

~~PROTECTED~~

## DEPARTMENT OF THE PRIME MINISTER AND CABINET

Prime Minister

(urgent, for information)

Secretary.

Mr Jordana

Mr Sinodinos

Ms Scott

SPD SES

Mr O'Sullivan

Ms Davidson

Mr Perrin

File/Float

Ms Belcher

Mr Frydenberg

Ms Bird

Mr Conran

## HREOC NATIONAL INQUIRY INTO CHILDREN IN IMMIGRATION DETENTION

**Summary:** To brief you and provide talking points (attached) on the findings of HREOC's report, *A last resort? National Inquiry into Children in Immigration Detention*, [REDACTED] s 47C

**Background:** The inquiry's terms of reference covered the adequacy and appropriateness of Australia's treatment of child asylum seekers and other children held in immigration detention. The inquiry took place between January 1999 and December 2002. Both DIMIA and Australasian Correctional Management (former detention contractor) have had an opportunity to comment on the report.

**Major findings:** The main findings are:

**Report recommendations:** The inquiry's recommendations are:

1. children in immigration detention and residential housing projects should be released with their parents as soon as possible, but no later than four weeks after the tabling of the report;
2. Australia's immigration detention laws should be amended urgently to comply with the CRC;
3. an independent guardian should be appointed for unaccompanied children and they should receive appropriate support;
4. standards of treatment for children in immigration detention should be codified in legislation; and
5. there should be a review of the impact on children of legislation that creates 'excised offshore places' and the 'Pacific Solution'.

**Comment:** [REDACTED] s 47C

**Recommendation:** That you note the above.

NOTED

Contact: [REDACTED] s 22

s 22

Consultation: Govt, International, NSD,  
DIMIA, AGD

Simon Cotterell

A/g Assistant Secretary

Education, Immigration and Indigenous Policy

6 May 2004

(John Howard)

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Talking Points

s 47C



**IN-CONFIDENCE****CURRENT ISSUES BRIEF: \*\*C.029****LEAK OF ACM COMMENTS ON DRAFT OF HREOC REPORT  
ON THE INQUIRY INTO CHILDREN IN IMMIGRATION  
DETENTION**

**ISSUE:** The Government's response to the HREOC report on its inquiry into children in Immigration Detention

**TALKING POINTS:**

- Unable to comment at this stage as the **Report is under embargo.**
- No-one would claim that **immigration detention** hasn't had its **challenges**, particularly during 1999 to 2001, when thousands of people arrived by boat, unauthorised and unannounced. **It isn't as if these people had booked ahead.**
- But let's be clear. **The government does not intend to wind back border integrity.**
- The **challenges in managing immigration detention** are there **regardless of whether the centres are managed by the public or private sector.**
- But let me give you some context on the issue. As at 28 April 2004, there were only 11 unauthorised boat arrival children in mainland immigration detention centres.
- The Report will be tabled at the first appropriate opportunity.

**IN-CONFIDENCE**

## IN-CONFIDENCE

CURRENT ISSUES BRIEF: **\*\*C.029**

### Background

#### Leak discussed on ABC radio

On 6 May 2004, on ABC radio, there was a discussion regarding the leaking of an ACM document analysing the HREOC draft report on the Inquiry into immigration detention. Both the Attorney General, Minister Ruddock, and the Labor shadow minister on immigration, Mr Stephen Smith, were interviewed.

#### HREOC Report on the Inquiry into children in immigration detention

On 28 November 2001, the Human Rights Commissioner, Dr Sev Ozdowski announced that he would conduct a National Inquiry into children in immigration detention.

#### *Draft Reports*

s 47C



AS required by the HREOC Act, the department was given an opportunity to formally respond to the Report's final findings and recommendations. That response is included in the Report at Appendix 3.

#### *Final Report*

##### *Report Findings and Recommendations*

In summary, the Report finds that:

- Australia's immigration detention laws and policies are in breach of the Convention on the Rights of the Child (CRC);
- children in detention are at high risk of serious mental harm; and
- at various times between 1999 and 2002, children in immigration detention have not been in a position to fully enjoy certain rights under the CRC.

IN-CONFIDENCE

## IN-CONFIDENCE

CURRENT ISSUES BRIEF: **\*\*C.029**

The five recommendations relate to Government law and policy, and include that :

- all children in immigration detention centres and residential housing projects be released with their parents (an option identified as being community detention) no later than four weeks after tabling the Report,
- Australia's laws be amended to comply with the CRC including the presumption against the detention of children;
- there should be an independent guardian appointed for unaccompanied minors;
- minimum standards for the treatment of children be codified in legislation; and
- there should be a review of the impact on children of legislation that creates 'excised offshore places' and the 'Pacific solution'.

### *Tabling of the Report*

The final printed version of the Report was formally provided to the Attorney-General (AG) on 23 April 2004. While the statutory deadline for tabling the Report is Monday 21 June, the latest practicable date within the statutory period is Wednesday 16 June 2004.

AG's has advised that tabling is anticipated to be 12 May.

BRANCH HEAD:	MATT MORONEY/ GARRY FLEMING	TELEPHONE:	s 22
SECTION HEAD:	s 22	TELEPHONE:	s 22
BRANCH:	DETENTION POLICY		
SECTION:	DETENTION POLICY & PROCEDURES		
DATE:	06 MAY 2004		
TIME:	10:30AM		

IN-CONFIDENCE

~~PROTECTED~~

# DEPARTMENT OF THE PRIME MINISTER AND CABINET

Prime Minister  
(urgent, for information)

Secretary	Ms Scott	Ms Davidson	Ms Belcher	Ms Bird
Mr Jordana	SPD SES	Mr Perrin	Mr Frydenberg	Mr Conran
Mr Sinodinos	Mr O'Sullivan	File/Float		

LTH 40636  
45737

## HREOC NATIONAL INQUIRY INTO CHILDREN IN IMMIGRATION DETENTION

AS, JS  
SF

**Summary:** To brief you and provide talking points (attached) on the findings of HREOC's report, *A last resort? National Inquiry into Children in Immigration Detention*, s 47C

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**Background:** The inquiry's terms of reference covered the adequacy and appropriateness of Australia's treatment of child asylum seekers and other children held in immigration detention. The inquiry took place between January 1999 and December 2002. Both DIMIA and Australasian Correctional Management (former detention contractor) have had an opportunity to comment on the report.

**For findings:** The main findings are:

s 47C

**Report recommendations:** The inquiry's recommendations are:

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5. there should be a review of the impact on children of legislation that creates 'excised offshore places' and the 'Pacific Solution'.

**Comment:**

s 47C

s 47C

**Recommendation:** That you note the above.

NOTED

Contact:	s 22
Consultation:	Govt, International, NSD, DIMIA, AGD

Simon Cotterell  
A/g Assistant Secretary  
Education, Immigration and Indigenous Policy

(John Howard)

6 May 2004

~~PROTECTED~~

Talking Points

s 47C



~~PROTECTED~~

45737

## DEPARTMENT OF THE PRIME MINISTER AND CABINET

Secretary  
Ms Bird  
Mr Frydenberg

Ms Scott  
Mr Jordana  
Mr Sinodinos

Ms Davidson  
SPD SES  
Mr O'Sullivan

Ms Belcher  
Mr Perrin

Prime Minister (urgent, for information)

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**Comment:**

s 47C

s 47C

**Recommendation:** That you note the above.

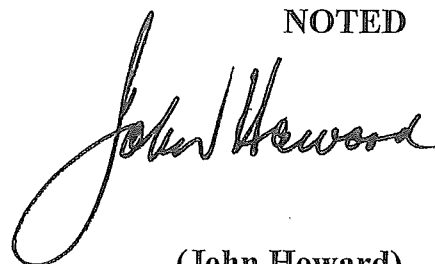
Contact:

s 22

s 22

Consultation: Govt, International, NSD,  
DIMIA, AGD

NOTED



(John Howard)

12/5

Simon Cotterell  
A/g Assistant Secretary  
Education, Immigration and Indigenous Policy  
May 2004

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Talking Points

s 47C



~~PROTECTED~~

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## DEPARTMENT OF THE PRIME MINISTER AND CABINET

Prime Minister (for decision/signature)

Secretary  
Ms Scott  
Ms BelcherMs Wilson  
SES-SPD  
FileMr Sinodinos  
Mr Frydenberg  
Mr Perrin46993  
AS JP  
JF

## HREOC REPORT ON CHILDREN IN DETENTION: FURTHER INFORMATION

**Purpose:** To provide further information on case studies contained in the HREOC report *A last resort? National Inquiry into Children in Immigration Detention* (the report). HREOC has highlighted particular cases in the media to coincide with the four-week mark since the report's tabling. It had recommended all children be released from detention by this time.

**Background:** We briefed you on the legal and immigration aspects of the report on 6 May 2004 (Attachment A). The report was tabled by the Attorney-General on 12 May. On 10 June, the Human Rights Commissioner, Dr Sev Ozdowski, released a media statement which made specific reference to two children who remain in detention (one in a residential housing project). Dr Ozdowski stated that:

"There is a 14 year old boy still in detention in the Port Augusta residential housing project. Between April 2002 and July 2002, the boy (then detained at Woomera) attempted to hang himself four times, climbed into the razor wire four times, slashed his arms twice and went on hunger strike twice. The boy's mother was hospitalised due to her own mental illness during this whole period."

ss 47F + 47C

"There is a 13 year old child who has been seriously mentally ill since May 2002. This boy has regularly self-harmed. Mental health professionals have made more than 20 recommendations that this child be released from detention with his family. But he is still there."

ss 47F + 47C

**Further cases:** The HREOC report set out a large number of cases in which children's human rights are alleged to have been breached in immigration detention. Key allegations in the report relate to:

s 47C

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**Current numbers of children in detention:** As at 2 June 2004, there were 88 children in immigration detention in Australia:

- 28 children in alternative detention arrangements (Residential Housing Projects and community based alternative detention arrangements including foster care placements);
- 11 children on Christmas Island; and
- 49 children in mainland immigration detention centres.

Of the 49 children in mainland immigration detention centres:

- 37 were detained as a result of compliance action or as unauthorised air arrivals
- 12 children are classified as unauthorised boat arrivals. 11 of these children could transfer into a Residential Housing Project but their families have not chosen to take this option.
- There were no unaccompanied minors in Australian Immigration Detention Centres.

As at 7 June 2004 there are 74 children residing on Nauru (including three unaccompanied minors). The recent re-examination of Afghan cases on Nauru by UNHCR and DIMIA has meant that 54 of these children have been found to be refugees and arrangements for their resettlement are being made.

**Comment:**

s 47C

s 47C



**Recommendation:** That you:

1. note the above; and
2. sign the proposed response.

1. Noted

2. Signed / Not signed

Jackie Wilson  
First Assistant Secretary  
Social Policy Division  
v | June 2004

Contact:	s 22
Telephone:	s 22
Consultation:	DIMIA

(John Howard)  
27/6

## DETENTION CENTRES: JOINT STANDING COMMITTEE REPORT

What is the Government's response to the recommendations of the Joint Standing Committee on Foreign Affairs, Defence and Trade report '*Completed Inquiry – Visits to Immigration Detention Centres*'?

### Talking Points

- My Government will look carefully at the recommendations of the report and provide a considered response to all its recommendations.
- Introducing upper time limits for detention, as proposed by the Report, would send the message that unauthorised arrivals have only to wait out a short period in detention and then they will be released.
- Mandatory detention helps ensure that Australia is seen as a less unattractive destination for organised people smuggling activities. At the same time we are continuing to meet our international and humanitarian obligations to assist deserving refugees to migrate to Australia under our humanitarian migration programme.
- Almost half (46%) of the people in detention are in fact people whose claims for a visa have been clearly rejected and who are appealing, or those who are awaiting removal from Australia.
- It was in fact Labor's 1994 Migration Reform Act that introduced mandatory detention and did not impose time limits. Previously a time limit of 273 days had applied to people who arrived by boat.
- The Government's efforts to improve arrangements for processing refugee claims are being frustrated by Labor's failure to pass the Administrative Review Tribunal legislation, which would help streamline the process for all visa applications, including protection visas.

### Background

On 18 June 2001, the Joint Standing Committee on Foreign Affairs, Defence and Trade released its report "Completed Inquiry – Visits to Immigration Detention Centres", which included 20 recommendations on the management of detainees.

The most contentious of the Committee's recommendations is to introduce a time limit on the period of detention for unauthorised arrivals (preferably 14 weeks). A number of the recommendations, however, appear consistent with current policy directions and are worth further consideration.

As a consequence of recent efforts to reduce assessment and processing times, approximately **80% of all unauthorised arrivals are assessed within 15 weeks**. A significant proportion (46%) of individuals in detention have requested a review or appeal of a negative primary decision or, alternatively, are awaiting removal. This latter group is growing in numbers due to the absence of involuntary return agreements with key source countries in Central Asia and the Middle East (primarily Afghanistan, Iran and Iraq).

The Labor Party introduced mandatory detention in 1994 (with bipartisan support) with the *Migration Reform Act 1994*. This Act did not extend a provision of the *Migration Act 1958* which placed a limit on immigration detention of 273 days (9 months) for illegal immigrants that arrived between 19 November 1989 and 1 September 1994.

A number of reforms to refugee assessment and appeals process have been introduced into Parliament; these are being blocked due to the absence of opposition and minor party support. However, the lack of return agreements with key source countries will remain an impediment, even in the absence of appeals.

Contact Officer	s 22
Branch	: Immigration and Education
Telephone	s 22
Date	: 19 June 2001
[Consultation	: NA]

Post-it® Fax Note 7671		Date 19/6/01	# of pages 14
To [REDACTED] s 22		From [REDACTED] s 22	
Co./Dept. PMK C		Co. DINA	
Phone # [REDACTED]		Phone # [REDACTED] s 22	
Fax # [REDACTED] s 22		Fax # [REDACTED]	

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**TALKING POINTS****TABLING OF REPORT BY HUMAN RIGHTS SUBCOMMITTEE OF THE JOINT  
STANDING COMMITTEE ON FOREIGN AFFAIRS DEFENCE AND TRADE  
18 JUNE 2001.****ISSUES:**

- I AM PLEASED THAT THE HUMAN RIGHTS SUBCOMMITTEE OF THE JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE HAS HAD THE OPPORTUNITY TO EXAMINE AUSTRALIA'S DETENTION SYSTEM, AND I LOOK FORWARD TO READING THEIR REPORT IN DETAIL.
- WHAT I CAN SAY TODAY IS THAT MANDATORY DETENTION FOR UNAUTHORISED ARRIVALS IS A CONSEQUENCE OF THE BIPARTISAN SUPPORT FOR AN ORDERLY MIGRATION PROGRAM THAT GIVES US AS AUSTRALIANS THE OPPORTUNITY TO DETERMINE THE PEOPLE WHO HAVE A RIGHT OR ENTITLEMENT TO BE IN THIS COUNTRY.
- AS YOU ARE AWARE IMMIGRATION DETENTION IS ADMINISTRATIVE, NOT PUNITIVE, DETENTION AND MY DEPARTMENT WORKS CLOSELY WITH ACM TO PROVIDE A HUMANE AND RESPONSIVE ENVIRONMENT THAT BALANCES CONCERNS FOR DETAINEE WELFARE WITH THE EXPECTATIONS OF THE AUSTRALIAN COMMUNITY.
- I HAVE ENABLED A GOOD DEAL OF PUBLIC SCRUTINY OF OUR DETENTION CENTRES BECAUSE I BELIEVE IT IS IN EVERYONE'S INTERESTS TO FACILITATE INFORMED PUBLIC DISCUSSION ABOUT THE ISSUE.
- THE FLOOD REPORT TABLED ON 27 FEBRUARY 2001, AND IN THE CONTEXT OF INCREASING INTEREST IN THE DETENTION PROGRAM AND CONDITIONS IN DETENTION CENTRES, MY DEPARTMENT HAS BEEN WORKING HARD TO PROGRESS A RANGE OF POLICY AND ADMINISTRATIVE ISSUES, SOME OF WHICH HAVE ALSO BEEN OF INTEREST TO THE HUMAN RIGHTS SUBCOMMITTEE.

**GENERAL AMENITY OF CENTRES**

- MEMBERS OF THE SUBCOMMITTEE TOURED DETENTION FACILITIES EARLIER IN 2001.
- ONE OF THE ISSUES IS THAT WHEN SUCH VISITS ARE UNDERTAKEN A "POINT IN TIME SNAPSHOT" IS OBTAINED.
- SINCE THE BEGINNING OF THE YEAR THERE HAS BEEN A NUMBER OF IMPROVEMENTS TO THE AMENITY OF CENTRES. THIS IS PART OF MY

DEPARTMENT'S OVERALL CONTINUOUS IMPROVEMENT STRATEGY IN WHICH FACILITIES, SERVICES AND PROGRAMS HAVE BEEN, AND ARE CONTINUING TO BE PROGRESSIVELY UPGRADED.

- I UNDERSTAND THAT THE HUMAN RIGHTS SUBCOMMITTEE WAS CONCERNED THAT DETAINEES NOT ONLY HAVE ACCESS TO A BASIC LEVEL OF PROVISION BUT THAT THE AMOUNT AND QUALITY OF THE SERVICES PROVIDED ARE APPROPRIATE. THIS IS WHERE MY DEPARTMENT IS FOCUSING ITS ATTENTION.
- AS YOU WILL APPRECIATE, MY DEPARTMENT'S INITIAL FOCUS IS TO ENSURE A SECURE FACILITY IS PROVIDED.
- HOWEVER THIS DOES NOT PRECLUDE ONGOING FOCUS ON IMPROVING THE AMENITY OF THE FACILITIES AND PROGRAMS. FOR EXAMPLE AT WOOMERA , THERE HAVE BEEN SIGNIFICANT ENHANCEMENTS INCLUDING SHADE STRUCTURES, A SMALL PLAYGROUND FOR CHILDREN, AND LANDSCAPING TO PROVIDE GREENERY, AND EVENTUALLY ADDITIONAL SHADED AREAS. EXTENSIVE FURTHER ENHANCEMENTS WILL CONTINUE TO BE MADE AT WOOMERA.
- IMPROVEMENTS HAVE ALSO BEEN MADE AT PORT HEDLAND SINCE THE SUBCOMMITTEE'S VISIT. THESE INCLUDE AN EXPANDED FAMILY AREA, A NEW GYMNASIUM, AND A WOMEN'S ROOM AND OUTDOOR AREA.
- THIS IMPROVEMENT PROCESS IS ONGOING. THE FOCUS ON QUALITY AND ADEQUACY OF SERVICES AND FACILITIES IN CENTRES IS A HIGH PRIORITY FOR MY DEPARTMENT.
- IN ADDITION TO THE WORK MY DEPARTMENT IS DOING, THE IDAG WHICH I APPOINTED EARLIER THIS YEAR, HAS BEEN VISITING CENTRES. I EXPECT IT WILL BE MAKING RECOMMENDATIONS TO ME IN A NUMBER OF AREAS IN THE NEAR FUTURE.



## **DETAINEE WELFARE AND ACCESS TO SERVICES**

- THE FACILITIES AT EACH CENTRE VARY SLIGHTLY ACCORDING TO THE COMPOSITION, PREFERENCES AND NEEDS OF THE DETAINEES, BUT IN GENERAL, DETAINEES HAVE ACCESS TO A RANGE OF RECREATIONAL, EDUCATIONAL, CULTURAL AND MEDICAL SERVICES.

### **Children's Education**

- CHILDREN AT THE IRPCS ARE PROVIDED WITH SCHOOLING IN A RANGE OF SUBJECTS INCLUDING ENGLISH LANGUAGE, MATHS, SOCIAL STUDIES, SCIENCE, SPORTS, HEALTH AND HYGIENE, ART AND CRAFT. VERY FEW CHILDREN ARE HELD IN VILLAWOOD, PERTH AND MARIBYRNONG CENTRES.
- CHILDREN ARE ALSO FREE TO PARTICIPATE IN WEEKLY EXCURSIONS TO LOCAL ATTRACTIONS AND PERIODIC FAMILY FUN DAYS.
- AT CURTIN, FOUR CHILDREN ARE ENROLLED AT THE LOCAL HIGH SCHOOL, AND ATTEND CLASSES THERE.

### **Adult Education**

- ADULTS HAVE THE OPPORTUNITY TO LEARN ENGLISH AND ATTEND CLASSES IN A VARIETY OF TOPICS THAT WILL ASSIST THEM TO LIVE IN THE AUSTRALIAN COMMUNITY INCLUDING: AUSTRALIAN CULTURE, AUSTRALIAN LAW, AUSTRALIAN POLITICAL SYSTEM, WOMEN AND THE LAW, EFFECTIVE PARENTING, NUMERACY, AND LIFE SKILLS.

### **Recreational Facilities**

- CENTRES HAVE A VARIETY OF SPORTING AND RECREATIONAL FACILITIES. THESE INCLUDE SPORTING EQUIPMENT FOR SOCCER, TENNIS, CRICKET, VOLLEYBALL AND TABLE TENNIS.
- DETAINEES HAVE ACCESS TO TV AND VIDEO EQUIPMENT, AND TO VIDEOS IN THEIR OWN LANGUAGES WHERE THESE ARE AVAILABLE.
- DETAINEES ALSO HAVE ACCESS TO RADIOS AND TO NEWSPAPERS IN COMMUNITY LANGUAGES.
- ACTIVITIES ARE ORGANISED FOR CHILDREN, WOMEN AND FAMILY GROUPS, AND AGAIN VARY FROM CENTRE TO CENTRE.
  - WOMEN HAVE ACCESS TO YOGA AND AEROBICS, SEWING, ARTS,

CRAFTS, KNITTING AND EMBROIDERY AS WELL AS SPORTING FACILITIES.

- KINDY GYM FOR UNDER 4 YEAR OLDS AND CHILDREN'S TV VIEWING TIMES ARE AVAILABLE FOR SMALL CHILDREN.

#### **Cultural Activities**

- DETAINEES AT ALL CENTRES HAVE ACCESS TO APPROPRIATE CULTURAL ACTIVITIES INCLUDING RELIGIOUS OBSERVANCE , FEAST DAYS, CELEBRATIONS AND SERVICES.
- CENTRES ARE REGULARLY VISITED BY COMMUNITY AND RELIGIOUS LEADERS.

#### **Medical Services**

- MEDICAL SERVICES ARE PROVIDED TO ALL DETAINEES. SOME OF THESE SERVICES ARE FULL-TIME ONSITE, AND OTHERS ARE ON A CONSULTING BASIS, OR PROVIDED VIA REGULAR SCHEDULED VISITS.
- THE TEAM OF MEDICAL STAFF AVAILABLE INCLUDE GENERAL PRACTITIONERS, PSYCHOLOGISTS, NURSES, PSYCHIATRISTS, AND DENTISTS.
- PRIMARY HEALTH CARE, FIRST AID, HEALTH EDUCATION, MENTAL HEALTH, WOMEN'S HEALTH, STRESS MANAGEMENT, IMMUNISATION, ORAL HYGIENE, COUNSELLING, CHILD AND FAMILY HEALTH ARE ALL PROVIDED.

#### **Information about Life in Australia**

- ON ARRIVAL DETAINEES ARE PROVIDED WITH A BRIEFING BY THE DIMA CENTRE MANAGER. I AM ADVISED THAT THIS BRIEFING CONTAINS INFORMATION ABOUT LIVING IN THE CENTRE INCLUDING ACCESS TO EDUCATIONAL CLASSES.
- DETAINEES HAVE ACCESS TO FURTHER INFORMATION ABOUT LIFE IN AUSTRALIA THROUGH THE ADULT EDUCATION CLASSES PROVIDED AT THE CENTRES INCLUDING: AUSTRALIAN CULTURE, AUSTRALIAN LAW, AUSTRALIAN POLITICAL SYSTEM, WOMEN AND THE LAW, EFFECTIVE PARENTING, NUMERACY, AND LIFE SKILLS.

### **Access to Centres by Welfare Groups**

- COMMUNITY AND RELIGIOUS LEADERS ARE REGULAR VISITORS TO THE CENTRES TO PROVIDE CULTURAL, SPIRITUAL AND RELIGIOUS SUPPORT TO THE DETAINEES.
- OTHER ORGANISATIONS LIKE THE RED CROSS HAVE ACCESS TO THE CENTRES TO PROVIDE SERVICES TO DETAINEES.
- WHILE SOME WELL INTENDED COMMUNITY GROUPS ARE INTERESTED IN GREATER ACCESS TO DETENTION CENTRES IT IS IMPORTANT TO RECOGNISE THAT DETAINEES HAVE A RIGHT TO PRIVACY BOTH TO PROTECT THEMSELVES AND THEIR FAMILIES REMAINING OVERSEAS.
- MY DEPARTMENT HAS AN OBLIGATION TO BALANCE THE SERVICES THAT MIGHT BE PROVIDED BY COMMUNITY GROUPS FOR SOME DETAINEES WITH THE DIGNITY AND PRIVACY OF THE WHOLE.

### **Working in the Centres**

- SOME DETAINEES CHOOSE TO WORK-FOR-POINTS IN THE CENTRES, PRIMARILY IN THE KITCHENS. BY DOING THIS THEY ARE ABLE TO EARN POINTS WHICH CAN BE EXCHANGED FOR THINGS LIKE PHONE CARDS.
  - THIS WORK IS ENTIRELY VOLUNTARY
  - THE POINTS SYSTEM IS AIMED AT PROVIDING DETAINEES WITH OPPORTUNITIES TO BE INVOLVED IN MEANINGFUL WORK AT CENTRES AND TO BE REWARDED FOR SUCH PARTICIPATION
  - POINTS EARNED AT CENTRES ARE TRANSFERRABLE BETWEEN CENTRES
  - I UNDERSTAND THAT ACM IS COMMITTED TO PROVIDING A SAFE AND HEALTHY ENVIRONMENT FOR STAFF, DETAINEES AND VISITORS TO DETENTION FACILITIES.
    - A NUMBER OF INITIATIVES HAVE BEEN TAKEN TO ENSURE COMPLIANCE WITH RELEVANT BUILDING CODES, AND HEALTH/SAFETY LEGISLATION. FOR EXAMPLE, HEALTH & FACILITIES MANAGERS BRIEF DETAINEES ON THEIR RIGHTS AND OBLIGATIONS IN RELATION TO OH&S ISSUES AND LEGISLATION BEFORE DETAINEES COMMENCE WORK IN KITCHENS OR ELSEWHERE IN THE CENTRES.

**WOMEN AND CHILDREN**

- THE WELFARE OF WOMEN AND CHILDREN IN DETENTION IS OF PARAMOUNT IMPORTANCE
  - I RECENTLY ANNOUNCED THE TRIAL OF ALTERNATIVE DETENTION ARRANGEMENTS FOR WOMEN AND CHILDREN AT WOOMERA AND MY DEPARTMENT IS WORKING TO FINALISE THE DETAILS TO ENABLE THIS TRIAL TO COMMENCE IN EARLY JULY.
  - COURTESY FENCES HAVE BEEN ERECTED IN THE WOOMERA IRPC TO PROVIDE DISCRETE AREAS FOR WOMEN, CHILDREN AND FAMILIES, AND SEPARATE AREAS FOR SINGLE MEN. SIMILAR ARRANGEMENTS ARE IN PLACE IN OTHER CENTRES TO ENSURE GREATER SAFETY FOR THOSE WHO ARE MOST VULNERABLE IN THESE ENVIRONMENTS.
  - DIMA HAS ALSO MADE PROGRESS IN NEGOTIATING AN AGREEMENT WITH THE SOUTH AUSTRALIAN WELFARE AUTHORITIES TO ENABLE BETTER HANDLING OF ANY INCIDENTS THAT MIGHT ARISE AT THE WOOMERA IRPC CONCERNING WOMEN AND CHILDREN.
  - SIMILAR AGREEMENTS ARE BEING SOUGHT WITH OTHER STATES.

## **TEMPORARY PROTECTION VISA PROCESSING**

### **Processing Times**

- AFTER A SURGE IN BOAT ARRIVALS IN 99/01, DIMA RE-ENGINEERED THE PROTECTION VISA PROCESS TO SIGNIFICANTLY DECREASE THE TIME TAKEN FOR PRIMARY DECISIONS FOR UNAUTHORISED BOAT ARRIVALS.
- 80% OF PROTECTION CLAIMS MADE BY BOAT ARRIVALS NOW HAVE A PRIMARY DECISION IN 13-14 WEEKS, COMPARED TO 32 WEEKS PREVIOUSLY.
- SOME STRAIGHTFORWARD CASES CAN HAVE A PRIMARY DECISION IN AS LITTLE AS FOUR TO SIX WEEKS.

### **Delays In Processing Applications**

- I AM ADVISED THAT ALL TEMPORARY PROTECTION VISA APPLICANTS MUST MEET CHARACTER AND SECURITY CHECKING REQUIREMENTS.
- SECURITY CHECKING BY AUSTRALIAN AUTHORITIES, INCLUDING ASIO, ARE CLOSELY INTEGRATED INTO THE TEMPORARY PROTECTION VISA PROCESS.
- WHILE I AM NOT AT LIBERTY TO DISCUSS THE METHODOLOGY ADOPTED BY ASIO, I UNDERSTAND THAT THEY USE A DETAILED SET OF RISK PROFILES AND I AM ADVISED THAT MOST ASIO CHECKING IN CONNECTION WITH TEMPORARY PROTECTION VISA APPLICANTS IS COMPLETE WITHIN 24 HOURS.
- IT IS MY VIEW THAT ADDITIONAL MODIFICATIONS TO THE SECURITY CHECKING COMPONENT OF THE TEMPORARY PROTECTION VISA PROCESS ARE NOT REQUIRED.
- PROCESSING TIMES MAY BE PROLONGED IF PEOPLE HAVE NO PROOF OF IDENTITY.
- DELAYS MAY ALSO OCCUR WHILE A DETAINEE OBTAINS POLICE CLEARANCES FROM THEIR COUNTRIES OF LAST RESIDENCE TO CONFIRM THEY ARE OF GOOD CHARACTER. IN SOME INSTANCES, THIS MAY TAKE SEVERAL MONTHS.
- THIS CLEARANCE IS INTEGRAL TO THE ASSESSMENT OF WHETHER A PERSON MEETS THE UNITED NATIONS CONVENTION DEFINITION OF A REFUGEE. PERSONS FOUND TO HAVE COMMITTED WAR CRIMES,

TERRORIST ACTIVITIES OR CRIMES AGAINST HUMANITY ARE PRECLUDED FROM GAINING REFUGEE STATUS ACCORDING TO THE CONVENTION.

#### **Case Management Information for Detainees**

- I AM ADVISED THAT DETAINEES ARE INITIALLY INTERVIEWED PERSONALLY BY THEIR CASE MANAGERS WITH THE ASSISTANCE OF AN INTERPRETER.
  - IF ADDITIONAL INFORMATION IS REQUIRED, THIS IS USUALLY REQUESTED IN WRITING. IN MANY INSTANCES, A DECISION IS ABLE TO BE MADE ABOUT A CASE AFTER THE INITIAL INTERVIEW.
  - IN PRACTICE MOST COMMUNICATION REGARDING PROGRESS OF THE CASE AFTER THE INITIAL INTERVIEW IS MADE VIA THE PUBLICALLY FUNDED MIGRATION AGENT REPRESENTING THE APPLICANT.
- AS I UNDERSTAND IT, WHERE A PERSON WILL NOT BE GRANTED A TEMPORARY PROTECTION VISA, THE CASE MANAGER ADVISES THE DIMA CENTRE MANAGER AND THE DETAINEE'S MIGRATION AGENT BY FAX ABOUT THE DECISION IN EACH CASE.
- THE DIMA BUSINESS MANAGER THEN SCHEDULES AN INTERVIEW SESSION WITH THE DETAINEE, TO INFORM HIM/HER OF THE DECISION.

#### **Early Release**

- AUSTRALIAN AND OVERSEAS EXPERIENCE HAS SHOWN THAT IT IS DIFFICULT TO LOCATE AND REMOVE PEOPLE WHO HAVE BEEN REFUSED REFUGEE STATUS, AND WHO ARE AT LARGE IN THE COMMUNITY.
- AS IT STANDS, DETAINEES CAN BE RELEASED IF THEY HAVE RECEIVED A FAVOURABLE PRIMARY DECISION AND HAVE MET ALL THE NECESSARY HEALTH AND CHARACTER CHECKS.
- WHILE SUPPORT FROM COMMUNITY GROUPS FOR DETAINEES IS RECOGNISED, THERE IS NO INTENTION ON THE GOVERNMENT'S PART AT THIS TIME TO CHANGE THE POLICY ABOUT WHEN DETAINEES CAN BE RELEASED FROM DETENTION.
- IT IS IMPORTANT THAT UNAUTHORISED ARRIVALS SEEKING TO STAY PERMANENTLY IN AUSTRALIA ON THE BASIS THAT THEY HAVE PROTECTION CLAIMS, ARE AVAILABLE TO MY DEPARTMENT SO THAT THE NECESSARY PROCESSING CAN BE COMPLETED EXPEDITIOUSLY.

## **DIMA RELATIONSHIP WITH RRT**

### **Processing Times**

- THE RRT GIVES HIGHEST PRIORITY TO CASES WHERE THE APPLICANT IS IN DETENTION.
- I UNDERSTAND THAT THE RRT HAS A TARGET TIME OF 70 DAYS IN WHICH TO CONSIDER AND FINALISE CASES WHERE THE APPLICANT IS IN DETENTION.

### **Processing Issues**

- I WROTE TO THE RRT SOME TIME AGO INDICATING THAT I WOULD WELCOME THEIR INDICATION OF WHETHER CERTAIN CASES WHICH DID NOT MEET THE UNITED NATIONS CONVENTION OF A REFUGEE WERE ONES WHICH NEVERTHELESS MAY WARRANT MY CONSIDERATION USING SECTION 417 POWERS.
- MY DEPARTMENT'S GUIDELINES EXPLICITLY REFER TO THIS FLAGGING MECHANISM AND INDICATE WHAT ACTION DIMA WILL TAKE IN THESE CIRCUMSTANCES.
- IN ANY EVENT, CASES IN WHICH THE RRT HAS AFFIRMED THE ORIGINAL DECISION ARE ROUTINELY ASSESSED BY OFFICERS FROM MY DEPARTMENT AGAINST THE GUIDELINES FOR 417 REFERRAL IRRESPECTIVE OF WHETHER THE CASE WAS FLAGGED BY THE RRT.
- IT IS MY VIEW THAT THIS PROCESS IS WORKING SATISFACTORILY.

## **CENTRE MANAGEMENT**

### **ACM**

- THERE HAS BEEN CONSIDERABLE PUBLIC SCRUTINY OF ACM'S ACTIVITIES WITHIN DETENTION CENTRES, BOTH VIA THE FLOOD AND OMBUDSMAN REPORTS.
- MR FLOOD COMMENTED THAT "THERE ARE MANY DEDICATED AUSTRALIANS – NURSES, DOCTORS, DETENTION OFFICERS, TEACHERS, WELFARE COUNSELLORS, MANAGERS AND PUBLIC SERVANTS – HELPING [IN THE DETENTION] PROCESS...AND SOMETIMES ENCOUNTERING MISUNDERSTANDINGS IN THE COMMUNITY FOR THEIR PART IN ADMINISTERING POLICIES DETERMINED BY SUCCESSIVE GOVERNMENTS AND LAID DOWN IN RELEVANT LEGISLATION."
- ACM'S SERVICE DELIVERY IN ALL DETENTION CENTRES MUST MEET THE QUALITY LEVELS ESTABLISHED IN THE IMMIGRATION DETENTION STANDARDS. THESE STANDARDS SET OUT THE SERVICE PROVIDER'S OBLIGATIONS TO MEET THE INDIVIDUAL CARE NEEDS OF DETAINEES IN A CULTURALLY APPROPRIATE WAY WHILE AT THE SAME TIME PROVIDING SAFE AND SECURE DETENTION.
- I AM SATISFIED THAT THE VAST MAJORITY OF ACM STAFF ACCORD HIGH PRIORITY TO MAINTAINING APPROPRIATE RELATIONS WITH DETAINEES, DIMA STAFF AND VISITORS TO THE CENTRES.
  - THERE HAVE BEEN SOME INSTANCES WHERE ACM STAFF HAVE NOT MET THEIR OBLIGATIONS WITH RESPECT TO DETAINEES, AND IN THOSE INSTANCES, WHERE CRIMINAL CONDUCT HAS BEEN ALLEGED, CHARGES HAVE BEEN LAID.
- I UNDERSTAND THAT SINCE THE FLOOD INQUIRY ACM HAS MOVED TO RECRUIT MORE PERMANENT STAFF IN PLACES LIKE WOOMERA WHERE, I AM ADVISED, 90% OF THE ACM WORKFORCE IS NOW ON LONG TERM CONTRACT.
- IN ADDITION, I UNDERSTAND THAT ACM HAS TAKEN STEPS TO UPDATE AND IMPROVE THE TRAINING PROVIDED TO STAFF.
- CONSISTENT WITH MR FLOOD'S RECOMMENDATION'S MY DEPARTMENT IS ALSO REVIEWING THE IMMIGRATION DETENTION STANDARDS WITH A VIEW TO FINALISING THEM PRIOR TO TENDERS PROCEEDING FOR A FUTURE DETENTION SERVICES PROVIDER.



**Managing Non-Compliant Detainees – State Correctional Facilities**

- I READILY ACKNOWLEDGES THAT WHILE STATES ARE ABLE, UNDER THE MIGRATION ACT 1958, TO DETAIN IMMIGRATION DETAINEES IN THEIR CORRECTIONAL FACILITIES, THERE IS NO OBLIGATION ON THEM TO ACCEPT IMMIGRATION DETAINEES.
- THE COMMONWEALTH APPRECIATES THE LONGSTANDING COOPERATION OF STATES IN ACCOMMODATING A SMALL NUMBER OF IMMIGRATION DETAINEES WITHIN CORRECTIONAL FACILITIES.
- DIMA AND THE DETENTION SERVICES PROVIDER HAVE A RESPONSIBILITY TO ENSURE THE SAFETY AND SECURITY OF DETAINEES, VISITORS AND STAFF IN IMMIGRATION DETENTION FACILITIES.
- AUSTRALIA'S DETENTION FACILITIES ARE LOW TO MEDIUM SECURITY ENVIRONMENTS, ACCOMMODATING A MIXED POPULATION INCLUDING WOMEN AND CHILDREN. EVERY EFFORT IS MADE, THEREFORE, TO MAINTAIN AN ENVIRONMENT OF NORMAL COMMUNITY LIVING.
- TO PLACE OR RETAIN DETAINEES ASSESSED AS HIGH RISK IN IMMIGRATION DETENTION CENTRES RAISES A SIGNIFICANT RISK OF HARM TO OTHER DETAINEES, VISITORS TO THE FACILITIES, STAFF OF MY DEPARTMENT AND OF OUR SERVICE PROVIDER. IT COULD ALSO INCREASE THE RISK OF DETAINEES ABSCONDING OR ESCAPING INTO THE COMMUNITY PRIOR TO THEIR REMOVAL FROM AUSTRALIA.
- DECISIONS TO REQUEST STATES AND TERRITORIES TO ACCOMMODATE IMMIGRATION DETAINEES IN CORRECTIONAL FACILITIES ARE MADE AS A LAST RESORT, AND ONLY AFTER SERIOUS CONSIDERATION OF ALL FACTORS.
- OVER THE PAST 18 MONTHS, THE IMMIGRATION DETAINEE POPULATION HAS GROWN IN NUMBER AND CHANGED IN NATURE. THIS PRESENTS NEW CHALLENGES FOR MY DEPARTMENT IN MANAGING DETAINEES PARTICULARLY WHERE THERE IS A HIGH RISK OF VIOLENT ACTION OR OTHER UNACCEPTABLE BEHAVIOUR.
- IN RESPONSE MY DEPARTMENT HAS UPGRADED THE PHYSICAL SECURITY AT A NUMBER OF OUR FACILITIES. IN THE DEVELOPMENT OF NEW FACILITIES AND IN THE MODIFICATION OF SOME EXISTING CENTRES, DIMA IS ALSO ENSURING THAT APPROPRIATE INFRASTRUCTURE IS IN PLACE ENABLING BETTER MANAGEMENT OF SOME OF THESE HIGH RISK DETAINEES.
- DIMA IS KEEN TO SEE THE CONCLUSION OF MEMORANDA OF

UNDERSTANDING WITH STATE CORRECTIONAL AUTHORITIES, WHICH WOULD ESTABLISH THE FRAMEWORK FOR COLLABORATIVE, COOPERATIVE RELATIONSHIPS AND CLARIFY ROLES AND RESPONSIBILITIES AND APPROPRIATE PROCEDURES.

**Managing Non-Compliant Detainees – One High Security Facility**

- THERE HAVE BEEN CALLS RECENTLY FOR THE GOVERNMENT TO PROVIDE A SINGLE HIGH SECURITY DETENTION FACILITY.
- IT IS NOT THE GOVERNMENT'S POLICY TO CONSTRUCT NEW, NOR REFURBISH EXISTING FACILITIES TO PROVIDE A SINGLE HIGH SECURITY DETENTION CENTRE.
- EXPERIENCE IN THE PENAL SYSTEM HAS SHOWN THAT BAD BEHAVIOUR IS LIKELY TO BE EXACERBATED BY GROUPING NON COMPLIANT DETAINEES TOGETHER WITHOUT THE AMELIORATING AFFECTS OF MORE COMPLIANT DETAINEES, AND THIS IS NOT A PRACTICE FAVOURED BY CORRECTIONAL INSTITUTIONS.
  - THIS VIEW HAS BEEN SUPPORTED BY BOTH THE OMBUDSMAN'S OFFICE AND HREOC
- ANY OPERATIONAL COST SAVINGS FROM ACQUIRING OR BUILDING A SEPARATE FACILITY ARE LIKELY TO BE OFFSET BY INCREASED COSTS OF TRANSPORTING AND ESCORTING INDIVIDUALS, INCLUDING FOR TRIBUNAL AND COURT HEARINGS.
- THE GOVERNMENT IS COMMITTED TO MAINTAINING A NETWORK OF DETENTION FACILITIES THAT CAN CATER FOR A VARIETY OF REQUIREMENTS SUITABLE TO ADMINISTRATIVE DETENTION, AND WHICH TAKES ACCOUNT OF THE DIVERSE NEEDS OF THE DETAINEE POPULATION.
- A DESIGN REQUIREMENT FOR THE NEW FACILITIES IN DARWIN AND BRISBANE IS THE PROVISION OF ACCOMMODATION FOR DETAINEES WHO POSE BEHAVIOUR MANAGEMENT PROBLEMS.
- THE REPLACEMENT OF VILLAWOOD STAGE 1 IS INTENDED TO PROVIDE ACCOMMODATION FOR UP TO 200 DETAINEES THE MAJORITY OF WHOM MAY PRESENT BEHAVIOUR MANAGEMENT PROBLEMS WHEN IT BECOMES AVAILABLE FOR USE IN 2003.

**Visual Checking**

- ACM STAFF UNDERTAKE MUSTERS AND VISUAL CHECKING OF DETAINEES AS PART OF THEIR RESPONSIBILITIES TO ENSURE THAT

ESCAPES FROM IMMIGRATION DETENTION ARE MINIMISED.

- AS I UNDERSTAND IT, VISUAL CHECKING AT NIGHT OCCURS ONLY WHERE THERE ARE SPECIFIC SECURITY CONCERNS.
- IN GENERAL, ENHANCED PERIMETER FENCES HAVE LESSENED THE NEED FOR NIGHT TIME CHECKS.

#### EXTERNAL/INDEPENDENT SCRUTINY

- IMMIGRATION DETENTION CENTRES ARE UNDER CLOSE AND REGULAR SCRUTINY. A NUMBER OF INDEPENDENT BODIES REGULARLY EXAMINE THE OPERATION OF DETENTION CENTRES.
- A COMPLAINTS MECHANISM IS IN PLACE WHICH ENABLES DETAINEES TO RAISE ISSUES OF CONCERN WITH DIMA STAFF, ACM STAFF, THE COMMONWEALTH OMBUDSMAN OR HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION. IN ADDITION, CENTRES ARE VISITED BY PARLIAMENTARY COMMITTEES, INDIVIDUAL MPS, NGOS AND LAWYERS REPRESENTING INDIVIDUAL DETAINEES.
- LATE LAST YEAR I INITIATED AN INQUIRY INTO THE PROCESSES FOR DEALING WITH ALLEGATIONS OF CHILD ABUSE WHICH WAS CONDUCTED BY MR PHILIP FLOOD AO. THIS RESULTED IN FURTHER CLOSE SCRUTINY OF THE OPERATION OF DETENTION CENTRES AND A RANGE OF RECOMMENDATIONS WHICH ARE BEING IMPLEMENTED.
- EARLIER THIS YEAR I ESTABLISHED THE IMMIGRATION DETENTION ADVISORY GROUP TO PROVIDE ADVICE ON THE APPROPRIATENESS AND ADEQUACY OF SERVICES, ACCOMMODATION AND FACILITIES AT THE IMMIGRATION DETENTION CENTRES. THE IDAG HAS UNFETTERED ACCESS TO ALL IMMIGRATION DETENTION CENTRES.

#### J BLOCK

- I UNDERSTAND THAT SOME MEMBERS OF THE COMMITTEE WERE CONCERNED THAT OFFICIALS FROM MY DEPARTMENT DID NOT APPEAR TO VOLUNTEER INFORMATION TO THE COMMITTEE ABOUT "J BLOCK" WHEN THEY VISITED THE PORT HEDLAND IRPC.
- MY UNDERSTANDING IS THAT DIMA OFFICIALS DID INDICATE THIS INFORMATION
  - THERE WERE A NUMBER OF COMMITTEE MEMBERS PRESENT, AND BECAUSE OF SEVERAL CONVERSATIONS OCCURRING, NOT ALL OF THE COMMITTEE MEMBERS MAY HAVE HEARD THAT PART OF THE

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**BRIEFING.**

- DIMA HAS BEEN OPEN WITH THE COMMITTEE AND ENABLED ACCESS TO FACILITIES AND DETAINEES BY COMMITTEE MEMBERS
  - MY DEPARTMENT ALSO PROVIDED EXTENSIVE BRIEFINGS TO THE COMMITTEE, WHICH THEY HAVE NOTED PUBLICLY.
- I REGRET IF A VIEW HAS BEEN FORMED BY SOME COMMITTEE MEMBERS THAT MY DEPARTMENT DID NOT VOLUNTEER ADEQUATE INFORMATION THEY SOUGHT ABOUT J BLOCK. IF THERE HAS BEEN ANY MISUNDERSTANDING THIS WAS NOT INTENDED, AND IS REGRETTEED.

FAS:  
SECTION HEAD:

Philippa Godwin  
s 22  
Detention Task Force  
Projects Coordination  
14 June 2001

TELEPHONE:  
TELEPHONE:

s 22

s 22

SECTION:  
DATE:  
TIME:

## Detention Centres – Joint Standing Committee Report

What is the Government's response to the recommendations of the Joint Standing Committee on Foreign Affairs, Defence and Trade report '*Completed Inquiry – visits to immigration detention centres*'?

### Talking Points

- My Government will look carefully at the recommendations of the report and provide a considered response to all its recommendations.
- Mandatory detention helps ensure that Australia is seen as a less unattractive destination for organised people smuggling activities. At the same time we are continuing to meet our international and humanitarian obligations to assist deserving refugees to migrate to Australia under our humanitarian migration programme.
- Almost half (46%) of the people in detention are in fact people whose claims for a visa have been clearly rejected and who are appealing, or those who are awaiting removal from Australia.
- Introducing upper time limits for detention would send the message that unauthorised arrivals have only to wait out a short period in detention and then they will be released.
- It was in fact Labor's 1994 Migration Reform Act that introduced mandatory detention and did not impose time limits. Previously a time limit of 273 days had applied to people who arrived by boat.
- The Government's efforts to improve arrangements for processing refugee claims are being frustrated by Labor's failure to pass the Administrative Review Tribunal legislation, which would help streamline the protection visa assessment process.

### Background

On 18 June 2001, the Joint Standing Committee on Foreign Affairs, Defence and Trade released entitled "Completed Inquiry – Visits to Immigration Detention Centres" which included 20 recommendations on the management of detainees.

The most contentious of the Committee's recommendations is to introduce a time limit on the period of detention for unauthorised arrivals (preferably 14 weeks). This would, however, significantly undermine Australia's strategy to dissuade people smuggling syndicates using

# DEPARTMENT OF THE PRIME MINISTER AND CABINET

Secretary  
 Ms Halton  
 Mr Varghese  
 Ms Belcher  
 SES SPD  
 Mr Perrin  
 Mr Benschel

**Prime Minister**  
 (for decision)

## DRAFT RESPONSE TO HREOC REPORT

### Background

- The Human Rights and Equal Opportunity Commission initiated an inquiry into the detention of unauthorised arrivals in 1996. The inquiry resulted in the 1998 report *Those who've come across the seas*.
- The Department of Immigration and Multicultural Affairs has prepared a draft government response to that report incorporating comment from this department and the Attorney-General's Department.
- The Minister for Immigration and Multicultural Affairs has written to you asking you to approve the draft government response and agree to his releasing the government response at a public launch.

### Issues

s 47C

### Recommendation

s 47C

Venessa Tripp  
 First Assistant Secretary  
 Social Policy Division  
 May 1999

Contact: [REDACTED] s 22  
 Telephone: [REDACTED] s 22  
 Consultation: Government Division  
 International Division



PRIME MINISTER  
CANBERRA

The Hon Philip Ruddock MP  
Minister for Immigration and Multicultural Affairs  
Parliament House  
CANBERRA ACT 2600

My dear Minister

**Draft Response to HREOC Report**

Thank you for your letter of 29 April 1999 enclosing the draft government response to the Human Rights and Equal Opportunity Commission's 1998 report *Those who've come across the seas*.

s 47C

Yours sincerely

(John Howard)

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The Hon. Philip Ruddock MP

Minister for Immigration and Multicultural Affairs

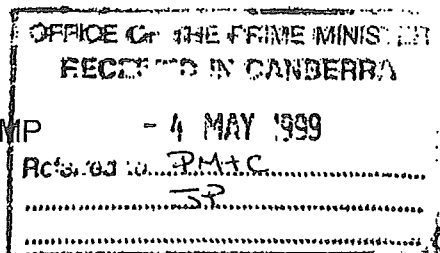
Minister Assisting the Prime Minister for Reconciliation



Parliament House, Canberra ACT 2600

Telephone: (02) 6277 7860

Facsimile: (02) 6273 4144



29 APR 1999

The Hon John Howard MP  
Prime Minister  
Parliament House  
Canberra ACT 2600

Dear Prime Minister

**Draft Response to HREOC Report**

You will be aware that the Human Rights and Equal Opportunity Commission initiated an inquiry into the detention of unauthorised arrivals early in 1996, which resulted in the 1998 report *Those who've come across the seas*. The report was critical of immigration detention practices and facilities and contended that the mandatory detention of unauthorised arrivals breaches Australia's international treaty obligations.

s 47C

Yours sincerely

Philip Ruddock

s 47C





## DEPARTMENT OF THE PRIME MINISTER AND CABINET

S/  
Ms ...alton  
Mr Varghese  
Ms Belcher  
SES SPD  
Mr Perrin  
Mr Benschel

Prime Minister  
(for decision)

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JP  
AB C/m

## DRAFT RESPONSE TO HREOC REPORT ON THE DETENTION OF UNAUTHORISED ARRIVALS

### Background

- The Human Rights and Equal Opportunity Commission initiated an inquiry into the detention of unauthorised arrivals in 1996. The inquiry resulted in the 1998 report *Those who've come across the seas*.
- The Department of Immigration and Multicultural Affairs has prepared a draft government response to that report incorporating comment from this department and the Attorney-General's Department.
- The Minister for Immigration and Multicultural Affairs has written to the Attorney-General and you asking for agreement to the draft government response and to its release at a public launch.

### Issues

s 47C

### Recommendation

s 47C

Venessa Tripp  
First Assistant Secretary  
Social Policy Division

25 May 1999

s 22

Consultation: Government Division  
International Division



PRIME MINISTER  
CANBERRA

The Hon Philip Ruddock MP  
Minister for Immigration and Multicultural Affairs  
Parliament House  
CANBERRA ACT 2600

- 4 JUN 1999

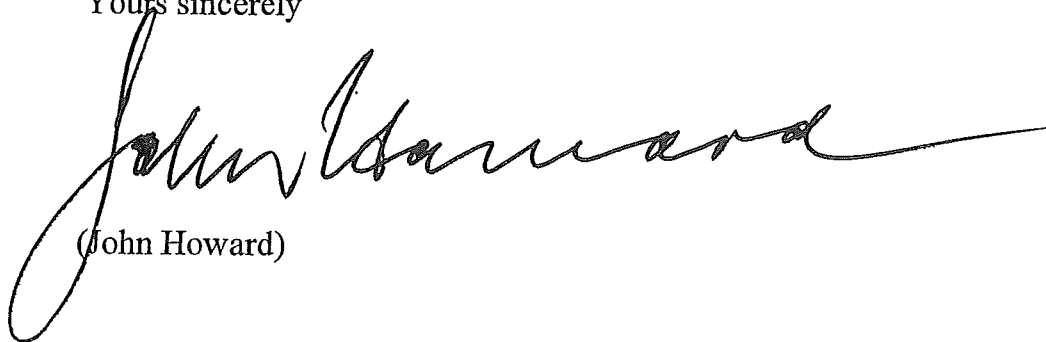
My dear Minister

Thank you for your letter of 29 April 1999 enclosing the draft government response to the Human Rights and Equal Opportunity Commission's 1998 report on the detention of unauthorised arrivals *Those who've come across the seas*.

s 47C



Yours sincerely



(John Howard)







