elements are present:

- a) detention is necessary and proportionate to an immigration purpose (for example, a brief period of immigration detention may be necessary to conduct health, security and identity checks before a visa is granted)**
- b) the person has been individually assessed as posing a risk of absconding or an unacceptable risk to the Australian community, and that risk cannot be managed in a less restrictive way**
- c) the necessity for continued detention is subject to periodic re-evaluation and judicial review, and**
- d) the duration of detention is subject to a maximum time limit.**

Immigration detention is mandated under the *Migration Act 1958* (the Act), for an unlawful non-citizen following the refusal, cancellation or expiry of any visa, until either their immigration status is resolved through the grant of another valid visa, or they are removed from Australia. Any amendments to the Act are a matter for the Government.

Under the Act, immigration detention is administrative, not punitive. Where possible the Government manages non-citizens in the community, using immigration detention as a measure of last resort. Under existing arrangements appropriate detention conditions are determined through individual assessments on each detained unlawful non-citizen based on health, identity, and security checks, to ensure they do not pose an unacceptable risk to the community.

A person in immigration detention may seek judicial review of the lawfulness of their detention before the High Court of Australia (HCoA) or the Federal Court of Australia (FCA). Further, the length and conditions of immigration detention are subject to regular reviews. These are conducted internally by the Department of Home Affairs, and independently, including through the Commonwealth Ombudsman, and the Administrative Review Tribunal (formerly the Administrative Appeals Tribunal).

Under the Act, detention ends when the person is either granted a visa (following the conduct of health, identity and security checks), they are removed from Australia, or when it is determined that there is no real prospect of removal from Australia in the reasonably foreseeable future (noting that such a determination does not equate to a right to remain in Australia). Visa processing and removal processes are dependent upon a number of factors that may vary for each individual, including complexities arising from identity, health, character or security matters, as well as circumstances in their country of origin. These assessments are completed as quickly as possible to minimise time spent in immigration detention.

Changing the above current system of mandatory immigration detention, and moving to a case-by-case assessment that takes individual circumstances into consideration, is a matter for Government.

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RECOMMENDATION 2 - Disagree

The Government and Department should, in consultation with facility staff and people in detention, review its policy on access to recognised programs of study, work and vocational training in immigration detention to enhance opportunities for rehabilitation and reintegration.

The Department's longstanding position is that provision of access to vocational study and training for individuals who do not qualify for the grant of the relevant visa would compromise the integrity of Australia's visa system. Unlawful non-citizens are not entitled to the privileges granted by any visa, including study rights. Until a detainee's immigration status is resolved, there is no presumption of either a visa being granted or the person being returned to the Australian community. Rather, it is expected that individuals without a lawful right to remain in Australia should depart Australia at the soonest possible opportunity.

Within this context however, the Department does seek to ensure that detainees are provided with learning opportunities to develop their skills and enhance their prospects at successfully gaining certified qualifications in their future endeavours. The Department also recognises the benefit to detainee health and wellbeing that may arise from detainee engagement in meaningful activities. To this end, the Department, in consultation with its contracted detention service providers, continues to use a strong health promotion approach to encourage meaningful detainee engagement across the Immigration Detention Network. A range of multilayered and complementary welfare and health related programs that are currently being delivered include smoking cessation, mental health awareness, stress management and anger management. Some course offerings reflect a trauma-informed approach, including for example a therapy dogs program.

In addition to the above, an enhanced Programs and Activities (P&A) package has rolled out to allow detainees to be meaningfully engaged and have avenues to contribute to the community. This includes:

- Providing structured P&A seven (7) days a week;
- Resourcing to deliver P&A over public holidays; and
- Provision of a quarterly P&A schedule that is seasonal.

Courses are self-nominated and require detainees to participate and commit to a period of time. Current feedback has been that the uptake is low, however, the Department and service providers continue to explore opportunities to increase detainee engagement through the Detainee Consultative Committee at facilities, and through direct and indirect feedback from detainees.

RECOMMENDATION 3 - Note

The Department should ensure that women in immigration detention have access to a broad range of meaningful activities on an equal footing with their male counterparts and ensure that programs and activities on offer are responsive to the needs of women in detention, age appropriate and not based on gender stereotypes.

The Department considers that it already meets this recommendation through existing arrangements. The Department engages with service providers to ensure that P&A is detainee focused and provides targeted and flexible activities including for female detainees that contribute to the broader P&A outcomes to:

- stimulate and promote the mental and physical well-being of detainees by providing them with an incentive (i.e. earning Individual Allowance Program (IAP) points) to participate in the structured P&A delivered by the Facility and Detainee Services Provider;
- encourage detainees to actively and constructively participate in meaningful P&A;
- improve the quality of life for detainees by providing them with access to incidental items; and
- enable detainees to exercise a level of self-agency over their daily lives while in immigration detention.

RECOMMENDATION 4 - *Partially agree*

The Department should immediately end its use of operational quarantine and other COVID-19 restrictions across the immigration detention network and return to a ‘business-as-usual’ approach, with the virus being treated like other transmissible respiratory diseases.

The Department partially agrees with Recommendation 4 to the extent that the Department’s response to COVID-19 is already progressing towards a ‘business-as-usual’ approach, with the virus being treated like other transmissible respiratory illnesses. While COVID-19 controls in community settings have relaxed, the Communicable Diseases Network Australia Guidelines still consider the detention environment a ‘high risk’ COVID-19 setting. Appropriate governance arrangements remain critical to ensure the safety of detainees, staff and visitors within the Immigration Detention Network (IDN).

In response to the World Health Organisation declaring COVID-19 ‘no longer a global emergency’, the ABF issued an Operational Notification (ON) (ON2023-25) on 2 August 2023, providing updated information regarding COVID-19 quarantine requirements within the IDN, transitioning to a more ‘business-as-usual’ approach with this virus being treated like other respiratory illnesses. To support this, a COVID-19 Step-down Plan was introduced which removed the vaccination requirements and COVID-19 questionnaire for visitors on entry to an immigration detention facility. Detention visits continue to be delivered in line with contractual requirements.

In response to the Commission’s recommendation, the ABF, in conjunction with the Department’s Chief Medical Officer, is currently reviewing its position on quarantine arrangements across the IDN.

RECOMMENDATION 5 – *Agree*

All staff working in immigration detention centres where women are detained should be provided with initial and ongoing training on the supervision of women in immigration detention and gender sensitivity. As a minimum, training should cover:

- a) the gender-specific needs and human rights of women in immigration detention**
- b) the main concerns relating to women’s health in detention, and**
- c) guidance on safeguarding women from any gender-based physical or verbal violence, abuse and sexual harassment including intimate partner violence and family violence perpetuated between or against LGBTIQ+ women.**

The Department agrees with sub points a and b in Recommendation 5 that all staff working in immigration detention facilities (IDFs) where women are detained should be provided with training on the supervision of women in detention and gender sensitivity. This is an area of continuous review and improvement for the Department in relation to both ABF Officers and external service providers. In relation to sub-point c, the Department would welcome the opportunity to engage further with the Commission on its views regarding best practice.

The ABF’s current training and capability development program (for new and existing ABF officers) includes aspects related to trauma-informed care and the importance of identifying and addressing specific needs of vulnerable detainees (on a case by case basis). The ABF is currently reviewing and identifying opportunities to improve training and awareness on the gender-specific needs of women in detention and, once specific improvements are identified, will incorporate these changes as soon as practicable.

In relation to external service providers, all FDSP staff working in the IDN receive initial and ongoing training to enhance their understanding of the vulnerabilities of female detainees (and other minority population groups) in immigration detention. Training for operational FDSP officers includes content on roles and responsibilities, professional boundaries, privacy, and reporting requirements. Staff are also trained to ensure that all detainees are treated with respect, dignity, and care, recognising human rights obligations. Additionally, staff are instructed to be vigilant for any signs of bullying, harassment, discrimination, stigma, violence, or exclusionary actions, including covert behaviours. The current DHSP provides staff education and toolbox talks on key topics, with a specific toolkit centred on Women’s Health.

The Detainee Service Providers (DSPs) must comply with the Department’s policies and procedures at the time of entering into a contract with the Department and all instructions and directions relating to compliance with all laws and Australian Government policies. Additionally, the DSPs must ensure all training packages delivered to staff are updated to reflect any policy changes and are cleared by the Department. Through

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these contractual obligations, the Department will continue to ensure DSPs undergo appropriate training on the supervision of women in immigration detention and gender sensitivity.

RECOMMENDATION 6 - Note

Women in immigration detention should, as far as possible, be attended to and supervised only by women officers and staff. Where this is not possible, the majority of officers should be women.

The Department considers that it already meets this recommendation through existing arrangements. All necessary actions are taken to ensure the welfare and dignity of all detainees at all times, and detainee needs are assessed on a case by case basis. Under current arrangements the FDSP endeavours to use female officers to attend to and supervise women in detention to the extent operationally practicable.

The FDSP is contractually obliged to ensure, and demonstrate, that there is a sufficient number and mix (including gender mix) of FDSP officers available at all times to deliver the contracted detention services.

RECOMMENDATION 7 - Note

Gender-sensitive tasks (such as searches, use of force operations which involve physical contact or providing clothing or feminine hygiene products) or tasks undertaken in specific areas of the accommodation (such as bathrooms, sleeping areas and under observation) should only be undertaken or supervised by women officers and staff.

The Department considers it already meets this recommendation through existing arrangements. All FDSP officers must conduct themselves in a manner that respects the cultural, religious, privacy and gender-specific needs of all detainees. Under existing arrangements, all reasonable efforts are made to ensure that gender-specific tasks are undertaken or supervised by female officers. However, the Department cannot practically commit to ensuring that only female officers are used for all gender-sensitive tasks.

Under existing contractual arrangements, in conducting transport and escort tasks, the FDSP must ensure that there is at least one (1) female escorting officer on each transport and escort task where a female detainee is being transported. Similarly, the FDSP must ensure that whenever a detainee is searched by any method, they are only searched by an officer of the same sex (where practicable) with two (2) FDSP officers present at all times for any search beyond a pat-search.

The provision of FDSP issued clothing to female detainees and any related support is provided by a female FDSP officer, such as a female Welfare and Engagement officer. Feminine hygiene products are available to detainees in female bathrooms. Further supplies are also available at the FDSP officer's stations and, where possible, a female officer will assist detainees as required.

RECOMMENDATION 8 – Partially agree

The Department and Serco should, as a matter of priority, develop plans for the recruitment and retention of female Emergency Response Team officers and analyse what structural reasons are stopping women from applying and being retained.

The Department partially agrees with Recommendation 8.

All Detention Service Officers (DSOs) are afforded the opportunity to apply to become an Emergency Response Team (ERT) officer and the FDSP welcomes female DSOs applying to become ERT officers. To become an ERT officer, female DSOs must nominate themselves and meet the requirements of the role.

Recruitment into ERT is not dissimilar to any other role which can be advertised, however applicants need to be interested in this area of work. Under existing contractual requirements, the FDSP must comply with its obligations under the *Workplace Gender Equality Act 2012* (Cth). The FDSP reports that their current practices align with this legislation.

The Department will consider appropriate action to better understand the factors relevant to female officers applying for, and remaining in, ERT positions.

RECOMMENDATION 9 - Note

The Government and Department should make every effort to avoid the interstate separation of women in immigration detention from their family and supports by:

- a) ensuring appropriate accommodation for women is made available in all states/territories, and**
- b) ensuring alternatives to closed immigration detention are made available to women where this is not possible.**

The Department considers that it already meets this recommendation through existing arrangements. The Department makes every effort to manage non-citizens in the community where possible, using immigration detention as a last resort.

In determining the most appropriate detention placement for all detainees, including women, all reasonable efforts are made to avoid interstate separation of detainees from their family and support networks. As at 25 September 2024, there is operational capacity to accommodate female detainees in the IDN in all major cities except Brisbane, at the Perth Immigration Detention Centre (IDC), Adelaide IDC, the Broadmeadows Residential Precinct (Melbourne), Miowera Village (Sydney) and the Villawood IDC (VIDC). In order to provide greater placement options and capacity, a second 'female compound' became operational at the VIDC on 20 February 2024.

On occasion, accommodation in a (hotel) alternative place of detention (APOD) may be the most appropriate placement option for a female detainee. In all cases, the use of hotel APODs for detainee placements is always for the shortest possible time.

As with all detainees, the placement of a female detainee in an IDF is determined on a case-by-case basis, assessed on the basis of health and security risks posed by the detainee. Placement decisions are reviewed at least monthly.

RECOMMENDATION 10 - Agree

The Department should ensure that its existing visiting facilities foster an environment that is conducive to a positive visiting experience, particularly for children. The Department should provide children visitors with access to a wide variety of age-appropriate play activities, facilities and outdoor spaces.

The Department agrees to Recommendation 10 and notes that it continues to review and consider improvements to visiting areas in all IDFs across the IDN, including to ensure that the environment is conducive to positive visiting experiences, particularly for children.

The Department advises that during personal visits, children have access to age appropriate activities including colouring books and markers, books, DVDs and other toys. Children may also bring toys/activities with them when visiting an IDF (subject to the Conditions of Entry).

Since the Commission's last visit to VIDC, the Department confirms that the visits areas has been upgraded and revitalised with new, redesigned seating. The playground equipment referenced in the Report was removed as it presented a potential Work Health and Safety concern as parts of the equipment were in need of repair and deemed unsafe. New approved playground equipment is expected to be completed later this year.

Similar infrastructure changes at other IDFs are considered under the Department's Administered Capital Works program. Resources within this program are finite with strong internal governance and guiding principles in place, which ensure projects are appropriately prioritised to deliver safe, secure and sustainable detention.

RECOMMENDATION 11 - Note

The Department should proactively encourage the extended contact of women in detention with their children as much as possible. This may include offering extending visiting times, facilitating regular activity days for women and their children and offering reasonable transportation assistance where necessary.

The Department considers that it already meets this recommendation through existing arrangements. Extended visiting times are currently available to all detainees and 'activity days' are facilitated. The Department does not, however, consider providing transportation assistance to be appropriate in the context of Australian immigration detention.

COVID-19 restrictions relating to reduced visiting times, as referenced in the Report, are no longer in effect. Under existing contractual and detention operational policy requirements, detainees have access to a minimum of six (6) visiting hours each day unless otherwise mutually agreed by the FDSP and the Department's Contract Administrator. Visitors and/or detainees are also able to request longer visits which are considered on a case-by-case basis.

The Department is committed to the engagement of detainees with their families through both onsite and offsite activities. This has extended to cultural, spiritual and religious activities as well as family oriented celebrations and gatherings.

The Department is also considering the implementation of a number of other family-orientated activities including picnics, barbeques, and participation in National Simultaneous Story Time.

All detainees are able to provide feedback and suggestions relating to visits and programs and activities, including via Detainee Request Forms or at monthly Detainee Consultative Committee meetings, which are held in all IDCs.

RECOMMENDATION 12 – Agree

The Department and Serco should develop policy and procedural guidance relating to the accommodation, welfare, security, and management of transgender persons in immigration detention. This guidance should:

- a) be informed by human rights principles including but not limited to the Yogyakarta Principles +10**
- b) be co-designed with input from transgender persons and their representative organisations, and**
- c) effectively protect the individual from others who may wish to cause them harm, and to limit the risk that they may be placed in a location in which they may cause harm to others.**

The Department welcomes any specific advice from the Commission regarding best practice guidance in this area.

As part of its ongoing review of operational policy instructions contained within the Detention Services Manual (DSM) (and in line with the Department's Policy and Procedure Control Framework (PPCF)), the Department will consider Recommendation 12, particularly in relation to the current review of the *DSM - Procedural Instruction – Detainee placement - Assessment and placement of detainees in IDFs* (DM-5126). The Department will also consider the development of policy and procedural guidance more broadly as it relates to the accommodation, welfare, security, and management of transgender persons in immigration detention.

The Department takes a person-centric approach to the management of all detainees and incorporates this within all detention operational policies and procedures, including the aforementioned *DSM - Procedural Instruction - Detainee placement - Assessment and placement of detainees in IDFs* (DM-5126). This ensures an ongoing and appropriate management approach tailored to support individual needs and circumstances, including for detainees who identify as transgender, intersex and gender diverse individuals in immigration detention. Where known to the ABF, a detainee's LGBTIQ+ status is considered as part of a holistic decision making process concerning their eventual placement in the IDN.

RECOMMENDATION 13 - Agree

The Department should ensure that the application of protective measures for transgender persons in immigration detention do not involve the imposition of more restrictive conditions or reduced opportunities for those individuals.

The Department agrees to Recommendation 13 and refers the Commission to its response to Recommendation 12.

RECOMMENDATION 14 - Note

The Department should ensure that alternatives to closed immigration detention are considered where the security of a transgender person cannot be guaranteed.

The Department considers that it already meets this recommendation through existing arrangements and refers to its response to Recommendation 9. Where it is determined that a detainee's circumstances cannot be appropriately managed in the IDN, the ABF works collaboratively with the Department to consider an alternatives to held detention placement.

RECOMMENDATION 15 - Note

The Department and IHMS should ensure that women in immigration detention have access to a female doctor at each facility where women are accommodated. Women in immigration detention should also be provided with access to female allied health staff wherever this is possible.

The Department considers that it already meets this recommendation through existing arrangements as they relate to access to female doctors and allied health. These arrangements are outlined in the Detention Health: Women's and Family Health – PI (DM-5721) and the Detention Health: Pregnancy and Birth – SOP (DM-3269). Both stipulate that female medical staff be made available where possible. These arrangements are commensurate with Australian community standards.

The DHSP is contractually obliged to ensure that it only facilitates access to health care services with appropriately registered, qualified and clinically competent community based health practitioners and health care providers contracted to deliver health services to women and families in immigration detention.

Female detainees have the right to engage the services of a female GP, and where possible/practical this will be accommodated by the DHSP. The DHSP has confirmed that the majority of IDFs have access to female staff for female detainees. If there are no female clinicians available and the female detainee would prefer to see a female clinician, the DHSP will accommodate this with an external appointment, and where urgent there will be a female chaperone in attendance if a male GP must be utilised.

RECOMMENDATION 16 - Note

As a priority, the Department and IHMS should liaise with state and territory corrective services and justice health agencies to improve strategies for ensuring the timely transfer of medical information to facilitate continuity of care for people entering immigration detention.

The Department considers that it already meets this recommendation through existing arrangements. Timing of transfer of medical information from corrective services and justice health agencies is not within the control of the Department and it is unable to compel its stakeholders on timeframes.

The Department has detention health policies in place that ensure a Health Induction Assessment is undertaken for all new arrivals into the IDN. This is detailed in Detention Health: Procedural Instruction – Health Induction Assessment (DM-3277). In addition to this, the DHSP must obtain consent from the individual detainee prior to contacting an external source for a clinical handover. At times, the DHSP may receive a Health Discharge Summary (HDS) from the correctional facility or justice health agency at the time the detainee enters the IDN. The DHSP has dedicated national Medical Records Officers (MROs), who can liaise with the correctional facility or justice health agencies as required for the purposes of obtaining medical records.

These arrangements are outlined in Detention Health: Procedural Instruction - Health Screening and Management (DM-6138) which states that *'for those detainees entering detention from a correctional services environment, the DHSP should also refer to any health records transferred from the previous facility, if available'*.

RECOMMENDATION 17 - Note

When considering the transfer of an individual from one immigration detention facility to another, the Department should consider, on equal terms to other factors, the advice from IHMS that a transfer would impact on the waiting time for a treatment regime.

The Department considers that it already meets this recommendation through existing arrangements. All detainee placements within the IDN are made in consultation with key stakeholders, including internal Departmental stakeholders, the FDSP and DHSP, to consider all aspects of a detainee's personal circumstances including, but not limited to, the detainee's health and welfare needs, as well as operational safety and security requirements.

Placement decisions are supported through the use of the Detention Placement Assessment Tool (DPAT). The DPAT considers all factors relevant to an individual's circumstances to determine the most appropriate placement option. As stipulated in the *Detention Health: Procedural Instruction – Placements and Transfers* (DM-5927), during the consideration of a transfer all aspects of a detainee's specific health needs and wellbeing are taken into account including, but not limited to:

- the availability of any required ongoing physical and/or mental health treatment to ensure continuity of care
- communicable disease and/or chronic health conditions under active treatment, or awaiting intervention through external specialised health services where transfer may either expedite or delay access to treatment
- participation in an Opiate Substitution Therapy Program, and
- enrolment in rehabilitation or counselling services.

However, there may be instances where wait times for certain treatments are outweighed by other factors such as imminent safety concerns.

RECOMMENDATION 18 - Note

The Department and IHMS should ensure that the process for auditory testing is initiated during the medical screening provided at induction and conducted within the first two weeks of detention.

The Department considers that it already meets this recommendation through existing arrangements. The process for auditory testing for all detainees is initiated during the medical screening provided at the Health Induction Assessment. Where clinically indicated, a detainee will be referred for further hearing services as soon as possible, noting the timing of appointments may be subject to wait times in line with community standards.

RECOMMENDATION 19 – Partially Agree

The Department and Serco should revise its policy on the prohibition of women obtaining and using hair dye and align it with the Queensland Corrective Services policy.

The Department partially agrees to Recommendation 19 and is exploring alternatives to the provision of hair colouring to detainees that will balance security, psychosocial risks (associated with not having access to hair colouring) and broader operational risks to safety and security across the IDN.

Whilst the Department recognises there are a number of potential benefits to detainees from the provision of hair colouring, there remains various staff Work Health and Safety, operational, infrastructure, contractual and financial considerations to implementation, which will be challenging to overcome. In addition to this, unlike Correctional facilities where there is appropriate legislation to mitigate operational risks, immigration detention is administrative in nature and does not have the legislative means to search or seize items that could pose a threat to oneself or others (detainees and staff) should risk factors associated with a detainee or facility suddenly escalate.

The Department continues to work closely with the FDSP concerning provisions of temporary hair colour options for all detainees, including hair chalk, hair mascara and hair crayons. A proposal to have these hair dye alternatives added to the list of items available for purchase (under the IAP) is currently being considered. If approved, it is intended that these products will be applied by the onsite hairdresser, ensuring they are applied professionally and safely. A decision on this proposal is expected in coming weeks.

Melbourne Immigration Detention Centre and Broadmeadows Residential Precinct: Centre specific issues and concerns

RECOMMENDATION 20 - *Disagree*

The Department should ensure that the BRP is used only to accommodate women.

The Department disagrees with recommendation 20. The Department requires all detention infrastructure to be flexible to meet operational requirements, including the ability to accommodate detainees with a range of backgrounds and needs.

Presently, female detainees at the Broadmeadows Residential Precinct (BRP) are accommodated in self-contained units, with 3-4 detainees in each unit, with access to a common outdoor area and a dedicated programmes and activities hub. The BRP is also used to accommodate detainees with high needs, including those with dedicated carers, as it is the only area within the IDN footprint in Melbourne that has sufficient capacity/functionality. The Department ensures these detainees do not have risk factors that would affect safety or cause concerns with female detainees.

Several units are also available for detainees who have been refused immigration clearance, as required. These cases can include males, females and/or families. These detainees remain in their units (currently in operational quarantine) and do not associate with other detainees, pending their imminent removal from Australia. Across the IDN, the percentage of women in the detainee population has fluctuated under 6 per cent since 2020.

RECOMMENDATION 21 - *Partially agree*

The Department and Serco should ensure that separate accommodation for men and women is embedded in all policy and guidance documentation. Observance of this rule should not lead to situations of de facto isolation if only one or a few women are being held in an immigration detention facility.

The Department partially agrees to Recommendation 21 and will consider it as part of the current review of *DSM - Procedural Instruction - Detainee placement - Assessment and placement of detainees in IDFs* (DM-5126) to strengthen endorsed operational policy in place. The Department gives consideration to detainees' personal and other circumstances, including gender, to determine appropriate placement options for detainees within the IDN.

However, the Department notes that there are scenarios where it is appropriate that men and women are accommodated together, including in the circumstance where a couple or a family are held in detention.

RECOMMENDATION 22 - *Note*

The Department and Government should ensure that the MIDC and BRP are able to facilitate the accommodation and care needs of people with disabilities. Wherever possible, people who require specialised disability assistance and care should not be detained in immigration detention facilities.

The Department considers it already meets this recommendation through existing arrangements, including consideration of individual detainee needs and appropriate placement options on a case by case basis. As the Commission highlights in the Report, the BRP already accommodates detainees with disabilities.

RECOMMENDATION 23 - Disagree

The Department and the Government should ensure women at the BRP have access to their own gymnasium and canteen, separate to that provided at the MIDC. These facilities should be specific to the needs of women.

The Department disagrees with Recommendation 23 and considers existing arrangements provide an appropriate level of facility and service to detainees, including women, accommodated at the BRP. Further, there is currently no infrastructure available at the BRP that could accommodate a gym and canteen separate to that provided at the Melbourne IDC (MIDC).

Female detainees have access to outdoor gym equipment at the BRP and can access other gym equipment that is appropriate for women, including exercise bikes, resistance bands, boxing pads and gloves, exercise balls, yoga and Zumba classes. Qualified gym officers also attend BRP and deliver appropriate exercise based classes utilising available sports equipment, commensurate with commercial gyms. There are also exercise DVDs available to detainees that can be used either in the activities room or in the detainees' units.

As an alternative to attending the canteen at the MIDC, detainees accommodated at the BRP, including female detainees, may elect to access canteen items via a "buy-up" process. This involves ordering canteen items from a product list according to the detainees' available IAP points to purchase items. The items are then packed and delivered to the detainees by the FDSP.

Villawood Immigration Detention Centre: Centre specific issues and concerns

RECOMMENDATION 24 - Disagree

The Department and Government should, as a matter of extreme priority, and for the safety and wellbeing of women detained at VIDC:

- a) repurpose the Miowera Village as the women's compound and discontinue the use of Bryce and Cowan for women's accommodation, and**
- b) ensure the necessary infrastructure changes are made to allow the Miowera Village to operate completely secure from the VIDC and self-contained with adequate services.**

The Department disagrees with Recommendation 24, as it does not meet operational needs to repurpose Miowera Village and discontinue the use of Bryce and Cowan compounds as recommended. At all times, the design of the IDN needs to maintain flexibility to adapt to changing requirements. At present, Miowera Village is a designated APOD and may be used to accommodate a range of detainees, including women.

The Department conducts regular reviews of detention infrastructure requirements through its Administered Capital Works (ACW) program. Capital expenditure proposals are submitted, reviewed and prioritised by the Department and the ABF annually. Non-discretionary submissions include those that pose an immediate risk to health and safety, seriously compromise operational capability, are at or beyond end-of-life; the asset no longer fits its intended purpose, or is negatively impacting detainees and other stakeholders. In addition to a scheduled review of the program after six months, the program is also reviewed by key stakeholders on an ad-hoc basis in response to any emerging risks and/or changes in the operational environment.

The Department considers infrastructure needs across the IDN on a continual and bi-annual basis. This includes the ability to safely accommodate detainees, where possible, close to family and community supports and to reduce reliance on APOD accommodation. While options to expand and significantly enhance the detention estate are regularly considered, substantial infrastructure projects exceed the scope of the ACW program and are subject to resource constraints and funding approvals.

RECOMMENDATION 25 - Note

The Department and Serco should continue to explore other least restrictive measures for women who require separation where they pose a risk of harm to themselves or others. Placement in HCA should always be as a last resort and for the least amount of time necessary

The Department considers that it already meets this recommendation through existing arrangements. The Department already ensures that detainees at risk of harm to themselves and/or others are managed in the least restrictive manner possible to maintain safety and security, including in circumstances where they require a period of separation from the general detainee population. At all times where detainees are subject to closer supervision and engagement, including placement in high-care accommodation (HCA), it is used only as a last resort and for the shortest period necessary as determined in collaboration with stakeholders (FDSP, ABF and DHSP). This is documented in detention operational policy *DSM – Procedural Instruction - Detainee placement - Closer supervision and engagement of high-risk detainees (HCA)* (DM-626).

RECOMMENDATION 26 – Partially agree

Where placement in HCA is necessary, women should not be placed in HCA within any of the men’s compounds. The Department and Government should ensure the necessary infrastructure changes are made to allow for a space for single separation within the Miowera Village.

The Department partially agrees with Recommendation 26 on the basis that HCA infrastructure is not gender-specific and in some instances, there are infrastructure limitations that apply. The Department notes that the use of HCA arrangements for female detainees is very low and in partnership with its contracted DSPs, the Department actively manages the risks associated with having female detainees accommodated in HCA, including within male compounds. The use of HCA is governed by detention operational policy *DSM – Procedural Instruction - Detainee placement - Closer supervision and engagement of high-risk detainees (HCA)* (DM-626).

The concept of HCA is not limited to a specified location. We assess the need to use HCA on a case by case basis to mitigate against the threat of aggressive and violent behaviour and will continue to explore alternative placement as the need arises. The separation of male and female detainees remains a primary consideration in the use of HCA. Presently, only MIDC and VIDC have HCA infrastructure that may be used to involuntarily accommodate female detainees. At present:

- MIDC, Shaw Compound (comprising HCA infrastructure) is a standalone compound and not located within a male compound. In the rare event a female and male detainee required placement in Shaw compound at the same time, access is restricted at all times and monitored on a constant basis to ensure there is no opportunity for engagement or interaction and privacy is maintained.
- VIDC, both Hotham and Hume compounds provide HCA infrastructure and are located within male compounds. In the event a female detainee requires placement in HCA, strict separation is maintained. The security infrastructure of the HCA separates it from the general compound. Further, the detainee is continuously monitored including to ensure privacy, safety and security.

Under the existing operating model, Miowera Village is an APOD and provides a less restrictive form of immigration detention (compared to an IDC). As such, it would be inappropriate to use it to accommodate any detainee requiring a higher level of supervision and engagement for safety and security reasons.

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RECOMMENDATION 27 - Agree

Whilst women are still accommodated in the Bryce and Cowan compounds, the Department should, as a matter of priority, install appropriate heating and air conditioning in all bedrooms.

RECOMMENDATION 28 - Agree

Whilst women are still accommodated in the Bryce and Cowan compounds, the Department should, as a matter of priority, install fly screens to all bedroom windows.

The Department agrees to Recommendations 27 and 28. The Department will consider these recommendations for inclusion in the ACW Program. The Department notes, however, funding for the ACW Program is limited with many competing priorities. Funding for the 2024-25 financial year has been finalised, with new submissions (unless non-discretionary) not considered until the 2025-26 financial year. For the 2024-25 financial year, funding limitations within the ACW resulted in non-discretionary submissions being prioritised with insufficient funding for many of the discretionary bids.

RECOMENDATION 29 - Note

Whilst women are still accommodated in the Bryce and Cowan compounds, the Department should, as a matter of priority, ensure they are able to physically access the shop to make personal purchases.

The Department considers that it already meets this recommendation through existing arrangements meet this recommendation. Female detainees have the opportunity to attend the shop at VIDC to make personal purchases at scheduled times. Cowan operates on a buy-up system as does the Mitchell, Mackenzie, Hotham, Lachlan and Hume compounds. For physical shop access, Cowan and Lachlan compounds also have access on alternate Fridays from 1530 to 1600. Bryce compound has access to the shop from 1400 to 1500, on Monday to Friday.

RECOMMENDATION 30 - Note

The Department should ensure that women at VIDC are offered regular access to a qualified female hairdresser and hairdressing facilities, specific to the needs of women.

The Department considers that it already meets this recommendation through existing arrangements. Female detainees have access to a female hairdresser, subject to availability. The hairdresser currently employed at VIDC is qualified to care for female detainees' hair. The Department notes there have been challenges in securing a female hairdresser permanently at VIDC. However, there are ongoing efforts to engage one on a more permanent basis.

Perth Immigration Detention Centre: Centre specific issues and concerns

RECOMMENDATION 31 - Note

The Department should ensure that PIDC is only used for the shortest periods of detention possible. Where this is not possible, every effort should be made to provide women with alternatives to closed immigration detention rather than transfer to an interstate facility.

The Department considers it already meets this recommendation through existing arrangements and refers to its responses at Recommendations 1 and 9 in relation to this recommendation.