



Australian Government
Department of Immigration
and Border Protection

Submission to the Australian Human Rights Commission's National Inquiry into Children in Immigration Detention 2014

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LIST OF KEY TERMS AND ACRONYMS

APOD	Alternative place of detention
ASAS	Asylum Seeker Assistance Scheme
BVE	Bridging Visa E
CAS	Community Assistance Support programme
CAS TS	Community Assistance Support – Transitional Support programme
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
Child	A person under the age of 18 or treated as such by the Department (where the person’s age is not known). Also referred to as minor.
Commission	Australian Human Rights Commission
Community detention	Detention under a residence determination made by the Minister under section 197AB of the Migration Act
CRC	United Nations Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
Department	Department of Immigration and Border Protection
Guardianship	Under the IGOC Act and its regulations, the Minister for Immigration is the guardian of certain UAMs in Australia. These arrangements apply to both irregular and regular arrivals.
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDC	Immigration detention centre

IDF	Immigration detention facility
IGOC Act	<i>Immigration (Guardianship of Children) Act 1946</i>
IGOC minor	A child who comes within the scope of the IGOC Act and for whom the Minister is legal guardian
IMA	Illegal maritime arrival
IRH	Immigration residential housing
ITA	Immigration transit accommodation
MCASD	Minister's Council for Asylum Seekers and Detention
Migration Act	<i>Migration Act 1958</i>
Minister	Minister for Immigration and Border Protection
OEP	Offshore Entry Person
Ombudsman	Commonwealth and Immigration Ombudsman
OPC	Offshore processing country
Privacy Act	<i>Privacy Act 1988</i>
Residence Determination	More commonly known as community detention. The Minister has a non-compellable and non-delegable power to grant a residence determination under section 197AB of the Migration Act
UAM	Unaccompanied minor

INTRODUCTION

The Department welcomes the opportunity to provide this submission to the Australian Human Rights Commission's (the Commission) National Inquiry into Children in Immigration Detention 2014 (the Inquiry). Immigration detention remains one of the most challenging, complex and sensitive areas of public policy and administration, and even more so in relation to children.

Over the past 10 years since the Commission's last inquiry, there have been significant improvements in the management of immigration detention and the placement of people during their immigration status resolution journey. In addition to the establishment of a case management service to monitor and facilitate progression of detainees' cases, legislative reforms have provided the Minister for Immigration and Border Protection with the power to approve persons to access community detention arrangements and to grant bridging visas to unlawful non-citizens while their claims are resolved. There has also been a marked improvement in the Department's approach to the management of the health, mental health and welfare of children and young people who are taken into immigration detention as unlawful non-citizens.

The detention framework and services to detainees now include a greater recognition that every individual has unique needs. One of the key indicators of this is that the Department now has three contracted service providers responsible for particular aspects of detainee care and welfare in Australia – the detention service provider, the health services provider, and the provider of support for unaccompanied minors. In 2004, the Department's detention service provider was responsible for the full range of detainee needs.

In recent years, the Department has taken a particular focus on improving policies and programmes to better protect children's human rights. This has included the implementation of Government policy to expand the community detention programme, which has seen 8750 detainees, including 4584 children, placed in community-based detention arrangements between 18 October 2010 and 30 April 2014. It has also included implementing an age determination assessment process to determine whether individuals are adults or minors where their age is in doubt.

In 2011, a dedicated Children's Unit was established within the Department to focus on a number of complex policy and programme issues relating to unaccompanied minors. The Unit has made a number of improvements to better support the Minister's responsibilities as guardian of unaccompanied minors under the *Immigration (Guardianship of Children) Act 1946*. In the coming year, the Department is focussing on some additional measures to improve our work on child protection issues, including by formalising the positive and constructive arrangements we already have with state and territory child welfare agencies.

Over the past decade, the Department has also engaged to a much greater extent with stakeholders, industry and sector experts and public scrutiny bodies. For example, as part of the expansion of the community detention programme, the Department worked closely and in partnership with non-government organisations through the Residence Determination Reference Group to develop an appropriate framework for care and support to those individuals placed in the community while awaiting the resolution of their immigration status. The Department's engagement with child specific organisations has also improved our knowledge and capability around meeting the needs of children more broadly, which has helped inform our approach on these critical issues.

The rapid increase in illegal maritime arrivals (IMAs)¹ in recent years has presented particular challenges for the Department in meeting the needs of children. In 2004, the year the report of the last Inquiry was published, one boat carrying 15 asylum seekers arrived in Australia. Since that time and up until 19 December 2013, over 52 000 asylum seekers arrived in more than 850 boats, including around 25 800 arrivals in 2012-13, of which approximately 3900 were children. The significant increase in IMA arrivals over that time placed pressures on the capacity of the immigration detention network, as well as impacted on processing times and length of time spent in immigration detention. At its height, in July 2013, there were 10 201 people in held detention, including 1992 children.

As noted in this submission, a range of policies and other initiatives has recently seen a significant reduction in IMAs, including children. As at 30 April 2014, there were 4258 people in held detention, including 833 children. In particular, there have been no successful boat arrivals since 19 December 2013. Amongst other things, this has resulted in a number of facilities across the immigration detention network being closed or earmarked for closure over the next year or so because of declining numbers of people, including children, in held detention.

The use of community detention and bridging visas have seen significant movements of children out of held detention and into community based arrangements. However, a community placement is not available, nor appropriate, for all individuals and in all circumstances. The Minister must be satisfied it is in the public interest to use powers to grant a visa or place a person in community detention.

The policy of mandatory detention has had the bipartisan support of successive governments since its introduction two decades ago. Persons who have arrived in Australia as IMAs since 19 July 2013 are liable for transfer under offshore processing arrangements, and are generally not considered for placement in the community pending their transfer, in line with the Government's position to transfer this group of IMAs to offshore processing countries as soon as reasonably practicable.

¹ Referred to in section 5AA of the *Migration Act 1958* as 'unauthorised maritime arrival'.

As community detention placements are not available for all individuals, the Department gives particular focus to the needs of families, children and unaccompanied minors in held detention arrangements. Successive Governments have taken the policy position that children will not knowingly be held in immigration detention centres, and this commitment has been maintained. Children are instead accommodated in lower-security facilities, either Immigration Residential Housing or Alternative Places of Detention, which provide for a greater level of amenity and freedom.

The Department has modified and improved services, policies and processes over the past decade. In addition to departmental staff, service providers, advisory groups, other partners and stakeholders contribute to the very valuable work we do in providing services to vulnerable people in our care, particularly children.

FRAMEWORK OF DETENTION

Overview

The Department must, and does, work within the domestic legal framework set by the parliament and the courts and the policy set by the Government of the day. Accordingly, an important starting point in discussing the work of the Department in relation to children in immigration detention is to set out the key elements of the domestic legal and policy framework.

The *Migration Act 1958* (the Migration Act) and the *Migration Regulations 1994* provide the statutory framework under which the Department manages the delivery of the Government's migration and humanitarian programmes, facilitates the well-managed entry and settlement of people to Australia, and enforces the requirements of Australia's migration laws, including the detention and removal of unlawful non-citizens who have no entitlement under those laws to enter and/or remain in Australia.

Under the Migration Act, Australia has a universal visa regime that requires most people who are not Australian citizens to hold a valid visa prior to entry to Australia. Under successive governments, immigration detention has been an essential element of the overall approach to the integrity of Australia's border security. People who arrive in Australia, or who seek to enter Australia, without the appropriate authority do not provide the Government with an opportunity to assess risks that they might pose to the Australian community before presenting at the border.

In this context, immigration detention allows for the assessment of whether the person has a lawful right to remain in Australia and for the management of any health, identity and/or security risks they might present to the Australian community.

This approach is consistent with the fundamental principle of international law that a State has the sovereign right to determine which non-citizens are admitted into its territory and which are permitted to remain, as well as the conditions under which they may be removed.

The immigration detention environment is governed by a legal and policy framework consisting of Commonwealth, State and Territory legislation, Ministerial directions and Departmental policy and procedures. This framework is informed by Australia's international law obligations, and by expert advice from specialists in relevant fields.

Legal framework

Domestic law

The Migration Act is the primary legislation which governs the work conducted by the Department. The object of the Migration Act is to regulate, in the national interest, the entry into and presence in Australia of non-citizens. Other relevant Commonwealth legislation includes the *Immigration (Guardianship of Children) Act 1946* (IGOC Act) and the *Privacy Act 1988* (Privacy Act). Some State and Territory laws also apply in relation to children in immigration detention, to the extent that the legislation is not inconsistent with Commonwealth legislation, including those relating to health, child protection, education and criminal law.

The Migration Act

Under the Migration Act, detention is mandatory for all unlawful non-citizens in Australia. Children who are unlawfully in Australia are subject to the same requirements under the Migration Act as adults who are unlawfully in Australia. Under the Migration Act, non-citizen children who are born in Australia to non-citizen parents who hold a visa are generally deemed to be granted the same visa/s held by their parents. Similarly, non-citizen children born in Australia to parents who do not hold a visa also do not hold a visa.

Mandatory detention has existed under the Migration Act for over two decades for all non-citizens who are unlawfully in Australia. The Migration Act requires that an unlawful non-citizen must be detained and continue to be detained until they are removed from Australia or they are granted a visa. Unlawful non-citizens must be removed in certain circumstances as soon as reasonably practicable.

Since the publication of the Commission's report on its last inquiry into children in immigration detention, the High Court of Australia ruled in *Al-Kateb v Godwin (2004)*² that section 189 of the Migration Act, which requires that an officer detain an unlawful non-citizen, was constitutionally valid, even if the removal of those persons was not reasonably practicable in the foreseeable future. Accordingly, there is no time limit on the lawfulness of detention under Australian law. While there have been a number of recent attempts to have the High Court reconsider *Al-Kateb*, the majority of the High Court has declined to do so. The decision therefore remains the current authority on this issue.

Under Australian law, immigration detainees have the capacity to challenge the lawfulness of their immigration detention before the courts. This means that children in detention can take proceedings before a court to legally challenge their detention, and have the same rights to challenge as all other detainees. The Migration Act also provides that a person in immigration detention shall be afforded, upon request, all

² *Al-Kateb v Godwin (2004)* 219 CLR 562.

reasonable facilities for obtaining legal advice or taking legal proceedings in relation to their immigration detention.³ This is in line with the obligation under Article 37(d) of the CRC that every child deprived of his or her liberty shall have the right to challenge the legality of the deprivation of their liberty before a court or other competent, independent and impartial authority.

A detailed history of the evolution of the Australian legislative framework and policy for immigration detention is included in Attachment E to the Department's submission to the Joint Select Committee on Australia's Immigration Detention Network, September 2011.⁴ Rather than repeat the information provided in that document, this submission focuses instead on some of the key amendments which have been made to the Migration Act since the Commission's last report in 2004 which have an impact on immigration detention.

In 2005, a package of reforms was made to the Migration Act. One of the key reforms was inserting into the Act the Parliament's affirmation of the principle that a child should only be detained as a measure of last resort.⁵ Successive governments have built on this requirement with the principle that children are never knowingly detained in an immigration detention centre.

Another key reform provided the Minister with a personal, non-compellable and non-delegable power to make a residence determination (known as community detention).⁶ Community detention allows the Minister to place low-risk unlawful non-citizens into the community, under their own recognisance but subject to a set of conditions which are appropriate to their circumstances. Although community detention is outside the scope of the Commission's terms of reference for this Inquiry, this submission includes some brief discussion about the programme given the scale and positive impact of the programme, particularly for families with children and unaccompanied minors.

In addition to the Minister's power to make a residence determination, the 2005 reforms also provided the Minister with the power to grant a visa to a person who is in immigration detention.⁷ This has been used by successive Ministers since November 2011, at their discretion, to grant bridging visas to IMAs, including some children. Those granted bridging visas have been released from detention to live in the community while their immigration status is resolved.

The final key reform made by the 2005 amendments was the implementation of specific arrangements for oversight by the Commonwealth Ombudsman of the

³ Section 256 of the Migration Act.

⁴ Available on the Department's website at:

<http://www.immi.gov.au/media/publications/pdf/2011/diac-jscaidn-submission-sept11.pdf>.

⁵ Section 4AA of the Migration Act.

⁶ Section 197AB of the Migration Act.

⁷ Section 195A of the Migration Act.

circumstances of persons in immigration detention. The inserted provisions require the Secretary of the Department to report to the Commonwealth Ombudsman on persons who have been detained for two years or more (section 486N), and require the Ombudsman to give assessments and recommendations relating to those persons to the Minister (section 486O).

The IGOC Act was also amended to clarify that the provisions of the IGOC Act do not affect the operation of the Migration Act, particularly in relation to the making and implementation of any decision to remove, deport or take a non-citizen child from Australia.⁸

Following the receipt of the report of the Expert Panel commissioned by the then Government, in August 2012, the Migration Act was amended in 2013 to provide that all arrivals in Australia by irregular maritime means would have the same legal status (an Unauthorised Maritime Arrival) regardless of where they arrived, unless they were an excluded class of, or otherwise exempted, person⁹ (subsection 4(5)); and like Offshore Entry Persons previously would not be able to make a valid application for a visa without the Minister lifting the application bar and would be liable to be taken to a regional processing country.

Duty of care

It has been established that the Department owes a duty of care to detainees in held detention. This means that the Department and its detention service providers are legally obliged to ensure that reasonable care is taken to prevent detainees from suffering reasonably foreseeable harm, having regard to the obligations under the Migration Act. The duty of care requires the Department to exercise reasonable care for the day-to-day needs, as well as the safety and welfare, of all detainees. This necessitates that the Commonwealth ensures that a level of medical care is made available which is reasonably designed to meet the health care needs of detainees.

The Department recognises that children in immigration detention may require special care above and beyond the standard of care required for adult detainees because they may have particular vulnerabilities.

The Department also has specific obligations to detainees and other people in immigration detention under the *Work, Health and Safety Act 2011*.

The IGOC Act

The IGOC Act provides that the Minister for Immigration is the legal guardian of certain unaccompanied non-citizen minors (UAMs) who arrive in Australia not accompanied by a parent or relative aged 21 years or over (IGOC minors).

⁸ Section 6 of the IGOC Act.

⁹ Section 5AA of the Migration Act.

The IGOC Act recognises the Minister as the sole guardian of IGOC minors to the exclusion of their parents or other guardians who may arrive in Australia after the child's entry. The IGOC Act also recognises that, as guardian, the Minister and his/her delegates have the same rights, powers, duties, obligations and liabilities as a natural guardian (or parent) of a child.

To assist in meeting guardianship responsibilities, the IGOC Act allows the Minister to delegate a majority of his/her guardianship powers and functions to officers in the Commonwealth or State or Territory Governments.

The IGOC Act allows the Minister to select and appoint willing and suitable persons or organisations to be custodians of IGOC minors and to place IGOC minors into the custody of those persons or organisations. In general terms, a custodian has the right and responsibility to make decisions about the daily care and control of a child who is in their custody.

The Privacy Act

The Privacy Act applies in relation to all of the Department's dealings with personal information, including that of detainees. In accordance with the Privacy Act, before or, as soon as practicable, after any personal information is collected from detainees, they are made aware of the purpose for which the personal information is collected.

There are also specific provisions in the Migration Act which regulate the use and disclosure of identifying information and movement records, providing an additional layer of protection for these types of information.¹⁰

The Department and its contracted service providers are bound to comply with the provisions of the Privacy Act, including the Australian Privacy Principles which govern the collection, use and disclosure of personal information. In preparation for the reforms to the Privacy Act which commenced on 12 March 2014, the Department undertook a comprehensive review and update of forms, policies and practices to ensure compliance with the new requirements under the Privacy Act. In addition, since the reforms took effect, face-to-face privacy training and seminars have been held in major State and Territory offices of the Department, and are planned for the National Office, to support front line staff and policy areas of the Department.

The protections afforded by the Privacy Act ensure our compliance with Article 16 of the United Nations Convention on the Rights of the Child (CRC), which relevantly provides that the child has the right to the protection of the law against arbitrary or unlawful interference with his or her privacy.

¹⁰ Part 4A and section 488 of the Migration Act respectively.

Under the Privacy Act, use and disclosure of personal information is permitted with the consent of the person concerned. The Department's policy is guided by the Privacy Commissioner's guidelines in regard to children and young people and consent. An officer can accept the consent of a child or young person if the child or young person is capable of providing valid consent, having due regard to their age and developmental level. This is assessed on a case by case basis. This approach is consistent with the obligation under Article 12 of the CRC to assure to the child who is capable of forming his or her own views the right to express those views freely, and to give weight to those views in accordance with the age and maturity of the child.

International law

Australia is a party to the seven major human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Convention on the Rights of the Child (CRC);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of Persons with Disabilities (CRPD);
- Convention on the Elimination of All Forms of Racial Discrimination (CERD); and
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

In addition, Australia is a party to the 1951 Refugees Convention and the 1967 Protocol.

These treaties identify certain human rights and require that States who are parties ensure all people within their territory and/or jurisdiction enjoy these rights.

Australia takes seriously its international human rights obligations and responsibilities and seeks to act consistently with those obligations. It is an accepted doctrine of international law that States enjoy a margin of appreciation as to how to give effect to their international obligations.

The rights envisaged by the human rights treaties are implemented in Australia by a combination of Commonwealth and State and Territory laws and policies, the common law and administrative policy and practice. Where the implementation of treaty obligations requires a change of domestic laws, this can only occur through legislation. Since 2011, the *Human Rights (Parliamentary Scrutiny) Act 2011* has required that statements of compatibility with Australia's human rights obligations accompany all new Bills and disallowable legislative instruments.

In the Australian context, the policy of mandatory detention has regard to the obligations under Article 9 of the ICCPR and 37(b) of the CRC that no one shall be

subject to arbitrary detention and under Article 37(b) that the detention of a child shall only be used as a measure of last resort. The primary purpose of immigration detention is to enable the assessment of whether the person has a lawful right to remain in Australia, to ensure availability for removal or transfer where appropriate and to protect the community from risk arising from any health, identity and security or other concerns. In the current policy context, persons who arrived as IMAs and are liable for transfer to an OPC are generally detained while their transfer is pending. For longer-term IMAs, held detention is the least preferred option, and they are considered for alternative placement once they have completed health, identity and security clearances in accordance with the relevant Ministerial guidelines.

1989 Convention on the Rights of the Child

Australia has ratified the CRC (with a reservation made in relation to Article 37(b)) and the first two Optional Protocols to the CRC on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography.

The Department recognises that children are a vulnerable group and has policies, procedures and programmes in place to ensure their human rights are protected. This submission highlights specific obligations under the CRC and the arrangements in place to ensure those obligations are satisfied.

One of the key obligations in the CRC is the requirement, under Article 3, that in all actions concerning children the best interests of the child shall be a primary consideration. Specific instructions based on the CRC are included in departmental policy and procedures manuals to ensure the best interests of the child are considered by officers. The Department has a specific chapter in its Procedures Advice Manual outlining guiding principles on the treatment of children for officers performing compliance, detention, removal and/or case management functions. Among other things, the guidance requires that officers should consider Australia's obligations under the CRC when making decisions concerning children.

Article 37(b) provides that the detention of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. This is reflected in section 4AA of the Migration Act. Article 37(c) requires that every child deprived of their liberty shall be treated with humanity and respect for their inherent dignity and in a manner which takes into account the needs of persons of the child's age.

The Migration Act affirms as a principle that children will be detained in held detention only as a measure of last resort, and it is policy that children are not knowingly detained in immigration detention centres. While Australia's migration legislation requires all unlawful non-citizens, whether they are children or adults, to be detained until they are removed from Australia or granted a visa. However, wherever possible and appropriate, IMA children are detained in either low security alternative places of detention or, for those who arrived in Australia prior to 19 July 2013, in community detention.

Children in immigration detention are provided with appropriate care, including access to education and health care, both physical and mental, as required. This is consistent with the obligation under Article 6(2) to ensure the survival and development of the child, the right to the enjoyment of the highest attainable standard of health under Article 24, and the right to education under Article 28. Non-citizen children who are in Australia without a parent or adult relative are provided with guardianship and special support to help meet their needs. Children in immigration detention also have access to appropriate recreational facilities and activities, consistent with the right under Article 31 to rest and leisure and to engage in play and recreational activities appropriate to the age of the child.

The Department also has specific arrangements in place to ensure the safety of children, including undertaking age determination assessments to ensure unaccompanied children are not accommodated with adults where it is unclear whether a person is an adult or a minor, through specific contractual requirements with service providers, and through requirements for mandatory reporting of suspicions of child abuse and neglect. This is consistent with the obligations under Article 19 to take all appropriate measures to protect children from harm and, under Article 20, to give special protection and assistance to children who are without their family.

In all matters concerning children, every effort is made to ensure the family unit remains together. This is consistent with the obligation under Article 9 (as well as Articles 17 and 23 of the ICCPR), which requires that a child shall not be separated from his or her parents against their will, except when competent judicial authorities subject to judicial review determine that such separation is necessary for the best interests of the child. For children whose parents are in immigration detention, the best interests of the child will generally be met by remaining with their parents, recognising the responsibilities, rights and duties of parents for the upbringing and development of their child under Articles 5 and 18 of the CRC.

The Department works cooperatively with external scrutiny bodies, including the Immigration Ombudsman, the Australian Human Rights Commission and relevant UN bodies, so that Australia's international human rights obligations are considered in relation to decision making and care arrangements. The Department also has an internal legal service that provides advice regarding Australia's international legal obligations.

Policy framework

The Department's submission to the Joint Select Committee on Australia's Immigration Detention Network, September 2011¹¹ provides a detailed history of the policy evolution for immigration detention since the 1970s to 2011. It also provides background on the evolution of changes to processing arrangements for protection

¹¹ Available on the Department's website at:
<http://www.immi.gov.au/media/publications/pdf/2011/diac-jscaidn-submission-sept11.pdf>.

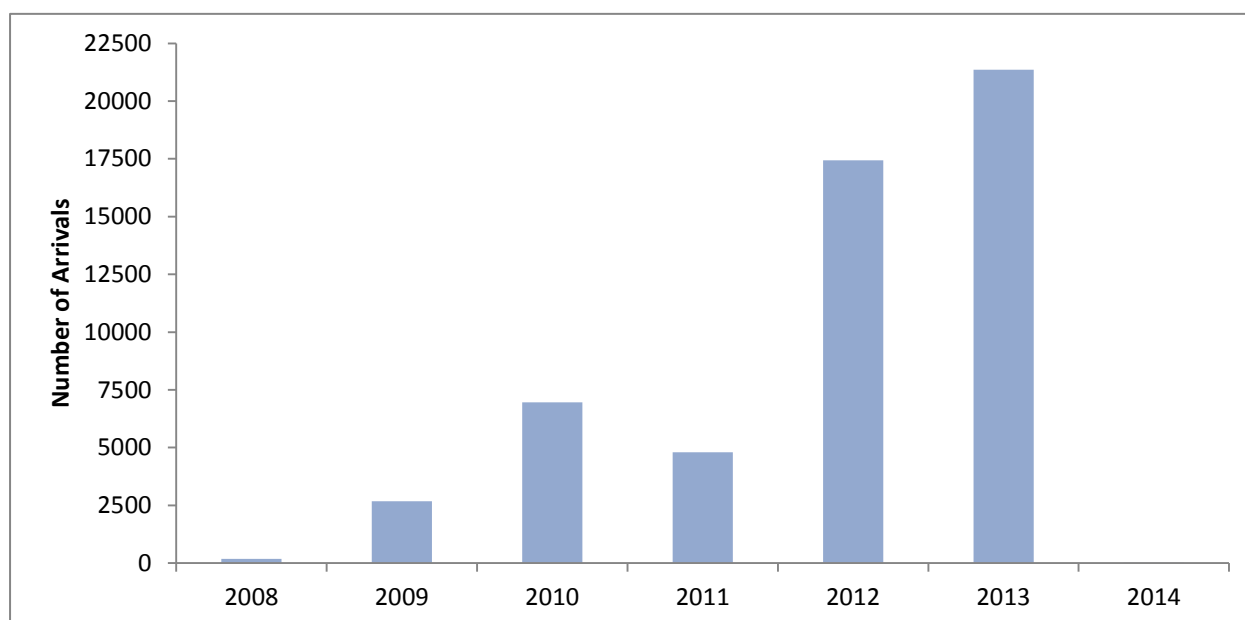
claims. Rather than repeat the discussion included in that submission, this submission will instead focus on some of the major policy changes which have occurred over the past 10 years.

Australia has seen several fluctuations in IMA arrivals since the late 1970s, covering four distinct periods: 1976-81, 1989-98, 1999-2001 and 2009-13.

The Commission's previous report followed shortly after the third period, from 1999 to 2001. The profile and origins of IMAs coming to Australia in this third period differed from those of previous IMAs who had mostly come from Cambodia, the People's Republic of China and Vietnam. During the period 1999-2001, IMAs predominantly came from Afghanistan, Iran, Iraq and Sri Lanka. In total, 12 272 people arrived in this period.¹²

In the most recent period, between 2009 and 2013, the number of asylum seekers arriving by boat increased significantly, as illustrated by **Figure 1** below. Boats began arriving again in October 2008 and, over the course of 2009-10, the numbers increased to unprecedented levels. As with the preceding arrivals, the majority of IMAs came from Afghanistan, Iran, Iraq and Sri Lanka. The number of children, both accompanied and unaccompanied, who travelled to Australia as IMAs also increased in this period.

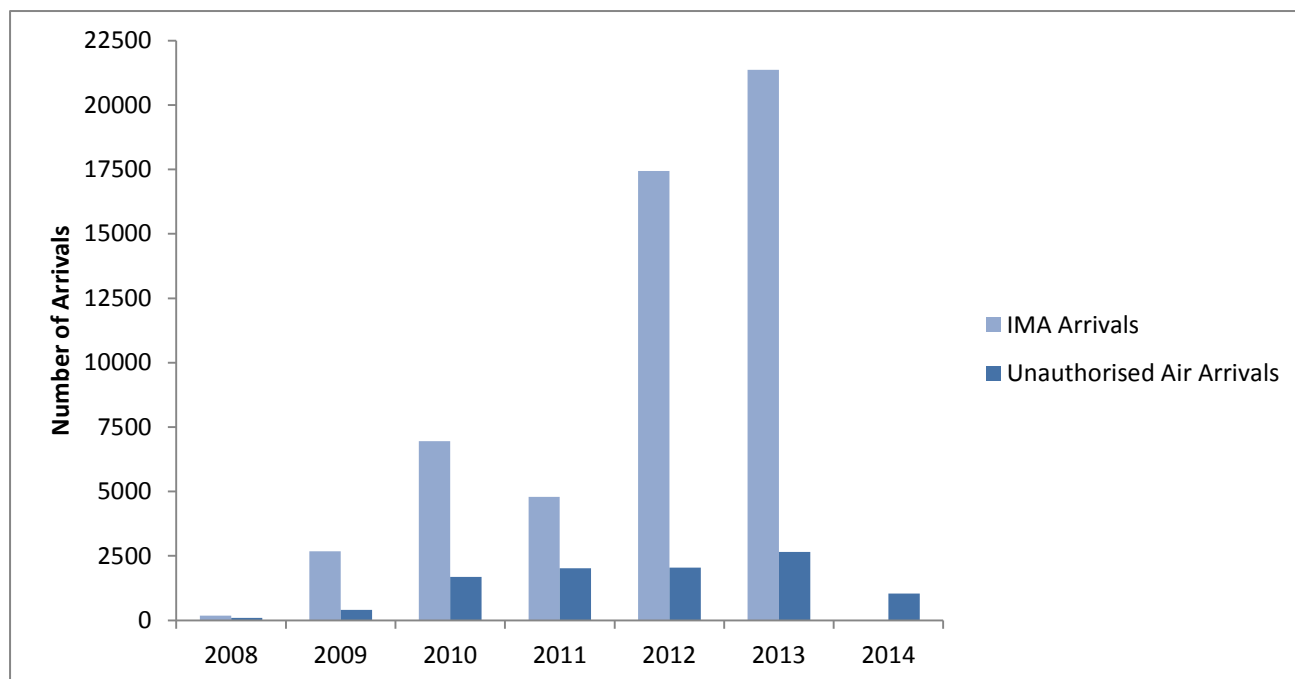
Figure 1: Illegal Maritime Arrivals 2008 to 2014



¹² Department of Immigration and Citizenship Submission to the Joint Select Committee on Australia's Immigration Detention Network, September 2011, p. 18.

Between 2009 and 2013, the vast majority of people who arrived in Australia by irregular means arrived by boat. This is illustrated in **Figure 2** below.

Figure 2: Illegal Maritime Arrivals and Unauthorised Air Arrivals



The policy of mandatory detention was first introduced in 1992 as an interim measure in response to increased IMA arrivals from Cambodia and anticipated arrivals from Hong Kong. Later in 1992, the Migration Reform Act was passed by the Parliament to overhaul the legislative framework for detention and introduced mandatory detention as an ongoing measure from 1 September 1994.

Mandatory detention has had the bipartisan support of successive governments since its introduction.

In the two most recent periods of boat arrivals – 1999 to 2001 and 2009 to 2013 – well documented tragedies have occurred in which asylum seekers have lost their lives, mainly through drowning at sea. These tragedies include but are not limited to:

- Suspected Illegal Entry Vessel (SIEV) X in October 2001 – more than 350 people drowned after the vessel sank in a storm;
- Flemington (SIEV 36) in April 2009 – an on-board explosion caused the deaths of five people and injured many more;
- Reservoir (SIEV 69) in November 2009 – it is believed 12 people drowned when the vessel sank;
- Cocos Island rescue in May 2010 – involved a rescue operation that saved 59 people in distress but where it is believed five people perished; and
- Janga (SIEV 221) in December 2010 – a boat foundered on the cliffs at Christmas Island and at least 30 people drowned.

There have also been tragedies at sea for which there are no specific details, but where refugee advocates, relatives and others have made claims of countless lives lost. It is estimated, however, that during the most recent period of boat arrivals that over 1200 people are either missing or presumed dead at sea.¹³

In 2012, the then Government commissioned an expert panel to provide advice on policy options to prevent asylum seekers risking lives on dangerous boat journeys to Australia. The Expert Panel on Asylum Seekers reported its findings on 13 August 2012.

A range of measures was pursued following the receipt of the report, most notably the establishment of offshore processing capacity in Nauru and Manus Island, Papua New Guinea (PNG) for OEPs. The Expert Panel stated that all possible measures should be implemented to avoid creating an incentive for people to take even greater risks with their lives by seeking to bypass excised offshore places to reach the Australian mainland so they would not be OEPs. Children were not to be excluded from offshore processing arrangements because of the concern that this would encourage people smugglers to target children. Transfers of IMAs to Nauru started on 14 September 2012 and to PNG on 21 November 2012.

On 19 July 2013, the Government entered into the Regional Resettlement Arrangement (RRA) with PNG. The RRA provided for the processing of IMAs transferred from Australia and settlement of those found to be refugees in PNG. The RRA was formalised through a memorandum of understanding (MOU) signed on 6 August 2013. A similar MOU was signed with Nauru on 3 August 2013. Refugee status determination is underway in both countries. Those assessed as being in need of protection will be settled in either PNG or Nauru, or another country, but not Australia.

In October 2013, the Government implemented an election commitment to re-introduce temporary protection visas for all IMAs. The legislation implementing the temporary protection visa regime was disallowed by the Senate in December 2013 and, since that time, the Government has taken a number of other steps to continue to ensure that a permanent protection visa is not granted to an IMA but protection is still offered where obligations are owed. For example, where such IMAs have been in detention, the Minister has generally used his intervention power under section 195A of the Migration Act to grant a three year Temporary Humanitarian Concern visa. The Government intends to again introduce legislation to support the use of Temporary Protection visas during 2014.

Australia has seen a significant reduction in IMAs since the implementation of these agreements, as well as other initiatives. As at 30 May 2014, there had been no successful boat arrivals since 19 December 2013.

¹³ Advice provided by Australian Customs and Border Protection Service.

DETENTION POPULATION

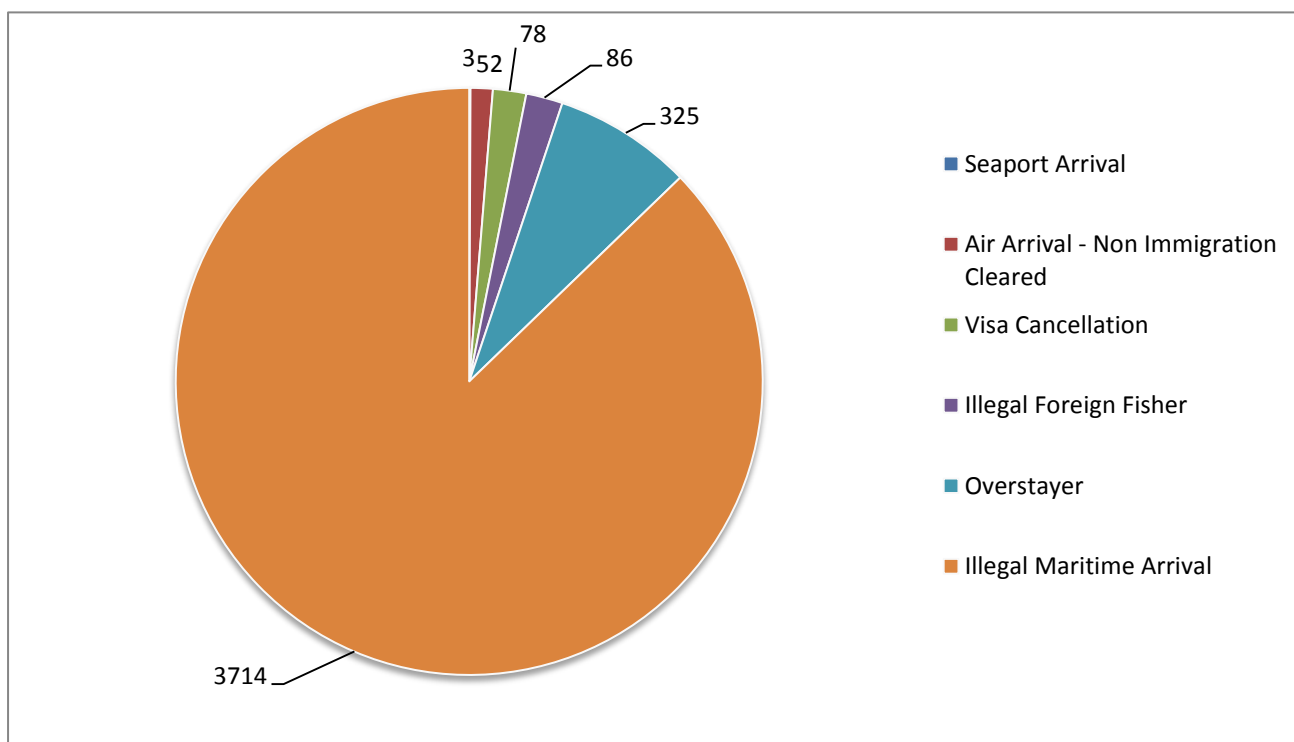
Method of arrival

The vast majority (93 per cent, as at 30 April 2014) of people currently in immigration detention, including community detention, arrived in Australia by boat.

As at 30 April 2014, there were 7171 people in immigration detention (including 2913 people in community detention) compared to 11 549 as at 30 April 2013. This included 6617 IMAs, 60 unauthorised air arrivals, 78 people who had been living in the community but had their visa cancelled, 86 foreign fishers, 325 visa overstayers and five others such as stowaways and ship's deserters.

The figure below shows people in held detention by arrival type, as at 30 April 2014. This chart does not include people in community detention.

Figure 3: People in Held Immigration Detention by Arrival Type



Historical arrivals of Illegal Maritime Arrivals

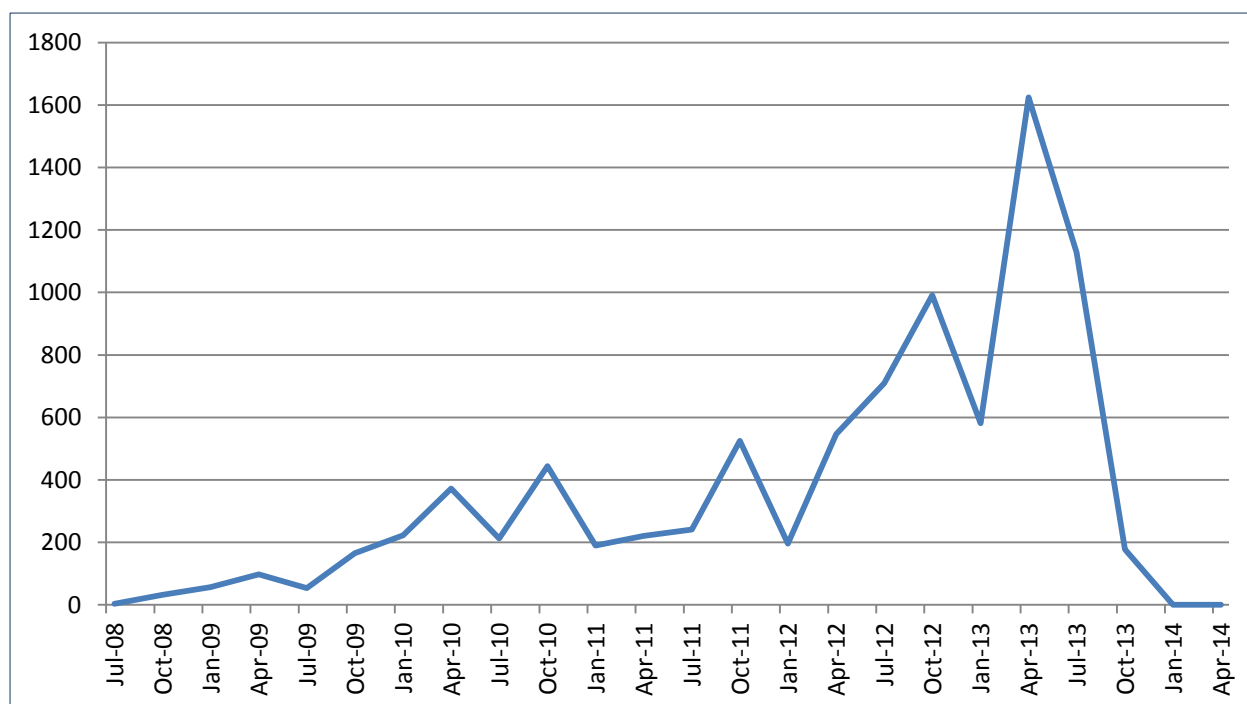
The increase in recent years in the number of IMAs, highlighted in **Figure 1** above, includes an increase in the number of children, both accompanied and unaccompanied.

In 2000-01, there were 1271 unauthorised arrivals under the age of 18 years. Children accounted for approximately 15 per cent of those who entered detention in the 2000-01 financial year. The vast majority of these children were detained with an adult family member.

In 2013-14 (as at 30 April 2014), there were 1419 IMAs under the age of 18 years who entered detention. Children accounted for approximately 15 per cent of the total number of IMAs who entered detention in the 2013-14 financial year (to 30 April 2014). Approximately 90% of these children were accompanied by an adult family member.

The figure below shows the arrivals of child IMAs by year, 2008 to 30 April 2014.

Figure 4: Child Illegal Maritime Arrivals by Quarter from July 2008 to April 2014



Current numbers

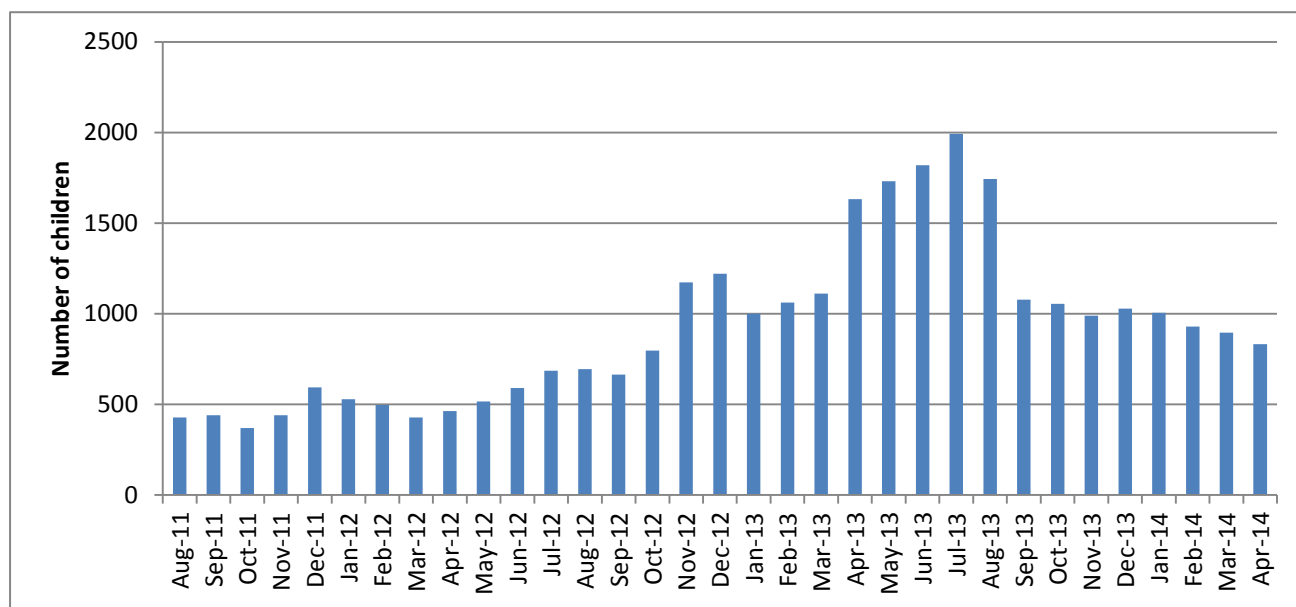
The table below shows the total number of adults and children in each immigration detention facility, in community detention, and in the community as the holder of a BVE, as at 30 April 2014.

Table 1: Adults and Children in Immigration Detention Facilities, Community Detention and BVE Holders

Place of immigration detention	Men	Women	Children	Total
Christmas Island Immigration Detention Centre	823	-	-	823
Curtin Immigration Detention Centre	277	-	-	277
Maribyrnong Immigration Detention Centre	100	7	-	107
Northern Immigration Detention Centre (Darwin)	78	-	-	78
Perth Immigration Detention Centre	37	12	-	49
Villawood Immigration Detention Centre	183	23	-	206
Wickham Point Immigration Detention Centre	192	-	-	192
Yongah Hill Immigration Detention Centre	427	-	-	427
Alternative Places of Detention (Christmas Island and Cocos Keeling Island)	153	174	254	581
Alternative Places of Detention (Mainland)	281	343	423	1047
Total Immigration Detention Centres/APODs	2551	559	677	3787
Perth Immigration Residential Housing	4	8	14	26
Sydney Immigration Residential Housing	6	12	17	35
Adelaide Immigration Transit Accommodation	16	4	-	20
Brisbane Immigration Transit Accommodation	46	22	16	84
Melbourne Immigration Transit Accommodation	122	75	109	306
Total in Immigration Residential Housing and Immigration Transit Accommodation	194	121	156	471
Total Facility	2745	680	833	4258
Total Community under Residence Determination	799	624	1490	2913
Total Community on Bridging Visa E (including people in a re-grant process)	20148	2298	1827	24273

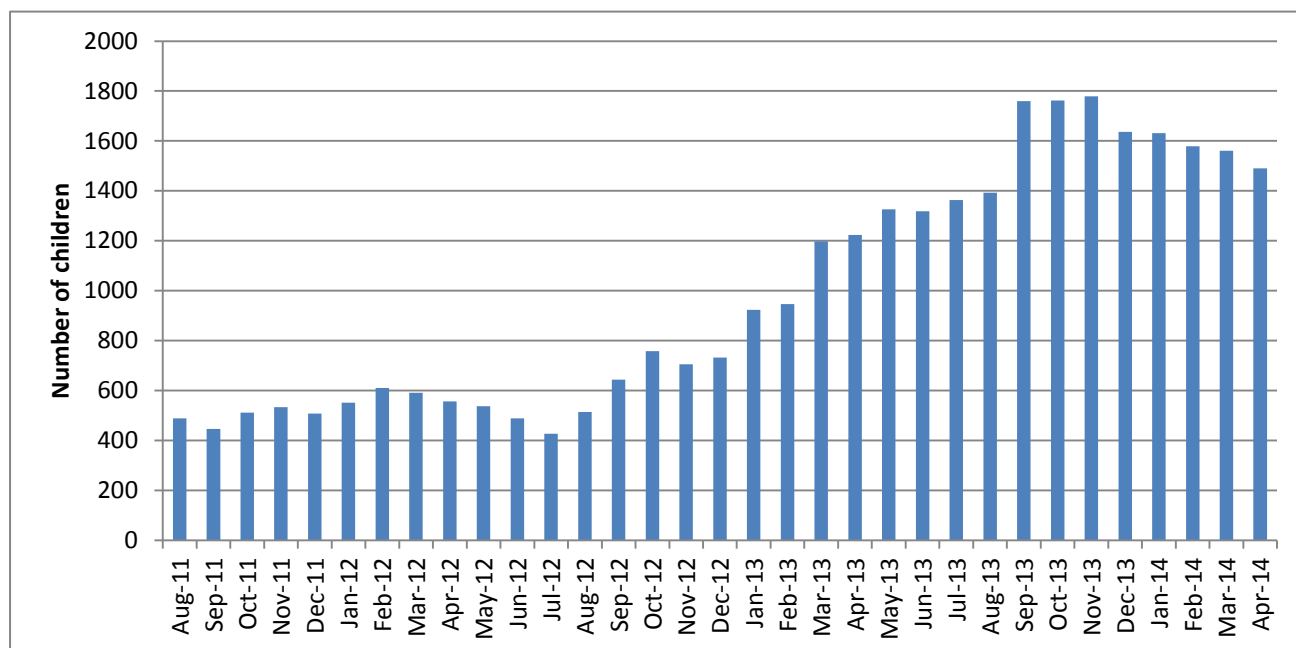
The graph at **figure 5** shows the number of children in Immigration Residential Housing, Immigration Transit Accommodation and Alternate Places of Detention, as at 30 April 2014, and the trends in number of children in these forms of held detention, from August 2011 to April 2014.

Figure 5: Children in Immigration Residential Housing, Immigration Transit Accommodation and Alternative Places of Detention



The graph at **figure 6** shows the number of children in the community under a residence determination, as at 30 April 2014. The graph also illustrates the trends in the number of children detained in community detention from August 2011 to April 2014.

Figure 6: Children in Community under Residence Determination (Community Detention)



Detention is not limited by a set timeframe but is dependent upon a number of factors, including identity determination, developments in country information and the complexity of processing due to individual circumstances relating to health, character or security matters.

According to departmental systems data, as at 30 April 2014, the average total length of time spent in held immigration detention for all children is 266 days (not including community detention). The table below shows the breakdown by certain age groups:

Table 1: Children in Immigration Detention Facilities

Average days in detention					
Age Range	APOD	IDC	IRH	ITA	Total
under 1 year olds	130	0	350	85	128
1 - 2 year olds	269	0	333	286	273
3 - 4 year olds	264	0	526	272	270
5 - 12 year olds	289	0	570	268	294
13 - 15 year olds	292	0	519	244	297
16 - 17 year olds	273	0	433	383	290

The Department is aware that studies in recent years have highlighted that detention has an adverse impact on children and families with many noting that detention can be associated with post traumatic stress disorder, high levels of depression and poor mental health as well as an increase in the deterioration of mental health along with time spent in detention.¹⁴

As such, the Department is cognisant of the need to minimise the length of time that people spend in detention within the resources available and relevant legal and policy frameworks.

The case management framework is one way in which the Department manages the length of time that people spend in detention. The framework prioritises comprehensive initial assessment and regular oversight of a person's circumstances so that the lawfulness, conditions and appropriateness of their detention may be considered and placement individually managed. The increased focus on status

¹⁴ Department of Immigration and Citizenship Submission to the Joint Select Committee on Australia's Immigration Detention Network, September 2011, p. 63.

resolution within the framework focuses the provision of care and support to address individual vulnerabilities with the objective of helping detainees exercise choice (where reasonably possible), to actively engage with the Department to resolve their immigration status. The role of case managers is described in greater detail in the 'Departmental Interactions With Children' section of this submission.

At the same time as focusing on status resolution, the Department has sought to ensure that the conditions and environment of immigration detention facilities have remained positive and healthy. This is discussed further in the 'Managing Detention Facilities' section of this submission.

Reviews of detention

Senior departmental officer reviews of ongoing detention are conducted every six months and the Department is required by statute to report to the Commonwealth Ombudsman on the circumstances of people who have been in immigration detention for two years or more. These reviews consider the lawfulness and appropriateness of the person's detention, their detention arrangements and other matters relevant to their ongoing detention and case resolution.

In considering the recommendations from these reviews, and balancing the risks to the Australian community, the Department explores alternative placement options. Where considered appropriate, the Department also refers cases to the Minister for consideration of a community detention placement in accordance with the s197AB ministerial intervention guidelines.

These arrangements are in line with Article 25 of the CRC, which requires States to recognise that a child who is placed for the purpose of care, protection or treatment of health has the right to periodic review of their treatment and all other circumstances relevant to his or her placement.

Case managers also conduct regular reviews of detainees. For further information, see the 'Detainee Placement' section of this submission.

ALTERNATIVES TO HELD DETENTION

Section 189 of the Migration Act requires that an unlawful non-citizen in the migration zone must be detained. Two alternatives to held detention currently utilised for IMAs are community detention, which enables a person to reside in the community while still being legally detained under section 189, and the grant of a bridging visa, which provides temporary lawful status to live in the community. Generally, community detention provides a positive combination of environment and services to support families and individuals with vulnerabilities, such as a disability or mental health concerns.

Community detention

One of the most significant reforms over the past decade has been the introduction of legislative changes in 2005 which introduced a non-compellable, non-delegable ministerial power to make a residence determination under the scheme more commonly known as community detention (section 197AB of the Migration Act).

Community detention was first introduced in June 2005, as part of a package of amendments to the Migration Act, to enable children, families and people with special needs to be placed in detention in the community, rather than in a secure immigration detention centre. Community detention allows people in immigration detention to reside and move about freely in the community without being accompanied by an officer under the Migration Act. A person placed in community detention remains legally in immigration detention and must reside at an address determined by the Minister.

In October 2010, the then Government announced that community detention arrangements were to be expanded so that greater numbers of unaccompanied minors, children and vulnerable families could be moved into community-based accommodation. Following this announcement, between 18 October 2010 and 30 April 2014, a total of 8750 detainees had been approved for community detention, including 2771 accompanied children and 1813 unaccompanied minors.

Following the announcement of the expansion of community detention arrangements in late 2010, the Department engaged with relevant stakeholders (including existing and potential contracted service providers, State Governments and health providers) to assess the capacity of the sector to support a larger programme and to develop capabilities and an operational framework for the community detention programme.

The Department has contracted a number of organisations from the not-for-profit sector to provide community detention services. The providers prepare a comprehensive and detainee-focused care plan for all people placed in the community detention programme. This plan defines appropriate services and support arrangements for each community detainee. The plan is further used as a tool to identify potential meaningful engagement activities for community detainees,

including linking them with community groups, social activities and religious networks.

Where the Minister is the guardian of children who are in community detention, a service provider is contracted to provide residential care and manage their welfare. Carers responsible for children are required, under their contract, to be appropriately trained and qualified to care for children. Most unaccompanied minors (UAMs) placed in community detention live with a carer in a group house arrangement with other UAMs.

In line with community standards, UAMs in community detention attend school, have access to health care and are supported to become involved in after-school activities, such as football, art or music classes and other recreational activities.

Health care is provided by General Practitioners (GPs) and other health professionals in the community, coordinated by the Department's contracted detention health services provider, International Health and Medical Services.

UAMs who are granted Protection or Humanitarian visas transition out of community detention into care arrangements with State or Territory Governments (where they have an established care arrangement) or with the Department's contracted providers (under the Department's Unaccompanied Humanitarian Minors Programme).

The Department continues to regularly update the community detention operational framework in consultation with community detention contracted service providers who show a strong interest in the review process. This collaborative approach ensures the community detention operational framework is a clear articulation of service requirements and a valuable working document. The Department regularly meets with all contracted service providers, including face-to-face, to discuss programme settings and Government priorities and policy objectives. The Department also provides ongoing support and guidance on a daily basis as part of managing the community detention programme in partnership with contracted service providers.

The Department also works with external stakeholders such as the Minister's Council for Asylum Seekers and Detention (MCASD) in relation to services and other aspects of the community detention programme.

Successive Ministers have set out guidelines explaining the circumstances in which they may consider exercising their public interest power under section 197AB of the Migration Act. The guidelines inform departmental officers in what circumstances the Minister is likely to consider exercising the relevant powers in the public interest. The guidelines make clear the Minister's expectation that, in accordance with the principle in section 4AA of the Migration Act, where detention of a child is required

under the Act, it should, when and wherever possible, take place in the community under a Residence Determination rather than under traditional detention arrangements. This is consistent with the obligation under Article 37(b) that the detention of a child shall only be used as a measure of last resort and for the shortest appropriate period of time.

The guidelines also make clear the Minister's general expectation that the principle of family unity be met. To the extent that Article 9 of the CRC applies in the migration context, these arrangements for maintaining family unity are consistent with that Article.

The current Minister's guidelines set out that priority cases for referral to him are detainees who arrived in Australia before 19 July 2013 and who are unaccompanied minors or children aged 10 years and under and their accompanying family members. Other cases can be referred for consideration as a lower priority. Families with children over 10 years old are referred for consideration of the grant of a bridging visa, unless there are particular vulnerabilities which warrant consideration of community detention.

Bridging visas

The Migration Act provides for the grant of bridging visas, a form of temporary visa, to eligible individuals. IMAs do not generally meet the eligibility requirements for the grant of a bridging visa. However, reforms were made to the Migration Act in 2005 to provide the Minister with the power to grant a visa to a person who is in immigration detention.¹⁵ Since November 2011, successive Ministers have used this power to grant Bridging E visas (BVEs) to more than 29 000 IMAs and release them from detention to live in the Australian community while they await the resolution of their visa status.

Prior to release on BVEs, IMAs are assessed to manage security, health, identity or significant behavioural issues that may present a risk to the community. Since December 2013, IMAs aged 18 years and older are also required to sign a code of behaviour prior to BVE grant.

According to departmental systems data, as at 30 April 2014, 1 939 IMA children had been released on a BVE, including 48 babies born since their mothers arrived as IMAs. Of those children, 1 827 remain under the age of 18 and in the community. Eighty eight children released on bridging visas have been granted permanent protection visas.

A small number of unaccompanied minors have been granted bridging visas. Generally, the policy position is that BVEs are not considered appropriate for

¹⁵ Section 195A of the Migration Act.

unaccompanied minors as the support services provided to those released on bridging visas may not meet their particular needs. Unaccompanied minors are considered for BVE grant where they have a family link in Australia, aged 21 years or over, who is willing and has been assessed as suitable to care for the child. Most of those UAMs released on a BVE are residing with extended family members or have subsequently turned 18. As at 30 April 2014, there were 12 unaccompanied minors who have been released on BVEs from held and community detention who are still under 18 years of age and in the community.

Support provided to BVE holders

Initial BVE grant and release arrangements were focussed on adults. However, between 15 June and 6 September 2012, some 410 people in family groups were released into the community on BVEs with support provided by the Humanitarian Settlement Services (HSS) programme. These families included young children, the youngest being 10 months old at time of grant. Those who have subsequently been granted a permanent protection visa have left that programme. At 20 May 2014, some 63 family members on BVEs, including 23 children, remained in the HSS programme, which is now administered by the Department of Social Services.

From November 2012, some other families with children aged 17 years and older were released on BVEs with support through the Community Assistance Support (CAS) and Asylum Seeker Assistance Scheme (ASAS) programmes, which are described below.

These arrangements were extended to families with younger children following the then Government's announcement in May 2013 that it would begin releasing some families with children aged 16 years and under, who had arrived as IMAs, into the community on BVEs. The first such release of families with children younger than 17 years took place on 21 May 2013, covering 85 people.

In October 2013, the Minister decided that families with children aged 10 years and under should be placed in community detention. Consequently, only families with children aged 11 years and older are now generally considered for release on BVEs. Community detention arrangements remain suitable for vulnerable families, for example, those where a family member has a disability or mental health concerns.

The CAS and ASAS programmes are administered by the Department and are delivered by seven contracted service providers across Australia who are from the non-government and charitable sector.

All IMAs released on BVEs receive up to six weeks of transitional support under the Community Assistance Support – Transitional Support programme (CAS TS). After four to six weeks in CAS TS, eligible IMAs receive ASAS until their protection claims are finally determined, unless a departmental case manager assesses the IMA as being eligible for CAS, due to a prescribed vulnerability. Following this, IMAs will

either transition into ongoing mainstream social services arrangements if they are granted a protection visa or be expected to depart if found not to be owed protection. Some IMAs remain in CAS until their immigration status is resolved (provided they continue to meet that programme's eligibility criteria).

Payments for income support and rent assistance under the CAS and ASAS programmes are capped at a maximum of 89 per cent of the equivalent Centrelink Special Benefit. Singles and families may also be eligible for rent assistance at 89 per cent of the equivalent Special Benefit rent assistance rate. Financial payments for rental assistance only apply if the family is not in accommodation paid by CAS TS. BVE holders are not eligible for Centrelink benefits.

IMAs who arrived before 13 August 2012 have been granted bridging visas without a restriction on working in Australia. People who arrived by boat after the Expert Panel on Asylum Seekers delivered its report on 13 August 2012, including those released as family groups, are not permitted to work in Australia as a condition of their visa. Of those who arrived after 13 August 2012, 1753 children have been released on BVEs.

IMA families with children aged 16 years and under who have CAS and ASAS support also have access to emergency relief assistance. Emergency relief assists the IMA family unit to deal with particularly challenging situations. The service provider is responsible for making an assessment where emergency relief may be needed.

Emergency relief assistance is based on family composition and prescribed limits. The emergency relief is provided in the form of a voucher for in-kind support, rather than as cash payments.

IMAs released on BVEs, including children, have access to Medicare while their BVE is current, under instruments signed by the Minister for Health. People whose BVEs cease become unlawful as a result and lose access to Medicare. Where this is the result of delays in the re-grant process, health support, equivalent to Medicare, is provided through CAS/ASAS.

MANAGING DETENTION FACILITIES

Onshore network

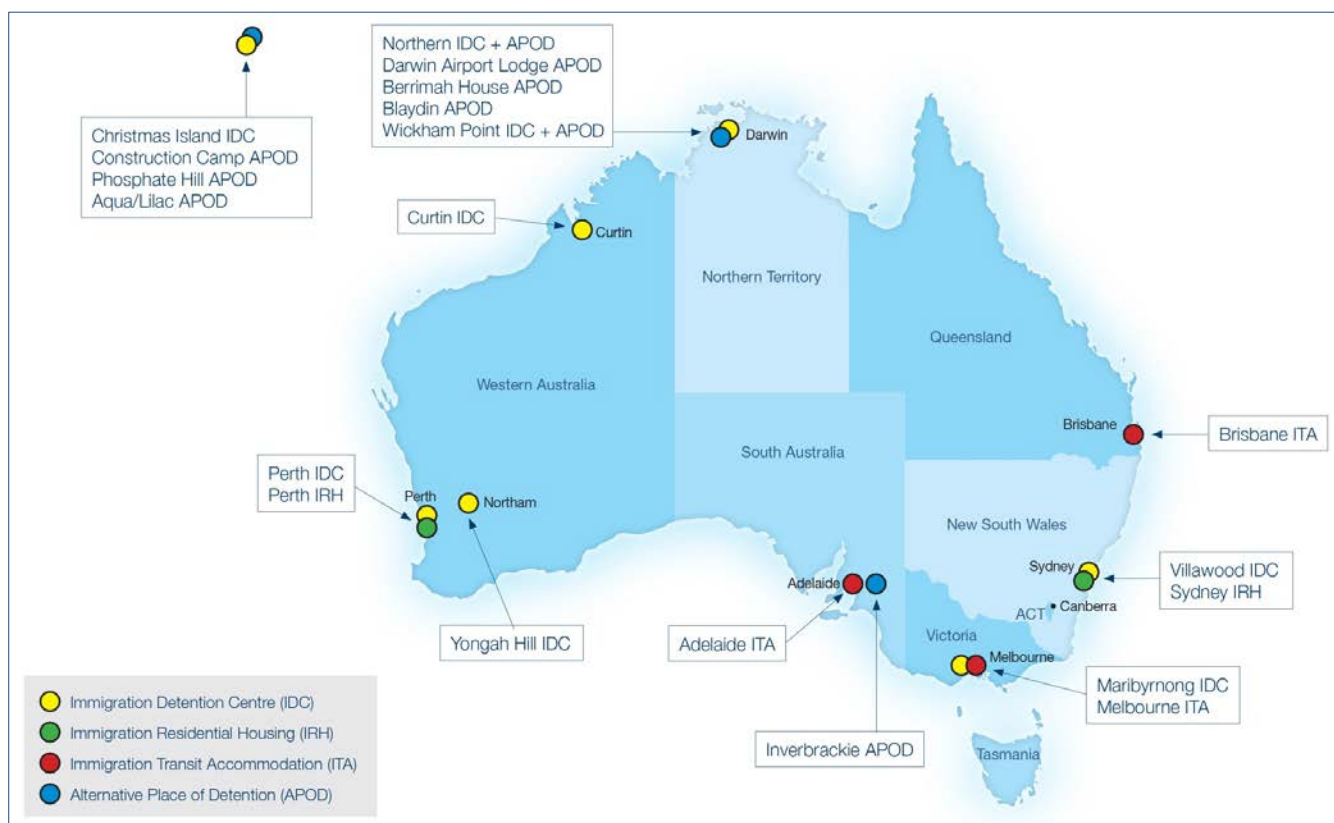
The Department manages the Immigration Detention Network comprising:

- Immigration Detention Centres (IDC);
- Immigration Residential Housing (IRH);
- Immigration Transit Accommodation (ITA); and
- Alternative Places of Detention (APOD).

These are collectively referred to as immigration detention facilities. As noted earlier, in addition to immigration detention in facilities, persons can be detained under community detention arrangements.

IDCs are facilities with a higher level of security and are primarily used to accommodate single adult male detainees. Where families and children are detained in facilities, they are accommodated at IRHs, ITAs and APODs. The below map indicates the locations of the current immigration detention facilities as at March 2014.

Figure 5: Onshore Immigration Detention Facilities



Attachment A provides a description of the size, location, facilities and amenities of each Immigration Detention Facility as at February 2014.

Immigration detention facilities within the onshore network are designed to be used flexibly to accommodate a range of detainee cohorts. This flexibility has allowed the Department to change its use of facilities as operational needs have changed.

In January 2014, due to a reduction in IMAs, with a consequent reduction in detainee numbers, the Government announced the closure of the Scherger IDC in Queensland, the Port Augusta IRH in South Australia and the Leonora APOD in Western Australia. Pontville APOD in Tasmania was closed at the same time.

In May 2014, the Government announced that, due to further reductions in detainee numbers, another six detention facilities would be closed by the end of June 2015. These are the Northern IDC and the Darwin Airport Lodge in the Northern Territory, which will close effective 30 June 2014, with Inverbrackie APOD in South Australia and Aqua and Lilac APODs in Christmas Island expected to close 31 December 2014 and Curtin IDC expected to close 30 June 2015.

The remaining mainland facilities provide flexibility to manage different cohorts and amenity for detainees, including playing fields, gymnasiums, internet rooms, libraries, playground equipment and shared amenity spaces for group activities and use during free time.

Facilities where families are accommodated are low security. In most cases, family accommodation has ensued rooms and some also have self-catering facilities. Some facilities in the detention network have disabled accommodation. Detainees with disabilities will only be placed at a facility that has suitable accommodation to meet their needs. A summary of the immigration detention facilities with accommodation for people with disabilities is at **Attachment B**.

The Department is aware of concerns raised by the Commission about the detention environment in remote locations. It is important to note that the Department was obliged to select from facilities available at the time of the increase in boat arrivals in order to provide sufficient accommodation for IMAs. These facilities were modified as far as practicable to provide appropriate space and amenity. As numbers of people in detention are declining, those facilities that are less flexible are being closed, as noted above.

As Christmas Island remains the major onshore processing centre for IMAs, works are currently underway at Construction Camp and Phosphate Hill to improve amenity. These include some capability for self-catering, additional playgrounds and recreation areas, and development of an education centre.

Immigration residential housing

Immigration residential housing is flexible housing that allows people in detention to have more autonomy. People are able to cook their own food and control many aspects of their household. In addition to the usual recreational and social activities, people are also able to go shopping and take part in community events.

People in immigration residential housing are provided with organised recreation and activities programmes. These programmes include outings such as picnics and trips to local shops, libraries, swimming pools or cinemas. The Department's contracted service provider arranges regular trips to the supermarket so that people living in immigration residential housing can buy their own food and other personal items.

There are currently two fully functional immigration residential housing sites located at Sydney and Perth.

Immigration transit accommodation

Immigration transit accommodation provides hostel-style accommodation for detainees. People receive three meals a day and can make snacks for themselves at other times. The detention services provider provides programmes and activities, including onsite recreational facilities.

The Brisbane Immigration Transit Accommodation opened in November 2007, the Melbourne Immigration Transit Accommodation opened in June 2008, and Adelaide Immigration Transit Accommodation opened in January 2011.

Alternative places of detention

Alternative places of detention (APOD) can house any person who is in immigration detention. It is a form of detention for people the Department has assessed as being of minimal risk to the community. Some examples of alternative places of detention include:

- hospital accommodation in cases of necessary medical treatment;
- schools for the purpose of facilitating the education of school-aged children;
- rented housing in the community (but not community detention); and
- detention facilities that are appropriate to house families and children.

Arrangements vary at APODs depending on the nature of the facility. For example, some APODs have self-catering facilities, such as Inverbrackie APOD, while others do not.

Improvements to facilities

The Department has managed a continuous schedule of improvements to immigration detention facilities to improve overall amenity and conditions. In recent years, this has included:

- implementing strategies to provide a more flexible portfolio of accommodation in response to increased numbers of IMAs;
- modifying a number of facilities to accommodate family groups including installation of playgrounds and additional education rooms;
- expanding existing facilities:
 - expansion of the Melbourne ITA has provided additional detainee accommodation, new recreation areas, a commercial grade kitchen, purpose-built medical facility and additional visitor areas;
 - expansion of the Adelaide ITA has provided for additional detainee accommodation and new amenities including a multi-purpose area for activities, improved access to IT services and a flexible living space;
- building additional amenities:
 - completion of refurbishments at the Maribyrnong IDC to improve detainees' ability to undertake activities such as religious observance and recreation activities. Enhancements to visitor and waiting areas were also completed;
 - extension and refurbishment to the Medical Centre at Construction Camp on Christmas Island comprising main clinic, mental health rooms and waiting area;
 - commencing refurbishment of accommodation at Construction Camp APOD and Phosphate Hill APOD on Christmas Island;
 - opening of Stage 1 of the Villawood Immigration Detention Facility redevelopment, which occurred in May 2014. This includes the main services infrastructure, such as kitchen, dining, medical, education and recreation facilities, and new detainee accommodation.

The refurbishment of facilities and improving the level of amenity available to detainees is ongoing. The Department is currently scoping works to be completed over the next 6-12 months including:

- rebuilding the processing centre at Christmas Island;
- improvements at Melbourne ITA, including replacement of old leased buildings with custom built infrastructure and refurbishment of Bass compound;
- establishment of a learning centre at Phosphate Hill APOD on Christmas Island;
- improving access to programmes and activities for detainees on Christmas Island including additional internet access, outdoor recreation areas, and a space for cooking classes; and
- continuation of the project for the Villawood Immigration Detention Facility redevelopment, which is being managed jointly between the Department of Immigration and Border Protection and the Department of Finance and Deregulation, and is due for completion in late 2015.

DEPARTMENTAL INTERACTIONS WITH CHILDREN

Detainee placement

The Department, through its case managers, aims to ensure that a detainee's placement is the least restrictive possible and is one which delivers commensurate services, support and care arrangements according to the assessed needs. This takes into account the principle to maintain the family unit (where appropriate), which is outlined further in the section entitled 'Family Unity'. The length and conditions of detention, including the appropriateness of both the accommodation and the services provided, are subject to regular review.

When considering the placement of a detainee, the following range of indicators and associated risks are taken into account:

- the person's health and wellbeing;
- the person's behaviour or demeanour;
- the person's family structure;
- the availability of community support;
- the person's background and any specific religious and cultural sensitivities;
- the availability of appropriate detention accommodation; and
- relevant security and risk assessment factors.

Some detainees require particular placements in line with current government policy. Relevantly:

- children are not placed in IDCs (for accommodation or processing) at any time;
- accompanied minors are accommodated in alternative places of detention with accompanying family members;
- unaccompanied minors may be accommodated in alternative places of detention (if appropriate care arrangements are in place) or in community detention; and
- government policy also plays a significant role in the placement of certain groups of detainees in line with relevant Ministerial guidelines.

The Department takes a multifaceted approach to the placement of individuals in immigration detention, to ensure that the needs of the individual (including the best interests of children) are considered along with the operational requirements of the immigration detention network.

Detainee placement decisions routinely involve the collaboration of case management, detention operations and contracted service providers. Weekly placement committee meetings are a forum for all stakeholders to review detainee cases for placement decisions.

Where required, placement decisions also take into account the views and recommendations of qualified experts including external health, mental health and welfare service providers.

Additionally, detainee cases are required to be considered at the following points – noting the below timeframes form minimum service standards and are escalated when warranted by an individual's circumstances:

- within five days of being immigration detained - a case manager makes a preliminary assessment of a detainee's circumstances, including review of initial placement in detention. This provides an opportunity for immediate concerns about placement (including health and welfare) to be addressed;
- within 14 days of case management engagement – a comprehensive case assessment is undertaken to identify an individual's circumstances, including any vulnerabilities as well as enablers and/or barriers to resolving the detainee's immigration status. This information is also used to inform the development of a case plan (as relevant); and
- at least monthly thereafter a case review is conducted to ensure that work on each case is being undertaken by all relevant parties in a coordinated, logical and planned way, with a focus on continued progression towards an immigration outcome. This review also confirms the current detention placement or supports progressing an alternative placement and/or amend supporting services or care arrangements.

Having regard to the above principles and review mechanisms in place, the Department considers that its detainee placement model has appropriate regard to Article 37 of the CRC.

Immigration Officers in Detention Facilities

Immigration officers working in detention facilities contribute to the welfare of detainees through the coordination and management of services providers, logistics, facilities management, complaints handling and oversight of detainees' status resolution.

The Department's primary point of contact for people in detention, including children, is via the detainee's assigned departmental case manager. Case managers play an important coordination role in ensuring that the best interests of the child are prioritised as arrangements to support family unification, placement, provision of health, social and education services are more broadly coordinated. While case managers do not advocate for a particular immigration outcome on behalf of children, they maintain a detailed knowledge of a child's circumstances and are able to identify when operational initiatives or legislative changes may potentially impact negatively on the circumstances of the child.

During recent years, the case management role has evolved further, with an increased emphasis on communication as a core capability, given their regular contact with detainees. They are primarily responsible for the consistent, frank and frequent articulation of the Department's strategic communication framework and current policy settings. Case managers:

- provide basic, factual information about eligibility, restrictions and processing arrangements;
- encourage individuals to make informed decisions and support their role as active participants in the progression of their own circumstances;
- recurrently engage in discussions regarding options for voluntary return and the prospect of enforced removal if there is no legal right to remain in Australia; and
- promote awareness of, and reinforce departmental messaging regarding, expectations of behaviour both in detention and in the community.

When interviewing and providing such information in relation to the case of a child (where a parent, guardian or legal representative is unavailable), case managers will ensure the presence of an independent person to provide support to the child.

Treatment of children

The Department has a specific chapter in its Procedures Advice Manual outlining guiding principles on the treatment of children for officers performing compliance, detention, removal and/or case management functions. Among other things, the guidance requires that officers should consider Australia's obligations under the CRC when making decisions concerning children. In particular, it highlights the obligations under Articles 2 (entitlements without discrimination), 3 (best interests), 6 (survival and development of the child), 7 and 9 (preserving the family unit), 10 (dealing with reunification positively), 12 (consideration of the child's views), 20

(special assistance for children without family), 28 (education) and 37 (detention as a last resort).

The guidance notes that Australia has an obligation to treat the best interests of the child as a primary consideration in all actions concerning children, but that the best interests of the child must be considered with other considerations, including those that arise under the Migration Act and the Migration Regulations. As such, it notes that consideration of the best interests of a child does not necessarily require a decision to allow the child or the child's family to remain in Australia and may be outweighed by other primary considerations.

Training and role-specific Procedures Advice Manuals refer to the CRC and the above policy advice, as well as provide general guidance on applying best interests of the child considerations when performing compliance, detention, removal and/or case management functions.

The current foundation training for all departmental officers working in status resolution roles (including case managers) features training on the broad principles of a number of international treaties, including the CRC, to facilitate understanding of how international obligations impact upon operational considerations.

Complaints

Children are made aware that they have the right to make a complaint to the Department regarding any aspect of their care. Reference materials, employing recognisable icons and phone numbers for verbal submission and escalation, have been developed taking into consideration language and reading barriers and, in relation to children, age and maturity levels.

Further to this, the following complaints and feedback mechanisms are covered during induction:

- complaints can be made without hindrance or fear of reprisal;
- avenues of complaint and redress;
- the roles and responsibilities of external agencies, such as the Commonwealth Ombudsman and the Commission, in relation to the conditions of detention;
- for a suspected criminal offence, detainees may complain to the police;
- in the case of suspected child abuse, detainees may complain to the relevant State or Territory welfare agency and/or the police;
- privacy and confidentiality will be respected in all instances; and
- the detention service provider is responsible for facilitating access to the complaints processes.

Additionally, MAXimus Solutions (MAX), the Department's specialist provider of care services to unaccompanied minors, is required under its contract to collaborate with the Department and Serco to identify the appropriate avenue for supporting

unaccompanied minors to make complaints/feedback and resolving and escalating any issues.

Family unity (Article 9 CRC, Articles 17 and 23 of the ICCPR)

In all matters concerning children, every effort is made to ensure the family unit remains together, in line with the obligation under Article 9(1) of the CRC. This is also consistent with Article 17 of the ICCPR, which states that no one shall be subjected to arbitrary or unlawful interference with his family, and Article 23 of the ICCPR which states that the family unit is the natural and fundamental group unit of society and is entitled to protection by society and state.

The Department recognises the need to move children in held detention to a community setting as soon as possible but also recognises the importance of keeping family units together and the primary role of parents and guardians as decision makers and care providers for their children. Placement decisions for families and unaccompanied minors are also informed by relevant Ministerial guidelines. These guidelines make clear the Minister's expectation that, in accordance with the principle in section 4AA of the Migration Act, that where detention of a child is required under the Act, it should be, when and wherever possible, in the community under a Residence Determination rather than in Alternative Places of Detention or other held detention arrangements. Having regard to the principle of family unity, the guidelines also make clear the Minister's general expectation that family units be maintained. While the principle of family unity is maintained where possible, family members who have arrived at different times may be subject to different processing arrangements, in accordance with Government policy, those who arrived after 19 July 2013 are liable to be transferred to an OPC.

The principle of accommodating families together is also reflected in departmental policy and is a priority in considering the placement of persons in immigration detention, noting that, as with all placement decisions, family arrangements remain subject to multiple variables including operational, capacity and security requirements. As the Commission is aware, the Department has been able to capitalise on recent reductions in accommodation pressures and has been reinstating a more flexible approach to keeping families together, particularly with respect to medical transfers and the management of pregnancies, but also with respect to family placements more generally. Difficulties in accommodating families together may include security, welfare or criminal concerns.

The Department acknowledges that, on some occasions in the past, there were temporary separations of family when medical assessment or treatment had been sought for one member in a different location. Oversight arrangements have been tightened to ensure this does not occur, other than in exceptional circumstances such as in the event of a medical evacuation by air ambulance from Christmas Island to the mainland. In such cases, the Department will relocate the nuclear family members as soon as reasonably practicable. In respect of pregnant women, for

example, they are generally transferred with immediate family members from Christmas Island to the mainland for delivery of their child.

There have also been cases in the past where family units have not transferred together to an OPC, for example, because family linkages have not been notified or established on arrival. The Department will facilitate reunion of family members in an OPC providing all family members are subject to offshore processing and assessed as appropriate for transfer.

Where an extended family unit is separated by transfer to an OPC, welfare service providers will facilitate regular communication between family members. Communication services available include the telephone, postal service, email and social media. All persons in immigration detention have access to phones and the internet and are able to use these to communicate with family and friends. People in immigration detention are also able to receive personal visits from family and friends, should they wish to do so.

Family tracing

The importance of family tracing as a means of securing family reunification for a child is recognised in Article 22(2) of the CRC. Family reunification includes a child reuniting with relatives in another country, or by the child's relatives joining the child in Australia if they are entitled to enter and reside in Australia, or by reuniting the child with relatives already living in the Australian community. Case managers assist children to initiate a family tracing request which is undertaken by the Red Cross.

The Australian Red Cross is currently contracted by the Department to provide international tracing and message services for detainees through the Restoring Family Links Programme. This service assists people in detention to address the trauma and unresolved loss associated with having missing family members. That contractual arrangement will cease on 30 June 2014 and will not be renewed due to falling demand. The Australian Red Cross has indicated it will continue to provide a tracing service at immigration detention facilities in conjunction with its regular humanitarian observer role under a Memorandum of Understanding in place between the Department and the Australian Red Cross.

Internal Departmental changes

In recent years, the Department has strengthened its focus and internal governance arrangements for the consideration and management of children's issues.

Most relevantly, in 2010, the Department established a dedicated Children's Unit led by a Principal Advisor with overarching responsibility for children's issues in the portfolio, the objective of which was to support the specific needs of children and families through a cohesive policy approach.

The responsibility of the Children's Unit has continued to expand and has developed into the Community Support and Children Branch, with support from the broader Community Programmes and Children Division which has over 140 staff and policy responsibility for community detention, bridging visas for IMAs and age determination, among other matters.

In this time, the Department has made a number of improvements to better support the Minister in meeting his responsibilities as guardian of unaccompanied minors under the IGOC Act, including improving governance arrangements for the guardianship of children under the Minister's guardianship, piloting a new approach for the delivery of settlement and care services for refugee youth, implementing new contractual arrangements for refugee youth, and progressing engagement with State and Territory Governments on support for unaccompanied refugee minors.

SERVICES IN DETENTION

Detention under the Migration Act is administrative in nature and not for punitive purposes. The Department seeks to ensure that administrative detention arrangements allow, to the greatest extent possible, normal social interactions within the detention community.

Detention services, health services and services for UAMs (Articles 37(c), 6 CRC)

Ten years ago, the Department had a single contracted service provider responsible for providing services to detainees. In late 2006, the Department separated its health services from general detention services to allow the direct engagement of specialist health services providers.

Serco Australia Pty Limited (Serco) is the current detention service provider delivering onshore immigration detention facilities and detainee services, which includes facilities management services, security and escort services, and welfare and engagement services. International Health and Medical Services (IHMS) is the current health services provider, and provides health screening and assessment services, preventative health care, integrated primary health care, health advice, and referral to secondary and tertiary health services. MAXimus Solutions (MAX) currently provides independent observer services and care and support to unaccompanied minors.

All service providers are required to treat detainees, including children, appropriately throughout the course of their work, for example, with dignity, equality, respect and fairness, in line with Article 37(c) of the CRC.

Three contracted specialised service providers responsible for particular aspects of detainee care and welfare in detention provides the focus and flexibility to address individual detainee needs. The range of services available to children in immigration detention is in line with the obligations under Article 6(2) of the CRC to ensure, to the maximum extent possible, the survival and development of the child; Article 27 to recognise the right of every child to a standard of living adequate for their physical, mental, spiritual, moral and social development, and to take appropriate measures to assist parents and others responsible for the child to implement this right; and Article 3 in relation to ensuring the best interests of the child are considered.

Detention services

The Department published an open request for tender for onshore immigration detention services on 3 April 2014. The tender is for the procurement of facilities and detainee services, detention health services, and business services, and is expected to be finalised by December 2014. Descriptions of services in this submission reflect those in place under the current contract arrangements.

Serco

Serco is contracted to provide services to all people in immigration detention, including children and families. These services include the provision of food, clothing, programmes and activities, facilitation of visits and communications, as well as access to education and case management services. It is a contractual requirement that Serco tailors their services to the individual needs of people in detention.

Under the detention services contract, Serco personnel performing the role of Client Support Worker (Children) at each facility are required to obtain a Working with Children Check in accordance with the relevant State or Territory legislation. They must also hold at least a Certificate III level qualification in child welfare and have at least two years' experience in a related community service environment.

More broadly, Serco is required to ensure that their staff are trained appropriately to identify and respond to the possibility of abuse or neglect of children.

In addition, Serco staff managing Programs and Activities are required to hold at least Diploma level qualifications in an associated discipline such as sports and recreation or learning and development.

The Department has a detailed performance management framework to ensure Serco provides services in line with the Department's required outcomes for detainee health and welfare.

This performance monitoring framework is supported and reviewed on an ongoing basis by departmental staff and appropriate abatements and incentives may apply. A number of facility-level governance meetings are held on a regular basis to address and resolve any issues that may arise. More formal governance meetings are held regularly at a national level.

Throughout the Inquiry, the Commission has raised concerns regarding the nature and frequency of daily checks of all detainees including children.

Serco is contractually required to undertake four checks of detainee rooms each day. In accordance with Serco's contract with the Department, the checks must take place prior to breakfast, at midday, at the evening meal and at night. Each check must be conducted in a manner that respects the cultural, religious, gender and privacy needs of detainees (which includes children). The purpose of the checks is to ensure that all detainees are present and to ensure that all detainees are safe and well. Serco officers are specifically obliged to identify detainees during these checks who appear to be unwell or experiencing any problem, or appear not to be coping. Given that the purpose of the checks is to maintain security, integrity and the welfare of all detainees (including children), the Department does not consider it advisable to

reduce the number of such checks. The Department does not consider that these arrangements breach the obligation under Article 16 that a child must not be subjected to arbitrary or unlawful interference with his or her privacy, family or home, as the checks are considered to be reasonable and proportionate to the objective of maintaining the welfare of detainees.

Health services

Overview of health care arrangements (Articles 24 and 3(3) CRC)

All people in immigration detention, including children, have access to appropriate health care, provided by the Department's contracted health services provider, IHMS. Health care is at a standard generally comparable to the health care available to the Australian community. Health care services are provided by qualified health professionals and take into account the diverse and potentially complex health care needs of people in immigration detention. Specific arrangements are in place to ensure children's health, mental health and wellbeing are maintained. These arrangements are consistent with a child's right under Article 24(1) of the CRC to the enjoyment of the highest attainable standard of health and access to facilities for the treatment of illness and rehabilitation of health, as well as the obligation under Article 24(2)(b) to ensure the provision of necessary medical assistance and health care to all children.

IHMS maintains a multidisciplinary team including General Practitioners (GPs), Registered Nurses, Midwives, Psychologists and Counsellors who work with both adults and children. IHMS also arranges specialist services and referrals, such as to psychiatrists, when required. Health staff are required to be registered with the Australian Health Practitioner Regulation Agency. This is consistent with the obligation under Article 3(3) of the CRC, which requires that services and facilities for health shall conform with the standards established by competent authorities. At facilities where babies and children are located, IHMS aims to employ clinical staff with comprehensive experience in paediatrics and/or midwifery. Babies and children are referred to paediatric specialists when clinically indicated.

IHMS is contractually required to make appointments for detainees to see a GP within 72 hours of a request being made. Where a detainee requires an appointment with a specialist, IHMS makes referrals with recommended timeframes in accordance with the Clinical Priority Access criteria ('triaging'), the guidelines used by health practitioners Australia-wide. This does not take into account waiting times, which are determined by the receiving hospitals and specialists. Referrals are prioritised and triaged by receiving hospitals and specialists based on caseloads and clinical need, as they would be for any member of the public accessing the same services. There may be circumstances where detainees, including children, access private hospitals or services, to enhance continuity of care.

Arrangements regarding health and mental health services provision have matured substantially over the last decade and the current health services contract is worth over \$900 million over six years.

The Secretary of the Department has recently appointed Dr Paul Alexander AO to the role of Independent Health Advisor to the Department. Dr Alexander provides expert independent health advice in relation to detention health issues. Dr Alexander works closely with the Department's Chief Medical Officer and is supported through access to specialist individuals in a range of health disciplines, including obstetrics and child and adolescent psychiatry, as required.

The Department employs a two-tier approach to monitoring IHMS' delivery of services under the health services contract. Local service delivery at IDFs is directly monitored each month by departmental service delivery managers, both pro-actively and in response to incidents and events as they arise. The findings of these monthly reports are cross-checked against monthly reports provided by IHMS to the Department against agreed performance metrics outlined in the health services contract. Failure against these metrics may result in financial penalties against IHMS.

In 2007, the Royal Australian College of General Practitioners (RACGP) developed the *Standards for Health Services in Australian Immigration Detention Centres*. In accordance with contractual requirements, IHMS has received accreditation against these standards for all IDCs. While not a formal contractual requirement in other facilities, the standard of services is applied in all facilities.

The Department notes that detainees are also able to refer concerns regarding their health care to external bodies for review, such as the Commonwealth Ombudsman, the Australian Red Cross or the Commission.

Mental health care (Article 39 CRC)

Mental health care and support is provided by IHMS GPs, mental health nurses, psychologists and counsellors (who are onsite at most facilities), and psychiatrists (on a visiting basis or through external appointments).

Mental health screening occurs at various points while a person is in an immigration detention facility, with the first scheduled screening occurring within 48 hours of entering immigration detention for IMAs, or 72 hours for non-IMAs. Subsequent screening then occurs at between 10 to 30 days and is then offered at six, 12 and 18 months, and then three monthly thereafter. Screening can also be conducted at any time when triggered, such as where concerns are raised about a person's mental health by any party, including detainee self-referral.

On Christmas Island, a visiting child and adolescent psychiatrist commenced onsite visits in February 2014, and will continue to visit as part of the visiting psychiatric

service. Prior to this, children were able to access the visiting general psychiatrist, or were referred to the mainland as required. Children in detention are referred to child and adolescent psychiatrists as clinically indicated.

Children may be referred for review by mental health staff for a number of reasons. This includes children being identified as potentially having existing mental health issues, children with diagnosed conditions such as developmental delay and referrals from the detention services provider, for example, if changes in interactions between family members are observed or other changes in behaviour might indicate possible vulnerability.

Any person disclosing or displaying symptoms of a possible history of torture and/or trauma is referred to a specialist torture and trauma counselling service, for further assessment and counselling. This referral may be taken up at any time. Torture and trauma counselling services are provided by a range of expert service providers around Australia.

These arrangements are consistent with the obligation under Article 39 CRC to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts.

Pregnant women, nursing mothers, babies and children (Article 24(2) CRC)

Antenatal care – onshore detention network

Antenatal care for all pregnancies is provided onsite by IHMS midwives and GPs, and where appropriate, external providers, in line with Australian community standards and Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) guidelines. Complex pregnancies are referred for specialist oversight as appropriate.

The number and location of midwives across the onshore detention network is flexible and depends on the level of need at each site. As at 30 April 2014, there were:

- three midwives at Christmas Island detention facilities (IHMS employees);
- four midwives at Northern Territory detention facilities (IHMS employees); and
- three midwives at Inverbrackie APOD (two IHMS employees; one employed by SA Health).

Antenatal care includes routine assessments, such as ultrasounds, hospital referrals and referrals to mental health services where required.

Group antenatal classes are conducted by IHMS midwives/nurses, with individual sessions conducted as required. Topics include breastfeeding, birth plans, pain relief, positions in labour, dental hygiene, diet and maintaining a state of wellness during pregnancy. The frequency of these classes is determined by the needs of the pregnant women but generally occur weekly (such as for Christmas Island). If there are only one or two pregnant women in a facility, they will receive individual advice rather than attending classes.

Specialised diets (high calcium, high protein) are provided for pregnant women in immigration detention. Folic acid supplementation is also recommended and offered.

Pregnant women also receive education and advice regarding smoking, exercise and alcohol consumption during pregnancy.

Pregnant women – Christmas Island facilities

Pregnant women on Christmas Island are transferred to the mainland by week 34 of their pregnancy to give birth, unless there is a clinical reason to be transferred earlier. This is the same as the general community on Christmas Island. Pregnant women transferred from Christmas Island to the mainland for medical assessments or birthing are accompanied by immediate family members.

Routine antenatal check-ups, including ultrasounds, are now conducted on Christmas Island, minimising the need for transfers to the mainland for such services. This has been facilitated through the Department and IHMS organising visiting specialists, such as sonographers, who commenced monthly visits in January 2014. Obstetricians also attended Christmas Island in March 2014, and indicated they were satisfied with the supports provided to pregnant detainees. Increasingly, further support will also be offered through the availability of telemedicine services, or early transfer where clinically indicated.

Post natal care

Postnatal care is delivered onsite by GPs and midwives, and includes:

- breastfeeding advice and care;
- mental health status post-delivery and coping strategies;
- education, and advice regarding diet, contraception, bottle-feeding¹⁶ (sterilisation, mixing formula), future immunisations; and
- postnatal check-ups and six week baby checks.

Paediatric care

Routine paediatric clinical care, including immunisations and scheduled growth, development and behavioural observations, is provided at regular intervals. At birth,

¹⁶ Health service delivery supports World Health Organisation Baby-friendly Hospital Initiatives.

this is conducted by the relevant hospital. Further checks are conducted by IHMS nurses or GPs. IHMS has confirmed that, as at 12 May 2014, there were no outstanding child health checks on Christmas Island.

As at 30 April 2014, there were three IHMS paediatric nurses onsite at Christmas Island detention facilities. IHMS has advised that there are also emergency trained nurses with paediatric experience on Christmas Island.

A paediatric immunisation programme is provided in accordance with the Australian National Immunisation Programme and the *Australian Immunisation Handbook (10th Edition)*.

A catch-up vaccination schedule is determined for all children depending on the age of the child on arrival, and is conducted by IHMS nurses with support and advice from GPs where necessary. IHMS has advised that immunisation rates are comparable, if not higher, than uptake rates within the Australian population.

In the case of UAMs, a MAX staff member accompanies them to all medical appointments to provide welfare support and ensure the UAM understands all medical procedures and advice. Where requested, the delegated guardian can also accompany the UAM.

Paediatric and parenting group sessions are delivered as required at detention facilities. These group sessions include:

- New Parents in Detention;
- Positive Parenting; and
- Couples Group.

These arrangements are consistent with the obligation under Article 24(2) CRC to take appropriate measures to diminish infant and child mortality and to ensure appropriate pre natal and post natal health care for mothers.

Children with a disability (Article 23 CRC)

As at 31 March 2014, there were 37 detainees in onshore detention facilities with a disability, seven of whom were children.

Disabilities may be identified during the Health Induction Assessment, which is conducted by IHMS. Training for health professionals, such as GPs and nurses, includes the identification of possible physical or mental health conditions, including those associated with disabilities. Detainees with a potential disability are referred for further assessment, diagnosis and support, including the provision of assistive devices such as wheelchairs, hearing aids and prosthetic limbs. Specialist referrals are made as appropriate.

Individual circumstances, including disabilities, are considered in determining appropriate accommodation. Relevant health information is referred to, and discussed with, the Department and the detention services provider for consideration. The discussion of the management of these issues, in forums such as Client Preventative Placement Meetings (CPPMs), ensures a holistic approach to managing detainee health needs within the detention environment.

Community detainees with disabilities access disability support services through IHMS assigned community providers. IMAs with disabilities on bridging visas are referred to state/territory based community disability support services to ensure continuity of care.

Within the community detention programme, it is recognised that children with disabilities may require special consideration regarding an appropriate school that can cater to their needs. Depending on the disability, an occupational therapy assessment may be required at the school to determine the support required and, in such cases, the service provider will liaise with the Department accordingly. The community detention programme may also cover or contribute to transport-related costs in compelling cases, such as a disability, on a case by case basis.

The arrangements for children with a disability in held and community detention recognise the right of the disabled child to special care, consistent with the obligation under Article 23 CRC.

Dental health care

Dental services for people in immigration detention are provided in accordance with a triage system developed in consultation with the Department's former health advisory group. Principally, people in immigration detention are provided with dental care for the relief of pain and infection. All children in immigration detention are provided dental care in line with public dental care arrangements for the treatment of children. Dental services include restorative, endodontic and periodontal procedures, as clinically necessary.

Dental services are delivered by IHMS using community network providers and, in some locations, employing fly-in contracted dentists who utilise local dental clinics after-hours and on weekends. At Villawood IDC and Christmas Island, scheduled on-site dental clinics are occurring regularly.

Services for unaccompanied minors (Article 20 CRC)

Care and support

At the time of the Commission's last report, there was no specific services provider to provide care and support to UAMs. Rather, UAMs were allocated a mentor from the adult population. Since 2009, when IMA arrivals began to increase, the Department has engaged a specialist pastoral care service for UAMs, to ensure that this particularly vulnerable group has a separate and independent source of support. Welfare officers are involved in the development of programmes, activities and excursions. They also provide oversight and support to ensure that children attend school, complete homework, and observe a normal and healthy daily routine.

Between 2009 and July 2012, the Department contracted Life Without Barriers to deliver this service. Since July 2012, following an open market tender process, the Department has contracted MAX to provide this service. The contract with MAX is due to cease on 31 December 2014. A procurement process for delivery of care and support services to UAMs in APODs and community detention is currently being finalised, as part of the Status Resolution Support Services Request for Tender issued in May 2013.

The introduction of specific care and support arrangements underpins the Minister's responsibility to provide for the day-to-day care and welfare of children under his guardianship in held detention. In respect of IGOC minors, this complements the role of the delegated guardian. At the same time, the arrangements have ensured compliance with Article 20 of the CRC, which requires that a child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State, and that States shall ensure alternative care for such children. The arrangements are also in line with the principle of non-discrimination in Article 2 of the CRC.

One of the criticisms made in the Commission's last report in relation to support for unaccompanied minors was that departmental staff did not have child welfare expertise and were, therefore, in no position to monitor the care arrangements by the detention service provider or fulfil that role themselves.¹⁷

A MAX Client Support Worker is required to obtain and hold an Australian Federal Police check and, if relevant in the jurisdiction within which they work, a Working with Children Check, and hold at least a certificate IV in Social, Community or Child Welfare.

¹⁷ Human Rights and Equal Opportunities Commission, *A last resort? National inquiry into children in immigration detention* (2004) http://www.humanrights.gov.au/human_rights/children_detention_report/report/PDF/alr_complete.pdf, p.19.

Performance monitoring of services provided by MAX is undertaken by departmental staff at each facility where MAX is located. Formal reporting and governance meetings are held regularly at a national level with MAX. MAX works collaboratively with the Department and Serco to ensure that all issues raised have been acknowledged and resolved to the satisfaction of all parties.

MAX conducts Youth Forums in APODs at Christmas Island, the Northern Territory and at the MITA, which provide an opportunity for UAMs to raise and discuss any concerns, issues and questions they have in relation to the facility at which they are located, the programme of support provided by MAX, MAX staff, other service providers, and the Department. For example, it provides an opportunity for UAMs to request new excursions and activities, to discuss house rules, to raise faults with electrical items, and any issues with accommodation, food etc. Youth forums may also have an agenda item where other stakeholders can attend as guest speakers and provide further clarification to UAMs about a particular process.

The Youth Forums are conducted on a fortnightly basis, they are minuted, and each item has an action plan that will be followed up by the next Youth Forum so the outcomes or the current progress can be reported back to UAMs.

Youth Forums are one way in which unaccompanied minors are provided with opportunities to express their views, and have due weight given to those views, consistent with Article 12 of the CRC.

In addition to the Youth Forums, MAX also provides the following services to ensure the views of children are recognised. MAX:

- commences daily logs, which are a record of observations, with each UAM, to record communications and to identify and resolve any concerns that are raised;
- actions specific issues raised by UAMs at Serco Consultative Committee meetings; and
- identifies and manages the appropriate complaint and feedback avenue for supporting UAMs to make complaints and escalate issues through Serco's complaints management system.

Independent observer

Independent Observer services, currently delivered by MAX, are available to all IMA unaccompanied minors seeking asylum in Australia from the time of arrival until an immigration outcome is determined.

The role of the Independent Observer is to ensure that the treatment of unaccompanied minors during migration procedures is fair, appropriate and reasonable, and to provide support to unaccompanied minors in immigration detention to ensure their physical and emotional wellbeing. The Independent

Observer builds rapport with the child so that they can more effectively assist and reassure them while their immigration status is being resolved.

It is policy that an Independent Observer should be present whenever the Department or other Government agency interviews an unaccompanied minor.

The Independent Observer has no casework, legal advocacy, or investigative responsibilities and cannot act as a qualified interpreter or advocate on behalf of an unaccompanied minor.

Education (Article 28 CRC)

In accordance with Australia's obligations under Article 28 of the CRC, school aged children in mainland immigration detention have access to free school education during the compulsory school-age years in line with community standards and state or territory laws.

Where children are likely to be in one location for a sufficient period, allowing for the process of health clearances, including vaccination, and enrolment requirements, they are provided with access to primary and secondary education, generally in the public school system, commensurate with Australian community standards.

A small number of children may not be attending school at any point in time due to arrival at their current location late in the school term or where they, or an accompanying family member, have been temporarily transferred to their current location for the purposes of medical treatment. In such cases, decisions on when to enrol children at school are made on a case by case basis, taking into account factors such as the length of the school term remaining or medical fitness to travel and attend school, and in collaboration with the relevant State or Territory Education Department, other school organisations such as the Catholic Education Office, local schools etc.

Subject to the above, IMA children of compulsory school age (generally 5 to 17 years) who are accommodated in alternative places of detention (APODs), community detention (CD) or are in the community on a Bridging E visa (BVE), are required to enrol in and attend school.

The Department funds access to schools for IMA children in APODs, CD or on BVEs through individual agreements with State and Territory Governments (with the exception of Western Australia, as discussed further below), as well as with some non-government education providers. School programmes are generally not delivered in APODs as children generally attend local schools. There is no cap or limit on places in relation to the enrolment of school-aged immigration detainees in mainland Australia. School-aged children are enrolled at local schools and attend on a full time basis.

In relation to children of compulsory school age (5 to 17 years), as at 30 April 2014, there were:

- 1 293 on BVEs;
- 1 159 in community detention; and
- 486 in APODs (352 on the mainland and 134 on Christmas Island).

The Western Australian Government does not allow the enrolment of IMA children in public schools, so the Department is engaged with the Catholic Education Office of Western Australia for children at Perth IRH to attend the local Catholic school. In the meantime, the detention services provider has approximately six educational sessions scheduled per week at the Perth IRH for all children. Attendance at these sessions is generally 100 per cent.

Education on Christmas Island

Since 2009, on Christmas Island, the local school has made available a small number of places for primary school-aged IMA children to attend the school, and teaching resources to deliver classes to secondary school-aged children at the Phosphate Hill facility, under a supplementary funding measure administered by the Commonwealth Department of Infrastructure and Regional Development under agreement with the WA Department of Education.

With the very high numbers of arrivals, demand for the places at the school has outstripped supply. As a result, IMA children on Christmas Island have attended school part time on a rotational basis in either morning or afternoon classes. Twelve places are available for younger children aged 5 to 12 years to attend the local school. Twenty four children attend half-day classes on a rotational basis. Older children (aged 13 to 17 years) attend classes at the Phosphate Hill facility for two hours each day on a rotational basis taught by teachers from the Christmas Island District High School.

The WA Government has advised the Commonwealth that the WA Department of Education will cease provision of education to IMA children at the local school on Christmas Island when the current arrangements expire on 30 June 2014. To address this issue, the Government has allocated \$2.6 million in the 2014-15 Commonwealth budget to ensure full time schooling is available to IMA children on Christmas Island.

The Department is working with the Catholic Education Office of Western Australia and the detention services provider, Serco, to ensure access to full time education for all school-aged IMA children for the duration of their stay on Christmas Island. Delivery of education services is anticipated to commence as soon as practicable (either at the commencement of, or early in, Term 3, 2014).

While there have been difficulties and delays with negotiating educational arrangements on Christmas Island, the Department recognises that it could have acted more quickly to respond to the issues with availability of education on Christmas Island.

Other educational assistance

Children in immigration detention also have access to educational tools such as computers and library rooms with culturally and linguistically appropriate reading material. In addition, they have access to a range of programmes and activities that provide transferable life skills and development opportunities appropriate for their age group, such as cooking classes, outdoor sporting activities and sewing classes, with a view to enhancing their self-agency and enable a smooth transition into the community. Many children in immigration detention facilities also benefit from English language classes and homework assistance classes provided by members of the community.

In combination, the formal education and educational supports provided to children ensures compliance with the obligations under Article 29 that the education of the child shall be directed to, among other things, the development of the child's personality, talents and mental and physical abilities; the development of respect for the child's own cultural identity, language and values, and for the national values of the country in which the child is living; and the preparation of the child for responsible life in a free society.

Programmes and activities (Article 31 CRC)

Children in immigration detention facilities have access to a range of programmes and activities which aim to contribute to their personal development and quality of life, in line with the obligation under Article 31 CRC to recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

Examples of programmes and activities available in immigration detention facilities include:

- Early Childhood Educational Playgroup;
- 'Introduction to Australia' classes;
- arts and crafts activities;
- cultural activities including cooking;
- library activities;
- sport and recreational facilities including gyms and swimming pools; and
- communal areas where social and religious activities can be conducted.

There are also a broad range of external excursions available for children in immigration detention facilities. Examples of external excursions conducted include visits to:

- local sites such as parks, gardens, beaches, sporting facilities and playgrounds;
- entertainment facilities such as cinemas and bowling centres;
- local museums and other educational centres;
- shopping centres; and
- places of worship.

Children and, where relevant, their parents are invited to contribute to the scheduling of activities and provide suggestions for new or other activities.

Religious activities (Articles 14 and 30 CRC)

All immigration detention facilities have areas for prayer and worship services, and people in immigration detention can practise the religion of their choice. This is consistent with the obligation under Article 14 to respect the right of the child to freedom of religion, and the obligation under Article 30 that religious minorities are not denied the right to profess and practise their religion.

Religious representatives provide services for most major faiths. In addition, people in immigration detention have access to:

- appropriate religious books and materials; and
- communal areas for religious activities, celebrations, feasts and worship.

Requests to participate in religious activities are met in the vast majority of circumstances.

Directed persons programme and volunteers

The aim of the Directed Persons' programme is to provide detainees who have been in immigration detention for an extended period of time the opportunity to meet people from outside the immigration detention network and to participate in offsite excursions in order to promote their wellbeing. Depending on the nature of excursions, the Directed Persons' programme can provide another way in which detainees can express their culture, religion and language (consistent with Article 30 of the CRC) and engage in play and recreational activities (consistent with Article 31 of the CRC).

As part of the Programs and Activities programme, individual volunteers or community groups can visit immigration detention facilities to conduct activities or visit individual detainees.

To ensure that immigration detention is maintained during external excursions, the detainee will be accompanied either by an officer from the detention service provider or a directed person.

A directed person is someone who has been approved by the Secretary of the Department to accompany a particular detainee when outside of the immigration detention facility. The directed person is required to maintain close proximity at all times.

Access to legal assistance (Article 37(d) CRC)

The Migration Act provides that a person in immigration detention shall be afforded, upon request, all reasonable facilities for obtaining legal advice or taking legal proceedings in relation to their detention. It is important to note, however, that this obligation does not extend to providing that legal advice or representation. In accordance with this obligation, detainees are provided with information about how to access legal assistance, including pro bono and legal aid assistance in a language, terms and formats they understand. As with all communication with children, in particular unaccompanied minors, information is provided in a way that is appropriate to their age and maturity. This is in line with the obligation under Article 37(d) CRC that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.

On 31 March 2014, the Government announced that people who arrived in Australia illegally by boat or by air after that date would no longer be eligible to receive advice and assistance under the Government-funded Immigration Advice and Application Assistance Scheme (IAAAS). Instead, the Government will provide these persons with clear instructions in multiple languages setting out the asylum application and assessment process. Individuals can still access legal and migration assistance at their own expense or under pro bono arrangements.

The Government has indicated that it will provide a small amount of additional support to those who are considered vulnerable, including unaccompanied minors. The Department is currently considering the most effective and efficient way to provide this support.

Minor crew

There have been two recent inquiries into Indonesian minor crew and age assessment processes. In 2012, the Commission undertook an inquiry into the treatment of individuals suspected of people smuggling offences who say they are minors. On 4 October 2012, the Senate Legal and Constitutional Affairs References Committee released its report titled, *Detention of Indonesian minors in Australia*.

On 21 November 2011, the Department was formally requested, on behalf of relevant agencies (including the Attorney-General's Department, Australian Federal Police (AFP) and Commonwealth Director of Public Prosecutions), to assist in determining whether suspected illegal entry vessel (SIEV) crew members claiming to be minors were under or over the age of 18. The Department uses the focussed interview approach developed to assess if IMAs are under or over the age of 18. For

further information regarding the Department's age determination assessment, refer to the 'Guardianship' section of this submission.

Prior to this, the AFP had relied upon the results of wrist x-rays that were obtained using powers that previously existed in the *Crimes Act 1914*. This legislation has since been amended and the prescribed method to determine age using bone scans has been repealed. The Department has never used wrist x-rays in its age determination process.

Before repealing the legislation, the AFP made changes to its age determination policy in July and December 2011. Where age is contested, the improved processes include taking steps as early as possible to seek information from the individual's country of origin, and ensuring that alleged SIEV crew the Department has assessed to be minors are quickly removed from Australia unless exceptional circumstances apply.

Most Indonesian crew minors are returned to Indonesia after a period of time in immigration detention in Australia. Crew members who have been assessed by the Department as minors, and have not previously been removed from Australia as SIEV crew or illegal foreign fishers, have not been involved in serious criminal activity during the voyage and do not seek Australia's protection, will be removed from Australia using existing removal processes as soon as practicable.

Minor crew generally remain in immigration detention only if there is a criminal justice matter that prevents their removal. While minor crew are in immigration detention, the Department ensures they are provided with appropriate care.

Indonesian minor crew are usually accommodated at Construction Camp APOD on Christmas Island, and Berrimah House (purpose-built accommodation which houses up to 16 juvenile illegal foreign fishers and crew) in Darwin.

During the initial detainee interview, and as part of the induction process, Indonesian minor crew are advised that they can request legal representation at any time. Detainee crew are also advised of their right to contact the Indonesian Consulate and that their consulate may be able to assist with legal representation. Where an Indonesian crew member requests consular assistance, the Department will facilitate detainee contact with the Indonesian Consulate as soon as possible. In the event that an Indonesian minor crew is charged by the AFP, they are provided with an opportunity to contact Legal Aid.

Between 2010 and 16 May 2014, a total of 249 minor crew have been removed from Australia. The average time from arrival to removal is 183 days.

Minor crew receive the same access to services and activities as other IMA minors.

GUARDIANSHIP

Under the IGOC Act and its regulations, the Minister for Immigration is the guardian of certain UAMs in Australia. These arrangements apply to both irregular and regular arrivals. Guardianship continues until the IGOC minor turns 18 years of age, leaves Australia permanently, becomes an Australian citizen or, rarely, when the Minister directs that an IGOC minor (a UAM who falls under the IGOC Act) will not be covered by the IGOC Act. This may occur, for example, if a parent later travels to Australia and the child is reunited with them.

As at 30 April 2014, there were 384 children assessed to be IGOC minors in immigration detention (335 of whom were in community detention), noting this does not include IGOC minors who have been granted a visa and this number can change on a regular basis due to changes in client circumstances.

The Minister can delegate his guardianship responsibilities to State or Territory or Commonwealth (in practice, Department of Immigration and Border Protection) officers. As guardian of these unaccompanied minors, the Minister makes provision for their care and welfare.

The Minister has made an instrument under section 5 of the IGOC Act to delegate his guardianship responsibilities to senior departmental officers and officers of State and Territory child welfare agencies occupying specific positions with responsibility for the care of IGOC minors.

Where the Minister is the guardian of children who fall under the IGOC Act and who are in immigration detention, including community detention, guardianship is delegated to departmental officers (Executive Level 2 Centre Managers and relevant Regional Detention Managers). The delegation has been made at this level as the delegated guardian is required to make important decisions which relate to the care and welfare of children, such as decisions about medical treatment or education.

The Minister or his delegate can place IGOC minors in the care of contracted service providers or individuals to provide for the child's day-to-day care. Since July 2012, these carers have been appointed as 'custodians' under the IGOC Act. These carers must be considered suitable and willing and be appointed as custodian for the child. In general terms, a custodian has the right and responsibility to make routine decisions about the daily care and control of a child who is in their custody.

In general terms, the powers and functions which may be exercised by all delegated guardians are the:

- same rights, powers, duties, obligations and liabilities as a natural parent of a child would have;¹⁸
- authority to decide whether to grant or refuse consent to an IGOC minor leaving Australia, except where the child is to be removed from Australia or transferred to an OPC under a relevant Migration Act power;¹⁹ and
- authority to appoint a person as a custodian of an IGOC minor when appropriate.²⁰

The delegated guardian's responsibility is to ensure there are appropriate arrangements in place for the care and welfare of an IGOC minor and to make long-term or non-routine decisions about the child's care and welfare. The delegated guardian must also be notified of any critical events involving an IGOC minor.

In line with Article 12 of the CRC, the policy and guidance provided to delegated guardians specifies that the child's views should be sought and taken into account when a decision is to be made in relation to the child. The weight given to the child's views will depend on a range of factors, including the age and maturity of the child. Delegated guardians have also been provided with advice in relation to the capacity for older children who demonstrate sufficient maturity and understanding to make decisions, such as consenting to medical treatment, on their own behalf. In this situation, the delegated guardian will provide guidance and support to assist the child in making their own decision.

Conflict of interest

A common criticism of the operation of the IGOC Act is that the Minister's roles and responsibilities as guardian give rise to a conflict of interest with the Minister's powers in relation to detention, visa decision making, removal, and other immigration status powers under the Migration Act. The Department is aware of calls to transfer guardianship responsibilities to an independent guardian as a means to resolve the perceived conflict of interest.

It is the Department's view that the practical arrangements underpinning the guardianship framework outlined in the IGOC Act are of equal importance to the legislative framework itself. To that end, the Department ensures that the broad range of services and activities provided to those children for whom the Minister is guardian appropriately meet their individual needs.

The Government's view is that this is a perceived conflict of interest rather than an actual conflict of interest because exercise of the powers is generally separated and because steps, such as the provision of independent advice or assistance to IGOC

¹⁸ Section 6 of the IGOC Act.

¹⁹ Sections 6A and 8 of the IGOC Act.

²⁰ Section 7 of the IGOC Act.

minors, are taken to manage the possibility of a conflict between the Minister's different roles.

Some delegated guardians may have, or have previously had, decision making delegations under the Migration Act. If a delegated guardian has previously, or may in the foreseeable future, be making a Migration Act decision involving an IGOC minor for whom they are the delegated guardian, that officer should not continue to exercise their guardianship delegation, and another delegated guardian (or the alternative delegated guardian) for the IGOC minor should exercise the delegation if required instead.

Most commonly, a delegated guardian will be required to make decisions of the kind faced by natural parents such as decisions relating to medical care, education and extra-curricular activities, rather than decisions relating to the child's immigration status. These decisions do not, generally, give rise to a conflict of interest and are made in the child's best interests taking account of the views of experts and the child.

Other situations have arisen that involve a conflict between the interests of individual children under the delegated guardian's care rather than a conflict of interest between that officer's roles under the Migration Act and IGOC Act. Such conflicts include disputes between two IGOC minors or allegations of potentially criminal or harmful activity by one child against another. In these circumstances, a delegated guardian is able to manage the competing interests of the children by arranging for another delegated guardian to take on a guardianship role in relation to one of the children so that each child's needs can be separately considered and managed.

IGOC status assessment

It is important to understand for whom the Minister has guardianship responsibility. To make sure that IGOC minors are correctly identified, an IGOC status assessment is conducted to determine whether an unaccompanied child falls within the definition of the IGOC Act, and therefore under the Minister's guardianship. This assessment is undertaken by an officer in the Department's National Office, on the basis of information collected by departmental officers interviewing the child following their arrival in Australia and, where necessary, from relatives in Australia.

The IGOC Act criteria consider a child's circumstances as at time of arrival. The assessment does not consider guardianship for children who fall outside the definition of the IGOC Act and does not provide a mechanism to identify or appoint another person as guardian where the Minister is not the guardian.

Once completed, an IGOC status assessment will identify a child as either an IGOC minor (that is, under the Minister's guardianship), or a non-IGOC minor (that is, not under the Minister's guardianship).

Delegated guardians

Only officers of the Department are delegated guardians for IGOC minors who are in immigration detention (including community detention). In general, exercise of the delegation should be made by a delegate who is based in the same State or Territory in which the IGOC minor is located.

In each State or Territory, the delegation instrument lists multiple positions which can exercise delegated guardianship for any IGOC minor. In practice, there will only be one delegated guardian exercising the guardianship roles and responsibilities in relation to a particular IGOC minor at any time.

Qualifications of delegated guardians

No specific qualifications or experience are required for an officer to be delegated guardianship responsibilities under the IGOC Act. However, a range of policy guidelines are provided to support delegated guardians in performing their role, including advice about how to determine which delegated officer should exercise guardianship in respect of a particular child, guidance on what guardianship powers officers can exercise, and guidance on what matters they should take into account in decision-making.

Delegated guardians are able to seek advice from experts, such as medical and other health practitioners, education providers, and custodians providing day to day care for an IGOC minor, in forming an opinion about the best interests of the individual child. In addition, delegated guardians are supported by the Children and Guardianship Policy Section in the Department, which provides general and case specific guidance in relation to guardianship obligations.

Policy advice and guidance is reviewed and updated on a regular basis to provide appropriate support for delegated guardians and other departmental officers working with IGOC minors.

ENSURING THE SAFETY OF CHILDREN

Child Protection (Articles 6 and 19 of the CRC)

The Department takes the protection of children in immigration detention very seriously, in line with the obligations under Article 19 CRC to protect the child from all forms of harm and Article 6 to protect the child from violence and exploitation which would jeopardise their right to life, survival and development.

All staff working in the delivery of services to children under Australia's immigration programmes must take all reasonable care to provide a safe environment and appropriate levels of care and support.

Protocols for reporting instances or risks of harm to children in detention - including community detention - are in place and used by all service providers contracted by the Department. Any reported issues are followed up by the Department, including with relevant State and Territory child welfare agencies. These protocols include:

- direction in relation to reporting requirements in accordance with the IGOC Act and its regulations, to the delegated guardian;
- Incident Reporting Hotline managed 24 hours a day, seven days a week by the Department; and
- all incidents of 'notification to welfare authorities' reported within one hour of the incident occurring to the Incident Reporting Hotline.

Investigation of incidents is undertaken by the relevant authorities with cooperation from the Department.

Serco, IHMS and MAX staff working with children must also, as a requirement under their contracts with the Department, adhere to State and Territory legislation including mandatory reporting laws and working with children checks.

Where an incident involving an allegation of child harm occurs, there are policies and procedures in place under the various service delivery streams to outline how to respond to the possible abuse or neglect. In an immigration detention context, for example, any suspicion or allegation is immediately referred to the relevant State/Territory welfare authority. Concurrently, the incident or concern is also escalated within the Department to senior officers to ensure that an appropriate response is provided. Where there are on-going concerns for a child, case managers play an important role to ensure the child is supported and appropriate arrangements are made. This also includes liaison with service providers, including health professionals, taking into account all relevant privacy considerations.

Serco has in place certain mechanisms, including security risk assessments, to identify and prevent people in detention, including children, being involved in incidents within the detention environment. If a child is involved in an incident, they

may be referred to the health service provider for a mental health assessment and appropriate monitoring following the incident. All incidents are required to be reported to the Department. If required, incidents directly involving children may be escalated to an appropriate third party, such as state law enforcement or child protection or welfare agencies.

As noted above, child protection issues are currently managed under the various service delivery streams. The Department is currently in the process of drawing the approaches together to manage child protection issues through a single overarching child protection policy framework. The single policy will affirm the Department's expectations of, and support for, staff, contracted service providers, visitors and others who engage, interact and work with children.

The Department is actively engaging with relevant Commonwealth and State agencies, non-government organisations and experts to improve our policies and processes to ensure the safety of children in our care. Work is currently underway at a Commonwealth level to consider how to build on the *National Framework for Protecting Australia's Children 2009-2020*, which was an initiative of the Council of Australian Governments, in recognition that the safety and wellbeing of children is the responsibility of all levels of government. This work is currently focusing on broad child protection policies, including working with children checks, and the Department is actively involved with this process. In addition, the Department has also established a regular consultation with child focused organisations, such as UNICEF, in the development of our policies and procedures relating to children and child protection.

The Department has positive and constructive relationships with State and Territory child protection authorities, even though we currently do not have formal agreements in place in relation to children in immigration detention. The Department seeks advice from those agencies on a case by case basis and makes reports to those agencies in line with mandatory reporting obligations. The Department intends to formalise these already good working relationships through the development of memoranda of understanding with each of the relevant jurisdictions.

Age determination

One of the key ways in which the Department considers the safety of detainee children is by undertaking age determination assessments where it is unclear whether a detainee is an adult or a minor. The primary and immediate purpose of age determination is to ensure that minors are accommodated and supported appropriately whilst in immigration detention and not knowingly accommodated with unrelated adults.

Unaccompanied minor IMAs are detained in separate accommodation from single adult detainees for their personal safety and to meet the Minister's commitment that children will not knowingly be detained in immigration detention centres.

The arrival of undocumented asylum seekers presents major challenges to asylum seeker receiving countries in relation to their identity including whether a person is a minor or an adult. This issue is not unique to Australia and there is debate across asylum seeker receiving countries around the world about the most appropriate and reliable means to determine whether a person is a minor or an adult. In 2010, the Department developed an age determination process to assess whether a person is, more likely than not, a minor or an adult. This process was developed in consultation with a range of stakeholders, including the Commission, the Commonwealth Ombudsman and the Minister's Advisory Council.

The age determination process used by the Department is a combination of basic background checking on the individual and a chronologically focussed interview. It is the most credible method available to form a view as to whether a person is more likely than not a minor or an adult for immigration purposes and does not expose the person to harm (e.g. through the use of x-rays for non-therapeutic purposes). The age determination process is not about determining a person's chronological age, but forming a view that the person is more likely to be over or under 18, taking a range of factors into account.

Under the age determination process, a detainee who claims to be a minor is treated as such until an assessment is made to the contrary. All interactions with the detainee are conducted in the presence of an Independent Observer whose role it is to ensure the health and wellbeing of the detainee. As noted earlier, it is not the role of an Independent Observer to advocate on behalf of the detainee.

Age determination assessments include the application of a balance of probabilities test. That is, an assessment as to whether the person is more likely than not a minor or an adult. The Department errs on the side of caution and does not dispute cases at the margins. In the event that the views of the two interviewing officers differ, the person is given the benefit of doubt and assessed as a minor.

The Department takes into consideration the views of experts including paediatricians, psychologists and other medically qualified persons or those engaging with the detainee on a regular daily basis (for example, service providers, school teachers). However, we have found few to date, particularly in the medical profession, are willing to formally provide an opinion as to whether the person is a minor or an adult.

Detainees are provided with natural justice and an opportunity to state their case in the age determination process. They are given the right to respond to the findings and encouraged to provide evidence for the Department to consider subsequently. The Department also assists detainees to locate original identity documentation from their home country through relatives attending our local offices overseas.

The Department's age determination process includes an internal review mechanism. Any party interacting with the person (for example, departmental case managers, IHMS employees and service provider staff) may request a review of an age determination assessment outcome if new information or documentation becomes available that suggests the original assessment was incorrect. Reviews are conducted by a senior age determination officer (at the Executive Level 2 level) in National Office who has not previously been associated with the case.

For the period 1 January 2012 to 30 April 2014 inclusive, a total of 746 IMAs underwent a formal age determination assessment. During the same period, eight detainees who were initially assessed as more likely than not to be adults and transferred to a single adult male compound were, upon review, considered more likely than not to be minors. Two individuals who had been assessed by the Department to be adults prior to transfer to an OPC were subsequently found to be minors. The Department acted as quickly as possible after being advised that the individuals had raised claims to be a minor. Both transferee minors were returned to Australia. The review process included the consideration of new information and/or supporting documentation.

There have been some suggestions that the instances of a different outcome following internal review indicates deficiencies in the age determination process. The Department considers that, on the contrary, the different outcomes on review illustrate that the Department is open to reconsidering age determination assessments when further information is provided and acknowledges that no method of age assessment is one hundred per cent accurate.

The Department's process received positive comment in the Commission's '*An age of uncertainty*' Inquiry report in 2012 and it is now accepted as the whole-of-government process.

Under policy, all departmental staff and the detention services provider are required to take reasonable measures to identify any person in immigration detention who is under the age of 18 and if they are informed, or have a reasonable suspicion that a person accommodated in an adult facility may be under the age of 18, they must immediately escalate the matter to the relevant area in accordance with the Department's instructions for referral.

Staff training

Over 100 departmental staff have been trained to undertake age determination assessments. These officers possess significant interviewing experience in other departmental business lines and have also received targeted training for the age determination role.

The targeted training incorporates completion of a theoretical course and, if the staff member is assessed as suitable, they undergo significant supervision and mentoring

with experienced age determination officers interviewing and writing assessment reports.

The theoretical component of the training covers dedicated procedural training on interview techniques and the preparation of assessment reports. It employs mock interviews and assessment report writing with evaluation and feedback.

The mentoring aspect of the training includes observing age determination interviews conducted by experienced officers. The trainee then undertakes a number of interviews where the experienced officer acts as the lead interviewer.

Once the trainee feels sufficiently confident to lead, they move into that role. Interviews are observed by a senior officer who provides ongoing feedback and evaluates the trainee's readiness to undertake future age determination deployments.

In addition to the training and mentoring programme, there is a quality control programme that covers administration, record keeping, interview techniques and report writing. This is undertaken by a senior officer who evaluates the interview techniques and assessment reports of all staff working in the age determination programme. There is also ongoing performance management of all staff involved in the programme and a quality assurance mechanism in place, which is managed by National Office.

In September 2013, three practitioner workshops were conducted for trained age determination assessors. The purpose of these workshops was to communicate policy developments and to provide staff trained in the process an opportunity to come together to share their knowledge and experiences and to discuss opportunities for policy and process improvement.

EXTERNAL SCRUTINY

Over the past decade, the Department has engaged to a much greater extent with stakeholders and public scrutiny bodies. The Department's relationship with external oversight agencies continues to be an important element of our accountability framework.

Commonwealth and Immigration Ombudsman

Since 2005, the Commonwealth and Immigration Ombudsman (Ombudsman) has had additional specific responsibilities in relation to immigration, including inspecting immigration detention facilities and reporting to the Minister on persons who have been detained for two or more years.

Under section 486N of the Migration Act, the Department is required to report to the Ombudsman on the circumstances of people in immigration detention for two years and thereafter every six months that they remain in detention. The Ombudsman's responses to these reports are tabled by the Minister for Immigration and Border Protection in Parliament, at which time the Minister makes a statement to Parliament responding to any recommendations made by the Ombudsman.

In relation to the Ombudsman's complaints function, the Department received 241 new complaints from the Ombudsman in 2012–13 and 238 complaints were finalised. This is a decrease of 11 per cent in the number of complaints received, compared to the previous year. The most common issues raised in complaints concern visa refusals, visa cancellations or delays in visa processing.

The number of complaints referred by the Ombudsman has increased by 51 per cent in 2013-14 compared to the same period in 2012-13, attributable to a large number of health related complaints received following a visit by the office of the Commonwealth Ombudsman to Christmas Island Immigration Detention Centre in March 2014.

247 referred caseload

In December 2006 and July 2007, the Ombudsman publicly released his thematic reports in relation to the 247 referred cases of people who were released from immigration detention with the database descriptor 'not unlawful'.

The Ombudsman did not publicly release his individual case analyses (with the exception of the report on Mr T, released in March 2006, and the report on Mr G, released in December 2006). The cases were considered by the Ombudsman under the categories of Children in Detention, Mental Health & Incapacity, Data Issues,

Notification Issues (including cases affected by the 2003 Federal Court decision in relation to Chan Ta Srey²¹), Detention Processes, and Other Legal Issues.

The Department undertook a detailed review of the Ombudsman's analysis of each case and prepared remedial action plans to address deficiencies, including consideration of compensation where appropriate.

2013 investigation into suicide and self-harm

In May 2013, the Ombudsman published a report entitled 'Suicide and Self-harm in the Immigration Detention Network'. The Ombudsman found that, while the Department is now in a stronger position in terms of its capacity to manage the immigration detention network and associated risks and issues, there is scope for further improvement and lessons that can be learned from recent challenges.

The Ombudsman made nine recommendations including that the Department continue to review and improve: its data collection and management reporting regarding the physical and mental health of people in immigration detention; policies and governance frameworks for managing the risk of suicide and self-harm; and processes in the status resolution and placement of people in immigration detention. The Ombudsman also recommended that the Department develops, as a priority, a policy framework and process for managing protracted caseloads in immigration detention to help reduce the long-term detention of these detainees, particularly in immigration detention facilities.

In its response, the Department accepted or partially accepted each of the recommendations in the report and reaffirmed its commitment to continuing to build on the significant measures implemented to date and to find improved ways to support the health and wellbeing of people in immigration detention in order to minimise the risk of suicide and self-harm.

Australian Human Rights Commission

The Department received 128 new complaints from the Commission in 2012-13 and 157 complaints were finalised.

As at 30 April 2014, the number of complaints referred by the Commission had decreased by 27 per cent in 2013-14 compared to the same period of 2012-13. This continues the trend of a decreasing number of complaints referred by the Commission.

While the number of complaints referred by the Commission in 2013-14 has decreased marginally, a greater proportion of complaints received are progressing to formal reporting under the *Australian Human Rights Commission Act 1986*.

²¹ *Chan Ta Srey v Minister for Immigration and Multicultural and Indigenous Affairs* [2003] FCA 1209.

In relation to children particularly, we note that the inaugural National Children's Commissioner, Ms Megan Mitchell, was appointed to the role on 25 February 2013 and began her term on 25 March 2013.

As noted in the Commissioner's first Children's Rights Report, tabled in Parliament in December 2013, from early in her term, the Commissioner has engaged with the Department, children in immigration detention (including community detention) and organisations advocating for children in immigration detention.

The Department will continue its constructive engagement with the National Children's Commissioner, and the Commission generally, and has welcomed the opportunity to discuss a number of complex policy issues relating to children in immigration detention.

Senate Committees

The Department has participated in the work of several parliamentary committees over the past decade, many of which are relevant to children. For example, the Department has participated in:

- in 2008, the Department provided input to the Joint Standing Committee on Migration, which undertook a wide ranging inquiry into the criteria for immigration detention and alternatives available;
- in 2011, the Department contributed to the Joint Select Committee on Australia's Immigration Detention Network. The Government accepted (fully, in principle or partially) 26 of the 31 majority report recommendations made by the Committee; and
- in 2012, the Department assisted the Senate Legal and Constitutional Affairs References Committee inquiry into the detention of Indonesian minors in Australia.

COMMUNITY AND CIVIL SOCIETY ENGAGEMENT

In addition to the formal processes for external scrutiny noted above, the Department has engaged the expertise of a number of independent organisations and advisory bodies and individuals to provide scrutiny and suggestions for improvements, such as the Commonwealth Ombudsman, the Commission, Minister's Council on Asylum Seekers and Detention (MCASD) and the independent health advisor, Dr Paul Alexander AO.

As noted earlier in this submission, the Department partnered with non-government organisations through the Residence Determination Reference Group to receive expert advice and develop an appropriate framework for care and support as part of the expanded community detention programme. In addition, the Department has engaged with child focused organisations and experts in the development of our policies and procedures relating to children and child protection.

Minister's Council for Asylum Seekers and Detention

In 2001, the then Minister established an independent advisory body on issues relating to border control, at the time known as the Immigration Detention Advisory Group. The group underwent changes over the years to reflect Government policy and was renamed the Council for Immigration Services and Status Resolution in October 2009. Modifications in membership were made to reflect the Government's requirements and the body was renamed the Minister's Council for Asylum Seekers and Detention (MCASD) in February 2012.

The principal role of the MCASD is to provide independent advice to the Minister on policies, processes, services and programmes necessary to achieve the timely, fair and effective resolution of immigration status for people seeking migration outcomes in Australia and at OPCs.

MCASD establishes sub-committees, less formal working groups and project groups as required to examine key areas of policy or operations. The key sub-committees are Service Delivery and Status Resolution; Research and Evaluation; Detention Facilities; Stakeholder Engagement; Community Detention and Unattached Minors; and Regional Development. In early 2014, the Council established a Children and Family Services project group to explore, and advise on, some particular areas of policy and operational arrangements in this area.

Other examples of engagement

The Australian Red Cross undertakes a programme of scheduled humanitarian observer visits to all immigration detention facilities under a Memorandum of Understanding with the Department.

The Australian Red Cross' humanitarian observer role allows it to assess and monitor the general conditions of immigration detention facilities and the treatment of people accommodated in immigration detention. The Australian Red Cross reports its findings to the Department for consideration.

PRE-TRANSFER ASSESSMENTS PRIOR TO TRANSFER TO AN OFFSHORE PROCESSING COUNTRY

Policy settings

Changes to the Migration Act passed in August 2012 require that all persons who arrive by boat on or after 13 August 2012 as an IMA are liable to be transferred to an OPC. The Government has agreements in place with PNG and Nauru for protection claims processing and settlement of persons found to be refugees. The Government's offshore processing policy focuses on deterring illegal maritime travel to Australia.

There are no broad or blanket exemptions from transfer, including in relation to children. It is the Government's position that exempting certain cohorts will lead to people smugglers targeting those individuals for illegal travel. All single adult males, females, families and unaccompanied minors who arrived as IMAs since 13 August 2012 are liable to be transferred. Currently, only IMAs arriving on or after 19 July 2013 are being transferred to an OPC. IMAs arriving between 13 August 2012 and 18 July 2013 are in Australia awaiting claims processing (with the exception of transferees facing criminal charges in Nauru). This cohort continues to remain liable for transfer to an OPC.

Currently, there are no children, unaccompanied minors or females at the Manus Offshore Processing Centre. Nauru currently hosts a number of children and their families, single adult females and unaccompanied minors. Appropriate accommodation, health and welfare arrangements are in place for all transferees.

Pre-transfer assessments

The Department conducts a pre-transfer assessment for all transferees, including children, prior to their transfer to an OPC. This assessment is used to consider whether appropriate support and services are available at the OPC and confirm that there are no barriers to the transfer occurring. Where barriers to transfer exist, the assessment may recommend that the individual be reconsidered for transfer at a later date. If protection claims raised against both Nauru and PNG are accepted, the Department will seek exemption in accordance with the 'public interest' Ministerial exemption power in section 198AE of the Migration Act.

An additional assessment, known as a Best Interests Assessment, is also conducted as part of the pre transfer assessment for all children. This assessment considers the needs and circumstances of the individual child to ensure that appropriate care, services and support arrangements are available following their transfer to the Nauru Offshore Processing Centre. Independent observers are present whenever an

interview takes place between an unaccompanied minor and a departmental official during these processes.

Detailed files about the individual transferees are provided to the Government of Nauru prior to the transfer of any unaccompanied minor. These files assist the Government of Nauru to understand the specific circumstances of the individual child prior to the transfer and to ensure appropriate transfer of guardianship obligations.

The Government considers its offshore processing policy is consistent with Australia's international human rights obligations. The pre-transfer assessment is designed to identify any barriers to transfer. As noted above, accommodation, health, and welfare arrangements are in place in Nauru to cater for unaccompanied minors and children living in family units.

Australia has an obligation under Article 3 of the CRC to treat the best interests of the child as a primary consideration in all actions concerning children. The obligation is to treat the best interests of the child as a primary consideration, not the only, or the only primary, consideration. In so far as the requirement under section 198AD of the Migration Act to take IMAs to an OPC applies to children, the Australian Government's view is that in making the transfer decision, the best interests of such children may be outweighed by other countervailing primary considerations, including the need to preserve the integrity of Australia's migration system and the need to discourage children taking, or being taken on, dangerous illegal boat journeys to Australia. The objective of this additional assessment for children is to ensure that care, services and support arrangements at the OPC are available at that time to meet the needs of the individual child.

All detainees, including children, receive a Health Induction Assessment within 72 hours of entering an immigration detention facility. The Department's policy is that all detainees receive health screening and assessment that is appropriate to their individual circumstances, including age. A person will not be transferred to an OPC if they have a suspected or identified significant health condition requiring further investigation, or which cannot be managed in an OPC.

CONCLUSION

While the Department has made significant improvements over the past decade to the services delivered to children, we are always mindful of further opportunities to continue to improve the work we do, and remain open to scrutiny. We welcome the regular visit and inspection programmes of the Commission, the Commonwealth Ombudsman, the Australian Red Cross and the Minister's Advisory Council on Asylum Seekers and Detention, and indeed this Inquiry of the Commission.

We look forward to any recommendations of this Inquiry that will assist us in improving the services offered to children in immigration detention, within the current legislative framework and Government policy. Indeed, throughout the course of the Inquiry itself, the Department has taken up a number of matters and suggestions made by the Commission's Inquiry team.

We again thank you for the opportunity to make this submission.

Attachment A – Immigration Detention Facilities Overview as at 26 February 2014

Immigration Detention Centres

Christmas Island Immigration Detention Centre

Site Overview				
Address	Murray Road, North West Point, Christmas Island WA 6798			
Location	North-west tip of Christmas Island, about 20 kilometres from the main population centre. It is accessed via a bitumen and then dirt road.			
Site description	Christmas Island Immigration Detention Centre is a complex of low-rise functionally integrated permanent purpose-built buildings; the structures are primarily reinforced steel frame on concrete floor slabs, with fibre cement internal linings.			
Site size	153,800m ²			
Building floor area	20,851m ²			
Accommodation	8 accommodation blocks in eight separate compounds comprising 200 permanent accommodation units. The remainder is contingency open dormitory style.			
Separate compounds	8			
Landscaping	The whole site is landscaped with lawns and garden beds and an in-ground irrigation system installed to most areas.			
Access/Entry	Main entry building with separate reception block			
Detainee Amenities				
Accommodation	Single and double bunk rooms, all ensuited.			
Multipurpose room	Several, comprising lounges, indoor games, TVs and DVD players.			
Dining arrangements	Kitchen and dining serveries, communal microwaves, toasters, sinks, chilled water units, and fridges.			
Visits facility	External visitor centre, and internal visiting and induction building			
Detainee processing	Completed offsite			
Interview rooms	Interview and conference, with video conferencing capacity			
Biometrics rooms	Yes			
Storage facilities	External warehouse with large freezer and cold rooms			
Medical / dental	Medical and dental, each accommodation block has a small medical treatment and interview room			
Recreation	Multi faith chapel	✓	Gym and equipment	✓
	Education rooms including classrooms, computer rooms, library	✓	Pool and table tennis table, play stations, cinema	✓
	Internet access, telephones	✓	Sporting facilities - covered basketball court, 2 x half courts, playing field/oval, tennis court	✓
	Canteen/tuck shop	✓	Outdoor sitting areas and passive recreation	✓
Administration	Administration, including office accommodation, mail handling facilities, meeting rooms, and video conferencing facilities.			
Capacity (persons)				
Regular operational	400 (Source: DIBP website, as at 10 September 2013)			
Contingency	1100 (Source: DIBP website, as at 10 September 2013)			

Curtin Immigration Detention Centre

Site Overview				
Address	Curtin RAAF Base, Derby Highway, Derby WA 6728			
Location	Curtin IDC is located at the Curtin Royal Australian Air Force (RAAF) base around 40 kilometres south-east of Derby, Western Australia. The site is bounded by Derby Highway to the west and the Great Northern Highway to the south.			
Site description	Mostly flat outback country surrounded by dense bushland.			
Site size	25,000m ²			
Building floor area	20,728m ²			
Separate compounds	6			
Accommodation	There are 6 accommodation compounds, Alpha, Bravo, Charlie, Delta, Echo and Foxtrot. Accommodation comprises of transportable cyclone-rated buildings each with sheltered breezeways and decking to assist with cooling and movement.			
Landscaping	The site is populated with some trees and shrubs and is surrounded by dense bushland			
Access/Entry	Arrivals area with fenced covered sally port			
Detainee Amenities				
Accommodation	Single rooms with 2 bunks, some ensuited			
Multipurpose room	Common areas provided throughout all compounds			
Dining arrangements	Large kitchen and mess facility, dining and multipurpose area			
Visits facility	Yes			
Detainee processing	There is a discreet arrival and processing area			
Interview rooms	Several and interpreters rooms, conference room			
Biometrics rooms	Yes			
Storage facilities	Large storage warehouse (60m x 30m)			
Medical / dental	Medical facility and mental health room			
Recreation	Multi faith chapel	✓	Gym and equipment	✓
	Education rooms including classrooms, library and sewing rooms	✓	Pool and table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities - covered basketball/tennis court, soccer field, 2 x volleyball courts, cricket nets	✓
	Canteen/tuck shop	✓	2 x aquaculture/horticulture activity areas, several outdoor sitting areas in each compound	✓
Administration	Administration building for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	1200 (Source: DIBP website, as at 10 September 2013)			
Contingency	1500 (Source: DIBP website, as at 10 September 2013)			

Maribyrnong Immigration Detention Centre

Site Overview				
Address	53 Hampstead Road, Maidstone Victoria 3012			
Location	The Maribyrnong IDC is located at Maidstone in the Western Suburbs of Melbourne approximately 13km from the CBD in an area that is a mixture of light industrial businesses and residential housing.			
Site description	The Maribyrnong IDC is discretely located at the end of a long driveway and is not visible from the street. It is a single storey secure building with the administrative and reception wings to the rear. The detainee areas are separated into five different zones.			
Site size	6,500m ² (approximately).			
Building floor area	4,078m ²			
Accommodation	The Maribyrnong IDC comprises of permanent buildings with separated accommodation zones for male and female accommodation which each have direct access to separate living areas and amenities.			
Landscaping	Landscaped gardens and outdoor recreation			
Access/Entry	Visitors are processed in the main reception building and all vehicles must pass through a vehicle lock before admission to the centre.			
Detainee Amenities				
Accommodation	Bunk bed style shared rooms, with ensuites or shared bathrooms			
Multipurpose room	Several common areas and multipurpose rooms with TVs and DVD players			
Dining arrangements	Main commercial kitchen with dining hall. Several self-catering, coffee and tea making stations located throughout the facility			
Visits facility	Visits facility available which is separate to all areas and accommodation.			
Detainee processing	Secure sally port situated at the western-most end used for transport and escort of the detainees			
Interview rooms	3			
Biometrics rooms	Yes			
Storage facilities	Yes – new storage facilities in the western end of the building			
Medical / dental	Yes			
Recreation	Multi faith room	✓	Gym and equipment	✓
	Education rooms including classrooms, library	✓	Pool and table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities - basketball, tennis court	✓
	Canteen/tuck shop	✓	Several courtyards, sitting/exercise yards	✓
Administration	Administration wing provides office accommodation for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	56 (Source: DIBP website, as at 10 September 2013)			
Contingency	99 (Source: DIBP website, as at 10 September 2013)			

Northern Immigration Detention Centre

Site Overview																	
Address	Stuart Highway, Berrimah NT 0821																
Location	The Northern IDC occupies a portion of the current Defence Establishment Berrimah site and is bounded by the Stuart Highway on one side and Amy Johnston Drive on another.																
Site description	There are two distinct parts of the Centre: North Compound and South Compound. An administration compound is located outside the centre.																
Site size	80,000m ²																
Building floor area	7,280m ²																
Separate compounds	2																
Accommodation	Six accommodation areas. All accommodation buildings are single storey transportable buildings.																
Landscaping	Garden beds, raised garden beds, and outdoor recreation.																
Access/Entry	Visitors are processed in the main reception building and all vehicles must pass through a vehicle lock before admission to the centre.																
Detainee Amenities																	
Accommodation	Bunk bed shared rooms with ensuites or shared bathroom																
Multipurpose room	Several common areas with TVs and DVD players																
Dining arrangements	North compound has a commercial kitchen and dining room and detainees can utilise the covered external cabana for dining. South compound has a dining area with kitchen servery.																
Visits facility	Visits room external to the North accommodation area.																
Detainee processing	Sally port used for transport and escort of the detainees																
Interview rooms	3 each in North and South compounds																
Biometrics rooms	2 biometric rooms in the property office in South compound																
Storage facilities	Warehouse with 5 shipping containers																
Medical / dental	Medical clinics in both North and South compounds, and mental health consulting rooms in South compound. Both medical clinics have triage rooms. Offsite dental is utilised.																
	<table border="1"> <tbody> <tr> <td>Multi faith room</td> <td>✓</td> <td>Gym and equipment</td> <td>✓</td> </tr> <tr> <td>Education rooms including classrooms, library</td> <td>✓</td> <td>Pool and table tennis tables</td> <td>✓</td> </tr> <tr> <td>Internet access, telephones</td> <td>✓</td> <td>Sporting facilities - basketball court, soccer field, futsal field, fitness stations, volleyball court</td> <td>✓</td> </tr> <tr> <td>Canteen/tuck shop</td> <td>✓</td> <td>Several courtyards, sitting/exercise yards, barbeque facilities</td> <td>✓</td> </tr> </tbody> </table>	Multi faith room	✓	Gym and equipment	✓	Education rooms including classrooms, library	✓	Pool and table tennis tables	✓	Internet access, telephones	✓	Sporting facilities - basketball court, soccer field, futsal field, fitness stations, volleyball court	✓	Canteen/tuck shop	✓	Several courtyards, sitting/exercise yards, barbeque facilities	✓
Multi faith room	✓	Gym and equipment	✓														
Education rooms including classrooms, library	✓	Pool and table tennis tables	✓														
Internet access, telephones	✓	Sporting facilities - basketball court, soccer field, futsal field, fitness stations, volleyball court	✓														
Canteen/tuck shop	✓	Several courtyards, sitting/exercise yards, barbeque facilities	✓														
Administration	Administration offices for DIBP, health services provider, and Detention Service Provider staff, and occasional offices available for stakeholders including NT Police and Customs.																
Capacity (persons)																	
Regular operational	570 (Source: DIBP website, as at 10 September 2013)																
Contingency	715 (Source: DIBP website, as at 10 September 2013)																

Perth Immigration Detention Centre

Site Overview				
Address	Corner Baker and McComb Roads, Redcliffe WA 6104			
Location	The Perth IDC is located within the Perth Domestic Airport precinct at Redcliffe, Western Australia and is approximately 11 kilometres east of Perth's Central Business District. The site is bounded by McComb Road to the west and Baker Road to the south.			
Site description	The Perth IDC is a single level brick building constructed on a concrete slab with a flat roof concealed behind a continuous parapet. The building is designed in a 'Tee' shape with courtyards on each side of the 'Tee' taking up the remainder of this rectangular site. The building is divided into three wings, the northern, western and eastern wings.			
Site size	1,880m ²			
Building floor area	883m ²			
Accommodation	Shared accommodation rooms are located in the northern and western wings.			
Landscaping	Garden beds, raised garden beds and outdoor recreation			
Access/Entry	Visitors are processed in the main reception building and all vehicles must pass through a vehicle lock before admission to the centre.			
Detainee Amenities				
Accommodation	Dormitory style accommodation			
Multipurpose room	Several multipurpose areas available			
Dining arrangements	Mess hall with commercial kitchen			
Visits facility	Visits area			
Detainee processing	Secure sally port used for transport and escort of the detainees.			
Interview rooms	2			
Biometrics rooms	Yes			
Storage facilities	Small storage room			
Medical / dental	Medical only with detainee consultation room			
Recreation	Visits room utilised for multi faith as required	✓	Gym and equipment	✓
	Education rooms	✓	TV and DVD players, snooker, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities - multi-purpose outside recreation area	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	The DIBP administrative area is located within the western wing of the centre. Administration offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	27 (Source: DIBP website, as at 10 September 2013)			
Contingency	42 (Source: DIBP website, as at 10 September 2013)			

Villawood Immigration Detention Centre

Site Overview				
Address	15 Birmingham Avenue, Villawood NSW 2163			
Location	Villawood IDC is located at Villawood, some 28 kilometres south west of the Sydney CBD. The centre is accessed from Birmingham Avenue, Villawood.			
Site description	The Villawood IDC occupies an 18 hectare site that is bounded by residential and light industrial areas. The Villawood IDC is currently undergoing a major infrastructure upgrade. The Villawood IDF Heritage Precinct is part of the redevelopment project. DIBP must continue to manage the site as part of its conservation responsibilities.			
Site size	18 hectares			
Building floor area	16,511m ²			
Separate compounds	4			
Accommodation	There are three distinct detainee accommodation areas at VIDC: Fowler, Blaxland and Hughes, including Banksia compound.			
Landscaping	Garden beds and outdoor recreation			
Access/Entry	Visitors are processed in the main reception building and all vehicles must pass through a vehicle lock before admission to the centre.			
Detainee Amenities				
Accommodation	Combination of bedrooms and dormitory accommodation, some ensuited and others using shared bathrooms			
Multipurpose room	Several multi-purpose areas available			
Dining arrangements	Combination of self-catering, barbeque facility and dining rooms.			
Visits facility	Visits area for Fowler and Hughes, and a visits area for Blaxland			
Detainee processing	Secure sally port used for transport and escort of detainees.			
Interview rooms	8 with a dedicated detainee video conferencing room.			
Biometrics rooms	Yes			
Storage facilities	Stores building			
Medical / dental	Full medical clinic; dentist on site once a month			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education and library rooms	✓	Snooker, table tennis tables, music room, arts and crafts room	✓
	Internet access, telephones	✓	Sporting facilities - basketball, soccer, tennis, volleyball, badminton, beach volleyball	✓
	Canteen/tuck shop, vending machines	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	379 (Source: DIBP website, as at 10 September 2013)			
Contingency	480 (Source: DIBP website, as at 10 September 2013)			

Yongah Hill Immigration Detention Centre

Site Overview				
Address	Mitchell Avenue, Northam WA 6401			
Location	The Yongah Hill IDC is located in Northam, on Mitchell Ave off the Great Eastern Highway and is adjacent to the Northam Military Training Camp.			
Site description	The site is approximately 90km north-east of Perth CBD and 5km from the Northam town centre.			
Site size	The site occupies 10 hectares of the Defence site of 40 hectares			
Building floor area	13,364m ²			
Separate compounds	4			
Accommodation	The accommodation is split into four compounds. Each compound consists of 18 accommodation modules with four rooms per module. Each accommodation compound also contains one officer's station, one laundry, four tea points, one detainee phone area, three sports courts and one television and lounge / prayer room.			
Landscaping	Vegetable gardens, irrigation system, trees and surface treatments			
Access/Entry	Main reception building			
Detainee Amenities				
Accommodation	Each room contains its own bathroom, desk, chair, fridge and bunk bed.			
Multipurpose room	Three multipurpose areas available			
Dining arrangements	Large kitchen and servery, indoor and outdoor dining areas			
Visits facility	Purpose built visitors centre			
Detainee processing	Detainee processing provided in discreet induction area			
Interview rooms	Several			
Biometrics rooms	Yes			
Storage facilities	Storage available			
Medical / dental	The Healthcare precinct consists of three buildings, ambulance sally port and parking bay.			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education, classrooms, library, computer, sewing and cooking rooms	✓	Snooker, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities - sports fields, basketball courts, volleyball courts	✓
	Canteen/tuck shop, vending machines	✓	Barbeque facilities	✓
Administration	There are four main administration buildings; three of these buildings are located outside the facility main perimeter fence. These include buildings used by DIBP, the Detention Service Provider and independent agency staff. The fourth building is located within the facility fence line and is occupied by the health services provider.			
Capacity (persons)				
Regular operational	600 (Source: DIBP website, as at 10 September 2013)			
Contingency	636 (Source: DIBP website, as at 10 September 2013)			

Immigration Residential Housing

Perth Immigration Residential Housing

Site Overview				
Address	97-99 Kanowna Ave, Redcliffe, WA 6104			
Location	The Perth IRH is located in Redcliffe, approximately 2 kilometres from the Perth IDC and airport, and approximately 10 kilometres north-east of the Perth CBD.			
Site description	Situated in a cul-de-sac on the edge of the airport. The architecture of the housing has been designed to blend with the neighbourhood streetscape which consists mainly of State Housing Authority properties.			
Site size	1,800 m ²			
Building floor area	428m ²			
Accommodation	The facility comprises two single storey houses; one with four bedrooms and an interview room; the second house with five bedrooms. The two houses are separated by an administration building that includes an indoor recreation space and visits area.			
Landscaping	The block has been landscaped to provide a variety of areas for outdoor activities and passive recreation.			
Access/Entry	External reception area with visitor parking			
Detainee Amenities				
Accommodation	Two houses; one with four bedrooms and an interview room; the second house with five bedrooms.			
Multipurpose room	Living rooms in each house plus shared multipurpose area			
Dining arrangements	Normal household kitchens available in each house			
Visits facility	Visits area in admin building. If privacy is required, visits may take place in the DIBP interview room.			
Detainee processing	No			
Interview rooms	1			
Biometrics rooms	Nil			
Storage facilities	Standard household storage plus one shed			
Medical / dental	There is no medical clinic onsite – community health services are utilised for all health/medical and pharmaceutical needs.			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education area	✓	Pool, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities - basketball, soccer, tennis	✓
	Canteen/tuck shop, vending machines	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	11 (Source: DIBP website, as at 10 September 2013)			
Contingency	16 (Source: DIBP website, as at 10 September 2013)			

Sydney Immigration Residential Housing

Site Overview				
Address	5 Milowera Road, Villawood NSW			
Location	Sydney Immigration Residential Housing is located adjacent to the Villawood Immigration Detention Centre some 28 kilometres south west of the Sydney CBD.			
Site description	The facility is bounded by residential housing and light industrial area.			
Site size	8,100m ² (approximately)			
Building floor area	1,387m ²			
Accommodation	The Sydney IRH comprises four blocks of two duplex units. Each unit comprises three bedrooms. One of the units is designed to accommodate persons with a disability.			
Landscaping	The block has been landscaped to provide a variety of areas for outdoor activities and passive recreation.			
Access/Entry	External reception and waiting area with visitor car parking.			
Detainee Amenities				
Accommodation	Combination of single and bunk beds with shared bathrooms			
Multipurpose room	Living rooms in each house and common recreation building.			
Dining arrangements	Combination of self-catering, barbeque facility and dining room.			
Visits facility	Visitors centre			
Detainee processing	Yes			
Interview rooms	2			
Biometrics rooms	Yes			
Storage facilities	Small store			
Medical / dental	Medical clinic			
Recreation	Multipurpose faith rooms	x	Gym and equipment	✓
	Education and library rooms	✓	Pool, table tennis tables, music room, arts and crafts	✓
	Internet access, telephones	✓	Sporting facilities - mini basketball	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider, and Detention Service Provider staff.			
Capacity (persons)				
Regular operational	24 (Source: DIBP website, as at 10 September 2013)			
Contingency	48 (Source: DIBP website, as at 10 September 2013)			

Immigration Transit Accommodation

Adelaide Immigration Transit Accommodation

Site Overview				
Address	55-65 Garland Ave, Kilburn SA 5083			
Location	The Adelaide ITA is 7kms North of Adelaide in an older residential area bordering a light commercial zone.			
Site description	The block is located at the end of a street, is rectangular in shape with residential housing on two sides and an industrial site on the third side.			
Site size	Approximately three standard house blocks, 48m deep x 50m long.			
Building floor area	799m ²			
Accommodation	The AITA comprises two three bedroom cottages, a single bed sitter and a 6 bedroom house with shared amenities.			
Landscaping	Garden beds and outdoor recreation.			
Access/Entry	The entrance is via Garland Avenue into the Reception area adjacent to the main car park.			
Detainee Amenities				
Accommodation	Single and double rooms with shared bathrooms.			
Multipurpose room	Living rooms and shared multipurpose area			
Dining arrangements	Mess hall and self-catering options			
Visits facility	Visits area in administration building			
Detainee processing	No			
Interview rooms	1			
Biometrics rooms	Yes			
Storage facilities	Small storage areas			
Medical / dental	Medical only			
Recreation	Quiet room utilised for multi faith room as required	✓	Offsite gym and facilities	✓
	Education rooms and library	✓	Pool, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities –half basketball court and a volleyball court	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider, and Detention Service Provider staff.			
Capacity (persons)				
Regular operational	19 (Source: DIBP website, as at 10 September 2013)			
Contingency	46 (Source: DIBP website, as at 10 September 2013)			

Brisbane Immigration Transit Accommodation

Site Overview				
Address	100 Sugarmill Road, Pinkenba QLD 4008			
Location	Adjacent to the Brisbane Airport and 13.5 kilometres from Brisbane CBD.			
Site description	The Brisbane ITA is a small scale hostel-style facility on DIBP land near Brisbane airport.			
Site size	10,065m ²			
Building floor area	1,542m ²			
Accommodation	The site has four accommodation buildings, with five ensuited bathrooms and common lounge area in each.			
Landscaping	Garden beds and outdoor recreation.			
Access/Entry	The reception/entrance is via the Detention Service Provider front desk. All staff, contractors and visitors enter and depart the Centre through the main reception building.			
Detainee Amenities				
Accommodation	Combination of single bunk beds, and shared ensuite bathrooms.			
Multipurpose room	Common lounge in each accommodation block and multipurpose rooms in administration building.			
Dining arrangements	Central dining facility with accommodation blocks containing small kitchenette and dining area, fridge, sink. 24/7 breakfast bar available.			
Visits facility	Visitors use the common room and adjoining outdoor area.			
Detainee processing	Yes			
Interview rooms	2			
Biometrics rooms	Yes			
Storage facilities	Bulk store on site			
Medical / dental	Medical clinic			
Recreation	Multipurpose faith rooms	x	Gym and equipment	✓
	Education room	✓	Pool, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities –outdoor basketball, beach volleyball, play equipment	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider, and Detention Service Provider staff			
Capacity (persons)				
Regular operational	40 (Source: DIBP website, as at 10 September 2013)			
Contingency	74 (Source: DIBP website, as at 10 September 2013)			

Melbourne Immigration Transit Accommodation

Site Overview				
Address	Corner of Centre and Main Roads, Maygar Barracks, 120-150 Camp Road, Broadmeadows, VIC 3047			
Location	The Melbourne ITA is located 15km north of Melbourne's CBD, and 2km east of the Broadmeadows Town Centre.			
Site description	The Melbourne ITA comprises a mix of brick and demountable buildings. There are three accommodation compounds and shared amenities.			
Site size	215,000m ² (approximately)			
Building floor area	6,477m ²			
Separate compounds	3			
Accommodation	The Melbourne ITA site consists of three accommodation compounds; MITA1 Avon, MITA 2 Bass, MITA 3 Calder, and shared amenities.			
Landscaping	Garden beds and outdoor recreation.			
Access/Entry	Main reception			
Detainee Amenities				
Accommodation	Accommodation is a range of single and double bunks with some ensuited rooms and shared ablutions.			
Multipurpose room	All compounds have common areas with TV and DVD			
Dining arrangements	Self-catering available, with a commercial kitchen and dining hall available for all main meals.			
Visits facility	Visits centre			
Detainee processing	Yes			
Interview rooms	12			
Biometrics room	Yes			
Storage facilities	Shipping containers and main store adjacent			
Medical / dental	Medical and dental			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education room, classroom, library	✓	Pool, table tennis tables, movie and DVD players	✓
	Internet access, telephones	✓	Sporting facilities –outdoor basketball, beach volleyball, play equipment	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider and Detention Service Provider staff.			
Capacity (persons)				
Regular operational	372 (Source: DIBP website, as at 10 September 2013)			
Contingency	448 (Source: DIBP website, as at 10 September 2013)			

Alternative Places of Detention

Berrimah House APOD

Site Overview				
Address	Melville Road, Defence Establishment, Berrimah, NT 0828			
Location	Berrimah House is located adjacent to the Northern Immigration Detention Centre. Berrimah House is outside the NIDC perimeter.			
Site description	The house has been designed to incorporate cyclone specifications with the construction of the building using metal framing and cladding similar to domestic residences in Darwin.			
Site size	Floor area of the house is 213m ²			
Building floor area	213m ²			
Accommodation	The building comprises single storey construction accommodation with 4 bedrooms and 2 bathrooms.			
Landscaping	Garden beds and raised garden beds for detainee use, and outdoor recreation.			
Access/Entry	Large reception building, processing and arrivals area			
Detainee Amenities				
Accommodation	Berrimah House has four bedrooms each with two bunks accommodating four detainees per room. Two communal ablutions are located within the building.			
Multipurpose room	Several common areas with lounges, TV and DVD			
Dining arrangements	Meals are supplied from the North kitchen and served in the front area of the building which becomes a dining room at meal times. This area also has a kitchenette.			
Visits facility	Berrimah House does not have a dedicated visits area and utilises an open plan area with lounges to provide a comfortable area for detainees and visitors.			
Detainee processing	Processing occurs offsite at the Darwin Airport Lodge. A processing area is available at Berrimah House if needed.			
Interview rooms	Nil			
Biometrics rooms	Yes			
Storage facilities	NIDC storage is utilised			
Medical / dental	Onsite medical consultation room with triage capability			
Recreation	Multi faith room	x	Fixed fitness stations	✓
	Education rooms including classrooms, library	✓	Pool and table tennis tables, movies, cable television, arts and crafts	✓
	Internet access, telephones	✓	Sporting facilities - soccer pitch, half basketball court	✓
	Detainee shop (through order form)	✓	Several courtyards, sitting/exercise yards, garden beds	✓
Administration	Administration offices for health services provider, and Detention Service Provider staff, and other stakeholders.			
Capacity (persons)				
Regular operational	16 (Source: DIBP website, as at 10 September 2013)			
Contingency	32 (Source: DIBP website, as at 10 September 2013)			

Bladin APOD

Site Overview				
Address	1235 Channel Island Road, Wickham Point, NT 0822			
Location	Bladin Alternate Place of Detention is located next to the Wickham Point facility, 35 kilometres by road from Darwin's CBD and 15 kilometres from Palmerston, the nearest residential area.			
Site description	The Bladin APOD is zoned as an industrial area.			
Site size	60,595m ²			
Building floor area	28,225m ²			
Separate compounds	3			
Accommodation	The accommodation consists of two-storey accommodation blocks with modular rooms capable of sleeping family units of up to four detainees. All rooms have ensuites.			
Landscaping	Gardens and outdoor recreation.			
Access/Entry	Entry is through the main Bladin reception gatehouse, with visitor car parking adjacent.			
Detainee Amenities				
Accommodation	Up to three beds with ensuite and kitchenette			
Multipurpose room	Several common areas with TVs and DVDs			
Dining arrangements	Mess hall (24hr breakfast provided), tea/coffee making facilities in the amenities blocks			
Visits facility	Visitor centre			
Detainee processing	Yes			
Interview rooms	16			
Biometrics rooms	Yes			
Storage facilities	Service Provider warehouse and 6 containers (containers are leased by Detention Service Provider)			
Medical / dental	Medical facility onsite			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education and library rooms, sewing room	✓	Snooker, table tennis tables	✓
	Internet access, telephones	✓	Sporting field – basketball, soccer and cricket. Swimming pool. Playground equipment	✓
	Canteen/tuck shop, vending machines	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	1000 (Source: DIBP website, as at 10 September 2013)			
Contingency	1000 (Source: DIBP website, as at 10 September 2013)			

Christmas Island – Construction Camp APOD

Site Overview				
Address	Exiles Place, Phosphate Hill, Christmas Island, WA 6798			
Location	Christmas Island Construction Camp is located adjacent to the Phosphate Hill facility.			
Site description	Construction Camp was originally developed for the accommodation of workers constructing the Christmas Island Immigration Detention Centre.			
Site size	16,450m ² (approximately)			
Building floor area	3,796m ²			
Accommodation	The accommodation consists of transportable accommodation buildings			
Landscaping	Nil			
Access/Entry	Entry to the facility is gained through a 1.5 metre pool gate to the front desk.			
Detainee Amenities				
Accommodation	A mix of single room and family room ensuited accommodation			
Multipurpose room	No lounge room facilities in accommodation however multiple shared common areas provided throughout the site.			
Dining arrangements	Commercial kitchen, and self-catering available in each block			
Visits facility	Interview rooms are made available as required for the purpose of visits			
Detainee processing	All processing is performed off site			
Interview rooms	Yes			
Biometrics rooms	Nil			
Storage facilities	Several small storage rooms			
Medical / dental	Medical area			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education rooms and library	✓	Pool, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities –next door to facility	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	Staff offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	200 (Source: DIBP website, as at 10 September 2013)			
Contingency	310 (Source: DIBP website, as at 10 September 2013)			

Christmas Island – Aqua and Lilac APODs

Site Overview				
Address	Murray Road, North West Point, Christmas Island, WA 6798			
Location	Aqua and Lilac APODs are located adjacent to Christmas Island Immigration Detention Centre, which is located on the north-west tip of Christmas Island, about 20 kilometres from the main population centre.			
Site description	The site comprises transportable buildings each with sheltered breezeways and concrete walkways. The accommodation blocks consist of air-conditioned rooms with a number of shared bathroom blocks, and kitchenette facilities.			
Site size	24,375m ² (approximately)			
Building floor area	3,990m ²			
Separate compounds	2			
Accommodation	The APODs are comprised of portable accommodation split into two compounds.			
Landscaping	Limited grass and basic shrubbery			
Access/Entry	Entry to the facility is via the officer station and sally port gate.			
Detainee Amenities				
Accommodation	Double bunk rooms with shared bathroom facilities in Aqua Compound, and a mix of single rooms, some with ensuites, in Lilac Compound			
Multipurpose room	Multiple shared common areas provided throughout the site.			
Dining arrangements	Mess hall and self-catering on a per block basis			
Visits facility	Interview rooms are made available as required for the purpose of visits			
Detainee processing	All processing is performed off site			
Interview rooms	Yes			
Biometrics rooms	Nil			
Storage facilities	Container storage onsite and additional storage at Christmas Island IDC warehouse			
Medical / dental	Yes			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education rooms	✓	Pool, table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities –small playing field	✓
	Canteen/tuck shop	✓	Outdoor seating and several cabanas	✓
Administration	Staff offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	350 (Source: DIBP website, as at 10 September 2013)			
Contingency	600 (Source: DIBP website, as at 10 September 2013)			

Christmas Island – Phosphate Hill APOD

Site Overview				
Address	Vagabond Road, Phosphate Hill, Christmas Island, WA 6798			
Location	Phosphate Hill is about 5 kilometres from the Island's main population centre. It is located adjacent to the Christmas Island Recreation Centre.			
Site description	Mainly flat site located on higher ground on Christmas Island.			
Site size	25,500m ²			
Building floor area	3,837m ²			
Separate compounds	3			
Accommodation	The accommodation comprises transportable buildings in three compounds.			
Landscaping	Whole site grassed and landscaped with four large open air cabanas in the accommodation compounds			
Access/Entry	Main entrance with visitor parking			
Detainee Amenities				
Accommodation	One Bunk-bed rooms, some rooms with ensuites			
Multipurpose room	Each compound has large undercover areas that provide seating and tables, ice machines, tea and coffee making facilities, refrigerators, televisions and other recreational equipment.			
Dining arrangements	Mess hall and self-catering facilities available in each block			
Visits facility	Rooms are made available for visitors on an as needs basis			
Detainee processing	Processing Centre located outside the perimeter of the site			
Interview rooms	Yes			
Biometrics rooms	Yes			
Storage facilities	One large stores building external to the compounds			
Medical / dental	Medical facility for primary health care			
Recreation	Multi-faith room	✓	Gym and equipment	✓
	Education and library rooms	✓	Pool and table tennis tables	✓
	Internet access, telephones	✓	Sporting facilities – playing field/oval, tennis court	✓
	Canteen/tuck shop	✓	Outdoor sitting areas and portable barbeque facilities	✓
Administration	Three administration buildings, one for DIBP, one for the service provider, and also a building for the on-site facilities manager.			
Capacity (persons)				
Regular operational	144 (Source: DIBP website, as at 10 September 2013)			
Contingency	714 (Source: DIBP website, as at 10 September 2013)			

Darwin Airport Lodge APOD

Site Overview				
Address	Winnellie NT 0821			
Location	The DAL 1 and 2 is situated at 3 Cecil Cook Avenue, Marrara, NT, adjacent to the Darwin International Airport. The DAL 3 is located opposite DAL 1 and 2, and entry is via Sir Norman Brearley Drive, Marrara, NT.			
Site description	DAL 1 and 2 comprise of two-storey demountable structures with a central administration, reception, dining and kitchen, and detainee amenity. DAL 3 comprises of two-storey demountable structures, with dining/kitchen and detainee amenity.			
Site size	DAL 1 and 2 – 16,000m ² DAL 3 – 13,000m ²			
Building floor area	DAL 1 – 4,364m ² and DAL 3 – 2,477m ²			
Separate compounds	2			
Accommodation	The accommodation buildings are two-storey demountable structures with each bedroom incorporating a small lounge, kitchenette, double and single bed configurations and ensuite.			
Landscaping	Landscaped gardens and passive recreation.			
Access/Entry	Gatehouse, reception and main foyer located at entry to DAL 1 and 2			
Detainee Amenities				
Accommodation	Double, single and family suites available, with ensuites.			
Multipurpose room	Multipurpose rooms are available at DAL 1, 2, and 3. Each room has a television connected to cable TV.			
Dining arrangements	All rooms have a fridge and tea and coffee facilities. There is a large central kitchen and mess hall.			
Visits facility	The common room, dining room and interview rooms at DAL are utilised to facilitate visits.			
Detainee processing	Detainee processing is conducted in the DAL 3			
Interview rooms	3			
Biometrics rooms	Yes			
Storage facilities	Storage container on site			
Medical / dental	Medical and mental health consulting rooms and a treatment room which can be used for triage.			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education rooms and library	✓	Indoor activities room	✓
	Internet access, telephones	✓	Sporting facilities –sports field at DAL 1 and swimming pool	✓
	Canteen/tuck shop	✓	Outdoor dining	✓
Administration	Administration offices for DIBP, health services provider, Detention Service Provider staff, the NT Police and Customs Department.			
Capacity (persons)				
Regular operational	583 (Source: DIBP website, as at 10 September 2013)			
Contingency	920 (Source: DIBP website, as at 10 September 2013)			

Inverbrackie APOD

Site Overview				
Address	Corner of Alamein Avenue and Woodside-Nairne Road, Inverbrackie SA 5244			
Location	The site is located near Woodside, 37 kilometres east of Adelaide, South Australia.			
Site description	The site is an ex-army base of married quarter homes, and consists of 81 free-standing houses (74 occupied by detainees). Houses are located in a suburban environment with a low security perimeter fence to delineate the boundary.			
Site size	The approximate size of the site is 100,000m2			
Building floor area	9,593m2			
Accommodation	The facility consists of 74 houses with three or four bedrooms and shared bathrooms in each house.			
Landscaping	Individual gardens to each house and outdoor recreation			
Access/Entry	Entry is via the main reception building on Alamein Avenue			
Detainee Amenities				
Multipurpose room	Living rooms in each house			
Dining arrangements	Self-catering in each house			
Visits facility	A dedicated visitors building with shaded structures also utilised for large group activities			
Detainee processing	No			
Interview rooms	9			
Biometrics rooms	Nil			
Storage facilities	Internal household and storage sheds			
Medical / dental	Medical facility			
Recreation	Houses utilised for religious worship as well as other buildings onsite for larger groups	✓	Gym and equipment	✓
	Education rooms and library	✓	Indoor activities room	✓
	Internet access, telephones	✓	Sporting facilities –children’s playground equipment, play building and community centre, basketball court	✓
	Canteen/tuck shop	✓	Barbeque facilities	✓
Administration	Administration offices are provided for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	380 (Source: DIBP website, as at 10 September 2013)			
Contingency	400 (Source: DIBP website, as at 10 September 2013)			

Wickham Point APOD

Site Overview				
Address	1235 Channel Island Road, Wickham Point, NT 0822			
Location	Wickham Point Alternate Place of Detention is located 35 kilometres by road from Darwin's CBD and 15 kilometres from Palmerston, the nearest residential area.			
Site description	The Wickham Point site is located in an industrial area about 35 kilometres south east of Darwin.			
Site size	100,887m ² for the whole Wickham Point site			
Building floor area	29,110m ²			
Separate compounds	3			
Accommodation	There are three compounds comprising of two-storey demountable structures located at Wickham Point APOD.			
Landscaping	Gardens and outdoor recreation areas			
Access/Entry	Entry is through the main Wickham Point APOD reception gatehouse, with visitor car parking adjacent.			
Detainee Amenities				
Accommodation	Up to three beds and lounge with ensuite and kitchenette			
Multipurpose room	Multipurpose areas and common rooms			
Dining arrangements	Mess hall (24hr breakfast provided), tea/coffee making facilities in the rooms			
Visits facility	Visitor centre			
Detainee processing	Yes			
Interview rooms	28			
Biometrics rooms	Yes			
Storage facilities	Service Provider warehouse and 2 containers			
Medical / dental	Medical facilities onsite			
Recreation	Multipurpose faith rooms	✓	Gym and equipment	✓
	Education and library rooms	✓	Snooker, table tennis tables,	✓
	Internet access, telephones	✓	Sporting facilities - basketball, soccer, tennis,	✓
	Canteen/tuck shop, vending machines	✓	Barbeque facilities	✓
Administration	Administration offices for DIBP, health services provider and Detention Service Provider staff			
Capacity (persons)				
Regular operational	1500			
Contingency	2600			

Attachment B – Disability Facilities by Immigration Detention Facility

Detention Facility	Current Disability Facilities
Adelaide ITA	One fully compliant unit with disability access to all rooms and facilities.
Brisbane ITA	Two fully compliant units with disability access to all areas.
Bladin APOD	Three rooms have been modified to provide limited mobility accommodation only, as the doors are standard width and are not suitable for wheelchair dependent detainees. Disabled access to the dining room and recreation facilities is available via ramps.
Christmas Island – Construction Camp APOD	Construction Camp has two rooms and ablution blocks designed to cater for disabled people.
Christmas Island IDC	Christmas Island IDC is disability compliant with access to sleeping quarters and ablutions. Includes ramp access and 16 disabled showers and toilets.
Christmas Island – Aqua & Lilac APOD	Lilac Aqua APOD has no provision to accommodate persons with disability or mobility conditions. Persons who require these facilities would be accommodated at a suitable alternative site on Christmas Island.
Christmas Island - Phosphate Hill APOD	Phosphate Hill offers one room with disabled access and disabled bathrooms (toilets and showers) are provided in a separate building.
Curtin IDC	There are two wheelchair accessible bathrooms within the facility's administration area. All doorways are a standard width and would not facilitate wheelchair access to amenities. Not all paths are paved.
Darwin Airport Lodge	Three fully compliant disabled rooms; two of which are suitable only for a single occupant. One is a family sized room. Full access to other rooms (dining, medical, canteen) and other amenities (internet, recreation and classrooms).
Inverbrackie APOD	The site has not been designed to accommodate wheelchair-bound detainees.
Leonora APOD - CLOSED	No disabled facilities for detainees.
Maribyrnong IDC	Two fully compliant bathrooms (shower and toilet). There are no facilities for disabled accommodation.
Melbourne ITA	One fully compliant disabled bathroom (shower and toilet). There are no dedicated rooms for disabled people (wheelchair bound). MITA is not suitable for wheelchair bound detainees, as the canteen, or other amenities can not be accessed.
Northern IDC	Two disabled rooms with one disabled bathroom. The Compound with the disabled rooms is very small. NIDC site is not preferred for long term detention of persons requiring a wheelchair.
Perth IDC	Disabled bathrooms (toilet and shower) and disability access to all amenities. However, there are heavy doors and narrow hall ways on site and assistance to access facilities might be required
Perth IRH	One fully compliant unit with disability access to all rooms and facilities.

Pontville APOD - CLOSED	The facility has been designed with disabled accommodation for detainees and disabled access to all amenities including dining facilities.
Port Augusta IRH - CLOSED	One three bedroom house which meets disability compliance.
Scherger IDC - CLOSED	No disabled facilities for detainees.
Sydney IRH	One fully compliant unit with disability access to all rooms.. The bathroom also has mobility aids such as rails and handles.
Villawood Stage 1 Re-development	Three fully compliant accommodation units, with disability access to medical, recreation, education and catering buildings. On completion, Stages 2A (mid 2015) & 2B (mid 2016) will incorporate a further three fully compliant sole occupancy units.
Wickham Point APOD	The facility has been designed with disabled accommodation for detainees and disabled access to all amenities including dining facilities. There are nine disabled access rooms and 18 disabled support rooms.
Yongah Hill IDC	Each of the four compounds has one disabled access room. There is disabled access and toilets in the visitor's area, medical centre, mental health centre, gym, and main reception. Disabled ramps are also throughout the facility. The site's healthcare area includes a lift.