



Detention Futures

Australian Border Force / Department of Home Affairs

August 2018

FINAL REPORT

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Glossary

ABF	Australian Border Force	HSP	Health Services Provider
ANAO	Australian National Audit Office	IBR	Incentive Based Regime
APOD	Alternative Place of Detention	IDC	Immigration Detention Centre
ASA	Adverse Security Assessment	IDN	Immigration Detention Network
BAU	Business as Usual	IMA	Irregular Maritime Arrival
DEMB	Detention Estate Management Branch	ITA	Immigration Transit Accommodation
DEMP	Detention Estate Management Plan	MOU	Memorandum of Understanding
DCR	Detention Capability Review	NDPM	National Detention Placement Model
DPAT	Detention Placement Assessment Tool	OMCG	Outlaw Motorcycle Gang
FAS	First Assistant Secretary	SOP	Standard Operating Procedure
FDSP	Facilities and Detainee Service Provider	SRAT	Security Risk Assessment Tool
HIA	Health Induction Assessment	UAM	Unaccompanied Minor



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Executive Summary

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Executive Summary

Background

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Context

In 1958, the Australian Government passed the *Migration Act 1958* (the 'Migration Act'), and in 1976 the first immigration detention centre was established in Sydney at Villawood. The Australian IDN has changed significantly since the establishment of the first Detention Centre, with

geo-political events and domestic policy shifts affecting the number and nature of the cohort. As a result, the Department's onshore IDN has been managed through an agile 'scale-up/scale-down' approach. Additionally, over the last 10 years there have been significant changes to government policy, operations and legislation, which have directly impacted on the cohort in IDNs.

Change in cohort

The most obvious recent change in the cohort is the reduction of Irregular Maritime Arrivals due to the government's policy to 'stop the boats', and the increase in cancellations of visas on character grounds, which was supported by legislation in 2015 to lower the threshold for visa cancellations. Since the passing of this legislation, compliance activities have strengthened and changes have been made to the character grounds for cancellation, which has resulted in a cohort of non-citizens in IDNs that have come from a corrections environment or have a significant criminal history. It is in this context that KPMG is looking at how the Department is managing this cohort, along with other detainees, within an administrative detention environment.

The Home Affairs Portfolio

The Home Affairs Portfolio is responsible for the delivery and management of the visa applications, border controls and administering the Australian Government's long-standing mandatory detention policy for people who do not have a valid visa. The onshore IDN is responsible for these non-citizens until their immigration status can be resolved through either being granted a visa or departing Australia. There is a strong impetus to enhance information sharing arrangements across departments and agencies to support efficiency and effectiveness in coordinated law enforcement and national security efforts.



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1. Introduction

Chapter 1. Introduction

Background, objectives and project scope

s 47, s47E(d)

s47



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Chapter 2. Current State

Chapter 2. Current State

Strategic Framework and Operating Model

s 47, s47E(d)

Home Affairs Portfolio

On July 18, 2017, the Prime Minister announced the establishment of the Home Affairs Portfolio, bringing together a number of agencies including the previous Department of Immigration and Border Protection and its operational arm, the ABF. The Portfolio-level vision is to support a strong and secure Australia through more sustainable and integrated intelligence and domestic security arrangements. For the ABF and Department of Home Affairs, the intent is to be Australia's trusted global gateway, facilitating trade, travel and migration while protecting Australia from threats to the border and upholding the trust of the Australian people and Government.

There is a strong impetus to enhance information sharing arrangements across departments and agencies to support efficiency and effectiveness in coordinated law enforcement and national security efforts. s 47, s47E(d)

s 47, s47E(d)



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Chapter 3. Demographic analysis



Chapter 4:

Legislative Overview and Jurisdictional comparators

Chapter 4. Jurisdictional comparators

Overview

For the purposes of this Review, KPMG has undertaken a legislative assessment, and a jurisdictional comparison to contextualise the Review of the current and future IDN, and provide insights as to contemporary standards and trends.

The jurisdictional comparison includes assessment of legislation, as well as the engagement of service providers, the management of specific cohorts, and the garrison services provided within the networks. Two major comparator jurisdictions will be explored. These are the operation of detention centres in the United Kingdom, and the corrections environment in Victoria. This Review does not suggest these two cases should be emulated in the Australian onshore detention network. More so, they provide an opportunity to identify challenges and opportunities in networks that face similar cohort or operational complexities. A Corrections case study has been specifically included due to the increase in higher risk cohorts entering the IDN environment from prison under s501 of the Act.

The following provides a contextual overview of the two chosen case studies:

Corrections Victoria

Corrections Victoria has been selected as an example of a punitive environment, as per the scope of this engagement. Across Victoria, there are 11 publicly operated prisons and three privately operated prisons. Victoria has long established operational legislation, regulation, policy and procedures for the management of higher risk cohorts in a detention-like environment. Whilst punitive in nature, insights can be drawn from this jurisdiction and adapted to be appropriate for an administrative environment.

The United Kingdom Immigration Estate

The United Kingdom has been selected as an international comparator jurisdiction, as it faces similar challenges and pressures to the Australian environment. In a similar fashion to Australia's s501 character grounds cancellations, the UK has legislation that enables cancellation of visas on the basis of certain imprisonment sentences. The UK has a power to detain pending a decision as to whether to grant leave to enter or remain; pending a decision as to whether to remove; and pending removal. This power can only be exercised if there is a policy reason to detain the person, and the person has not already been detained for an unreasonable length of time. Policy reasons include factors such as the person is likely to abscond if released, or removal from the UK is imminent.

Legislative Overview

As outlined, the Migration Act is the major source of legislation governing the operation of detention centres in Australia. The legislation does not provide significant detail on the management and operation of detention centres. In terms of operations of the centres, the Act contains limited information that relates to operational aspects, such as use of force, searches and placement. As a result, these are largely governed by SOPs.

There are a range of other dispersed legislative and regulatory mechanisms that apply to the IDN. These include, but are not limited to: *Ombudsman Act 1976*, *Commonwealth Places (Application of Laws) Act 1970*, *Freedom of Information Act 1982*, *Aviation Transport Security Act 2004*, *Work Health and Safety Act 2011*, and relevant international regulations that Australia is signatory to (e.g. *Convention Relating to the Status of Refugees*, and *Convention on the Rights of the Child*).

While these contribute to the legislative framework that guides the operations, principles and outcomes of the IDN, they are disparate and, at times, create ambiguous legislative directions. For example, regulation around the use of force in relation to incident management and response.

There are a range of differences between punitive and administrative detention, which need to be recognised when comparing the two settings, as will be done throughout this report. Critically, the purpose for detaining a person differs between the two settings. In a prison, a person is detained because there has been a finding of criminal guilt against a person. In contrast, administrative detention is not a form of disciplinary sanction for wrongdoings. Rather, maintaining these individuals in detention is part of an administrative process for formally handing Australia's unlawful non-citizens. This approach to unlawful non-citizens is supported by the Australian Constitution, and more specifically s51(xix) of the Australian Constitution (the 'aliens' power).

In both administrative and punitive detention environments, however, there is a need for clearly defined roles, responsibilities and powers. While ambiguous legislation provides for a degree of flexibility in its application, it can also reduce the avenues through which the Department or service providers are able to manage the IDN in a safe and compliant way. Victoria and the UK have dedicated legislation governing the operation of detention centres, clearly identifying what powers can be utilised in certain circumstances, such as use of reasonable force.

Chapter 4. Jurisdictional comparators

Legislation and Regulation

The Migration Act is the major source of legislation governing the operation of detention centres in Australia. The legislation, however, does not provide significant detail on the management and operation of detention centres. This is in contrast to the comparator jurisdictions of the UK Immigration Detention System and Corrections Victoria.

Victoria

The **Corrections Act 1986 (Vic)** (Corrections Act) is the relevant Victorian legislation. It provides for the establishment, management and security of prisons and the welfare of prisoners, for the administration services related to community-based corrections and for the welfare of offenders, and for other correctional services. The **Corrections Regulations 2009 (Vic)** are regulations made under this legislation to support the operation of the Act.

United Kingdom

The United Kingdom's unauthorised non-citizens are dealt with across five primary statutory instruments. These are:

- The *Immigration Act 1971*;
- The *Immigration and Asylum Act 1999*;
- The *Nationality, Immigration and Asylum Act 2002*; and
- The *Detention Centre Rules 2001*.
- *Immigration Act 2016*

The United Kingdom's power to detain unauthorised non-citizens, or to require that these individuals be detained, is set out in the *Immigration Act* as well as s62 of the *Nationality, Immigration and Asylum Act* (provision for the detention by Secretary of State). The *Immigration and Asylum Act*, and more specifically Part VIII (Detention), applies to 'detained persons', as defined in the *Immigration Act* or the *Nationality, Immigration and Asylum Act*.

Section 153 of the *Immigration and Asylum Act* requires the Secretary of State to make rules for the regulation and management of removal centres. The **Detention Centre Rules** are subordinate legislation that apply to 'removal centres', defined as detention centres used solely for the detention of detained persons but which is not a short-term holding facility, pre-departure accommodation, a prison or part of a prison.

As outlined, legislation across different jurisdictions covers operational aspects of management of detention to a varied extent. The relevant pieces of legislation highlighted on the previous page are considered here, considered against comparable provisions in the comparator jurisdictions.

The purpose of the respective legislation is first considered. It is noted that the Migration Act has a broader purpose than the comparator jurisdictions.

Jurisdiction	Purpose / Object of legislative instrument
Australian detention centres - Migration Act (AU)	(1) The object of this Act is to regulate, in the national interest, the coming into, and presence in, Australia of non-citizens... (4) To advance its object, this Act provides for the removal or deportation from Australia of non-citizens whose presence in Australia is not permitted by this Act.
United Kingdom – Immigration and Asylum Act (UK Act)	An Act to make provision about immigration and asylum; to make provision about procedures in connection with marriage on superintendent registrar's certificate; and for connected purposes.
United Kingdom – Detention Centre Rules (UK Rules)	Exercise of Secretary's powers under the Immigration and Asylum Act to make rules for the regulation and management of detention centres.
Corrections Victoria – Corrections Act (VIC)	(1) The purposes of the Act are – (a) To provide for the establishment management and security of prisons and the welfare of prisoners; ...
Corrections Victoria – Corrections Regulations 2009 (VIC Reg)	The objectives of these Regulations are— (a) to provide for the management, administration and security of prisons and locations; and (b) to provide for the welfare of prisoners and offenders;...



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Chapter 4. Jurisdictional comparators

Legislation and Regulation – Australia

Based on analysis undertaken for the Review, the following provides a summary of the legislative and regulatory provisions that relate to the system logic of the IDN. As noted, these are not a holistic, end-to-end, set of provisions.

Themes	Legislation
Governance	<ul style="list-style-type: none"> The Migration Act is the primary governing legislation for entry into, and presence in, Australia of aliens, and the departure or deportation from Australia of aliens and certain other persons. Individuals may find themselves in an administrative detention facility through different circumstances. These include detainees who have entered Australia as irregular maritime arrivals and detainees who have had their visa cancelled or revoked (s109, s116, s501, s502). The Ombudsman is required to prepare a report once a person has been held in immigration detention for two years: Migration Act 1958 s4860. The Ombudsman has always had the power under s9 of the Ombudsman Act to issue a notice requiring a person to provide information or documents or to attend and answer questions. A person issued with a notice must comply, despite other legislation but receives wide protections in ss9(4)-(5A).
Intelligence and Information sharing	<ul style="list-style-type: none"> Section 336E of the Migration Act (1958) defines the permitted information disclosures of biographical information. This includes disclosures for the purpose of data matching, including but not limited to: <ul style="list-style-type: none"> Identification, facilitating entry/exit from Australia, identifying non-citizens with criminal histories, identifying persons who may be a security concern to Australia or foreign country, combatting identity fraud, enforcement of Commonwealth, State or Territory criminal law, the purpose of a proceeding before a court or tribunal, investigations by the Information Commissioner or Ombudsman, or provision of international assistance in criminal matters by the Attorney General.
Health service provision	<ul style="list-style-type: none"> Provisions regarding health services are largely geared toward protecting the Australian community from public health risks, and contain public expenditure on health care and community services. However, due to the current policy agenda, there are a range of detainees who may have developed health conditions following entry into Australia – for example, the s501 cohort. According to BOP 24; Principles of Medical Ethics 1, and ICCPR 9, ICeSCR 12, and common law duty of care, detainees are to be screened on arrival by health staff to assess the risk of self harm or suicide before being allocated accommodation and management arrangements. This includes assessment of history of torture and trauma. Work Health and Safety Act, particularly ss17-19, 28-29, 35-39, 46, provide for work health and safety measures to be in place to ensure risks to the health and safety of workers (or other persons including detainees).
Incident Response and Use of Force	<ul style="list-style-type: none"> The Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015 was submitted to provide use of force powers to service providers in order to maintain good order of detention facilities. The Bill was not passed. There is currently limited legislative basis for the use of force in immigration detention. Section 261AE of the Migration Act allows an authorised officer to use reasonable force to enable an identification test to be carried out, or to prevent the loss, destruction or contamination of any personal identifier or any meaningful identifier derived from the personal identifier.

Chapter 4. Jurisdictional comparators

Legislation and Regulation – Australia

Themes	Legislation
Infrastructure and facilities	<ul style="list-style-type: none"> In accordance with section 273, the Minister may, on behalf of the Commonwealth, cause detention centres to be established and maintained. The management of infrastructure across the broader system is currently governed by the Estate Management Plan 2016-2021.
Entry Screening, Search and Induction	<ul style="list-style-type: none"> S252 provides the power to search a detainee, his/her clothing and any property under his/her immediate control, without warrant in order to determine whether there is hidden on the detainee, in the clothing or in the property, any weapon or item capable of inflicting bodily injury or to help the person escape from immigration detention, or any documents or other things that may be evidence for grounds for cancelling the person's visa. Section 252AA provides a similar power to conduct a screening procedure in relation to a detainee without warrant. Section 252A also provides a similar power to conduct a strip search of a detainee. This can only be conducted if the authorised officer suspects on reasonable grounds that there is hidden on the detainee, in his or her clothing or in a thing in his/her possession, a weapon or other instrument that could inflict bodily injury and the officer suspects on reasonable grounds that a strip search is necessary. Section 521A outlines prohibited items in an immigration detention facility. This is either something that is prohibited by law in a place/places in Australia, or something that might be a risk to the health, safety or security of persons in the facility. In the Schedule 1 Amendment, it is noted that something that may be of risk may include electronic devices, medications, or publications that could incite violence. In 2017, the Department initiated Operation RAMENTUM in the IDN – this was focused on removing mobile devices from facilities. The policy includes the confiscation of mobile phones and SIM cards. The policy has been challenged in the Federal Circuit Court and the High Court – interlocutory injunctions were issued to halt the confiscation of mobile phones.
Placement and risk	<ul style="list-style-type: none"> Section 195A provides grounds for granting a visa from detention on the following grounds: individual needs that cannot be properly cared for within a secured held detention facility, strong compassionate circumstances (for example continuing hardship to a family unit or child due to held detention), or there are no matters with the Department or a merits review body, but removal is not practicable due to complications with country of origin. Section 197AB provides that the Minister may consider alternative places of residence to held detention. Section 197 AD clarifies that a residence determination for a person with an adverse/qualified security assessment may have alternative security arrangements in the community such as monitoring or control orders.
Transport and escort	<ul style="list-style-type: none"> The Aviation Transport Security Amendment (Persons in Custody) Regulations (2017) (4.80) relate to escorted domestic travel maintaining immigration detention. It provides that if a person is 'non-dangerous', the person must be escorted, unless the Department and the air service operator agree that the person be unescorted. In this case, there is no set number of escorts required. Regulations - 4.76. A supervised departure involves the unescorted departure from Australia of non-citizens who are cooperating in the departure process and any associated domestic travel for the purpose of that departure. A dangerous person is one likely to attempt to commit unlawful interference with aviation, likely to attempt escape, or who has been charged with a violent offense and it is unresolved, or they have been convicted of a violent offense. If a dangerous person is to be carried on a flight, an escort is required at all times when the person is on the aircraft or at a security controlled airport. There must be at least two escorts for each dangerous person, and at least one of the escorts must be of the same sex as the detainee.

Chapter 4. Jurisdictional comparators

Legislation and regulation – daily operations

To the right is an overview of key mechanisms used to ensure the safety, security and good order of immigration detention facilities. The overview outlines whether there are provisions to support and guide these operations in the UK, Victoria and Australian Immigration Detention.

As outlined, legislation across different jurisdictions covers operational aspects of management of detention to a varied extent. Comparator jurisdictions have more explicit provisions in legislation and regulations to support operation and management of the centres. The purpose of these legislative instruments is clearly defined to support the management and security of centres.

It should be noted that, in the IDN context, the operational areas discussed largely overlap with the services that the current FDSP and HSP provide. This creates a risk to the Department as there are few legislative levers to manage service providers across the operational areas. According to the current FDSP contract, the FDSP is guided by all *'legislation, subordinate legislation, and legislative instruments in force for from time to time'* (6). This includes 28 Commonwealth legislative instruments, state and territory legislation, and applicable international regulations.

Key Findings



Comparator jurisdictions have more explicit provisions in legislation and regulations to support operation and management of the centres. This supports the effective engagement of service providers. The absence of holistic legislation to support end-to-end management of detainees creates a risk for the Department.

Operational area	AU	UK Act	UK (Rules)	VIC Act	VIC (Reg)
Engagement of contractors	Limited	Yes	NA	Yes	NA
Removal from association / classification / placement	NA	NA	Yes	NA	Yes
Temporary confinement	NA	NA	Yes	NA	Yes
Special control or restraint	NA	NA	Yes	Yes	Yes
Use of force	Limited	NA	Yes	Yes	NA
Searches	Limited	NA	Yes	Yes	Yes
Drug and alcohol testing	NA	NA	Yes	Yes	Yes
Visitor entry refusal on certain grounds	NA	NA	Yes	Yes	Yes
Visitor searches	NA	NA	Yes	Yes	Yes
Welfare and privileges	NA	NA	Yes	NA	Yes

Chapter 4. Jurisdictional comparators

Legislation and regulation – Case Study

As discussed earlier in this report, during consultation, stakeholders noted use of force provisions under the Migration Act as a major concern.

There are very limited instances in which force can be used under the Migration Act. These are provided below.

Use of force under the Migration Act

Use of force for identification

S261AE – the use of force is specifically authorised to enable an identification test to be carried out, or to prevent the loss, destruction or containment of any personal identifier or any meaningful identifier derived from the personal identifier.

Use of force to carry out a search

S252 – relating to searches of persons doesn't explicitly allow the use of force, however implicitly recognises this by placing limitations on its use. This section provides that a person and the person's clothing and any property under immediate control of the person may without warrant be searched if the person is detained in Australia or the person is a non-citizen who has not been immigration cleared and an authorised officer has reasonable grounds for suspecting that there are reasonable grounds for cancelling the person's visa. The section requires that an authorised officer shall not use more force, or subject a person to greater indignity, than is reasonably necessary in order to conduct the search.

Use of force for the purpose of medical treatment

Under reg. 5 of the Regulations, the Secretary can authorise medical treatment to be given to a detainee if the detainee needs treatment and if medical treatment is not given to that detainee, there will be a serious risk to his or her life or health. For the purpose of this, reasonable force can be used (including the reasonable use of restraint and sedatives). This includes treatment in a hospital and the administration of nourishment and fluids.

In 2015, the ***Migration Amendment (Maintaining Good Order of Immigration Detention Facilities) Bill 2015*** was introduced to Parliament. The Bill intended to amend the Migration Act to allow an authorised officer to use such reasonable force against any person or thing, as the authorised officer reasonably believes is necessary, to:

- Protect the life, health or safety of any person (including the authorised officer) in an immigration detention facility or
- Maintaining the good order, peace or security of an immigration detention facility.

This Bill was not passed.

Given the changing cohort, and increase in s501 detainees (currently 35.4 per cent of the population), and the correlated increase in high risk detainees, there may be a need to reconsider legislative powers to use force under the Migration Act.

Use of force under the Victorian Corrections Act

S 23 - Control of prisoners

A prison officer may where necessary use reasonable force to compel a prisoner to obey an order given by the prison officer or by an officer under this section.

Use of force under the UK Detention Centre Rules

41. (1) A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is necessary shall be used.
- (2) No officer shall act deliberately in a manner calculated to provoke a detained person.
- (3) Particulars of every case of use of force shall be recorded by the manager in a manner to be directed by the Secretary of State, and shall be reported to the Secretary of State.



Chapter 4. Jurisdictional comparators

High level summary of comparator insights

Key features of the comparator services are highlighted below, with further detail provided overleaf alongside a summary of each jurisdiction's operations and in the body of the report, as marked (7, 8).

	Australia's IDN	United Kingdom Removal Centres	Victoria's correctional system
The IDN Operating Model	Please see analysis throughout the Current State and Future Considerations		
Detainee daily routines (based on risk category)	Please see analysis throughout the Current State and Future Considerations		
Cost per detainee	Average yearly cost of holding one person in onshore detention in 2017-18 was \$346,178 ³	£92.67 per detainee per day (£34,000 per detainee per year) ²	\$304.12 per prisoner per day (approximately \$110,000 per year) ¹
High risk detainees	High risk detainees theoretically in IDCs, but not in practice	High-security wings in some facilities. Minimal legislative guidance regarding management of high-risk detainees.	Major offenders unit in Victoria to manage higher risk cohorts
Garrison support services	Detainees unable to be employed (i.e. unable to use detainee labour to support operations)	Detainees can engage in paid employment, this varies between centres (can be cleaning or kitchen work, some have industrial workshops) ²	Prisoners can be employed to support prison operations, such as cooking and cleaning
Overarching health delivery framework	From a governance perspective, healthcare is separated from garrison in order to ensure healthcare is maintained as a priority	Healthcare provision through NHS via partnership agreement (previously contracted through service providers). Governance separated.	Healthcare provided by a separate business unit of the Department of Justice and Regulation. Governance separated.
Regulatory settings	Limited legislation and regulation surrounding operation of detention centres (see analysis in this chapter)	More comprehensive legislation and regulation surrounding the operation of detention centres (see analysis in this chapter)	More comprehensive legislation and regulation surrounding the operation of detention centres (see analysis in this chapter)



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Chapter 4. Jurisdictional comparators

The United Kingdom Immigration Detention System

The Immigration Detention system in the United Kingdom is one of the largest in Europe. In 2016, over 30,000 people were detained in an immigration detention in the UK, with an average daily population of approximately 4,000 people. Only a small number of detainees released in 2017 had been in immigration detention for longer than two years (31 in 2017), with the majority staying less than 29 days (18,368).



Legislation, Authority and Governance

As in Australia, immigration detention in the United Kingdom is administrative, and therefore not punitive. The United Kingdom has not imposed limits on the length of time a person can spend in administrative detention, similarly to Australia, however unlike all European Union member states. A number of Acts govern the establishment and operation of detention centres in the UK. Subordinate legislation in the form of the Detention Centre Rules contains a range of specific provisions relating to the operations of the centres.



Network and Facility Infrastructure

As at September 2016, there were nine immigration removal centres (IRCs) in the United Kingdom. There are also a number of short-term holding facilities throughout the country that are often located near airports or points of transit. They can hold detainees between 12 hours and seven days depending on the type of facility. Further, alternative forms of detention are used for families wherever possible.



Management of High-Risk Detainees

The Home Office released a Detention Service Order (08/2016) clarifying the management requirements for adult detainees *at risk*, as opposed to high-risk. There is a general presumption that *at risk* detainees should not be detained unless exceptional circumstances prevail. The current Australian network has not yet distinguished between these groups. There is no identified legislation providing for the assessment or management of high-risk detainees.



Detention Services

The Home Office is the authority with legal custody over immigration detainees. However, as at September 2016, seven of the nine immigration removal centres were managed by one of four private contractors: G4S, Serco, Mitie PLC or GEO Group. A recent report considered that a range of providers should encourage innovation and drive down costs, however it noted that this may not support the development of a systemic approach to the management of detention centres.¹

The Detention Services Operating Standards Manual was developed in 2005 to improve performance and compliance across the immigration detention estate. They build upon the Detention Centre rules and provide minimum auditable standards across a range of key areas.²



Detention Health

Until recently, health services were contracted through service providers. This meant that those who ran IRCs on behalf of the Home Office were directly responsible for healthcare services. Now, healthcare for most IRCs is commissioned by NHS England through a partnership agreement, separating the governance structure (9).

In respect of health screening, all detainees are required to be seen by a nurse within two hours of admission and a GP within 24 hours. The screening takes place as part of the standard reception process.

Mental health is a large challenge in IRCs in the UK. A recent report criticised the use of segregation facilities to manage detainees suffering acute mental health episodes, instead recommending 'care suites' – specially designed and furnished rooms for personalised support – be developed.¹

Chapter 4. Jurisdictional comparators

Corrections Victoria

Corrections Victoria is a business unit of the Department of Justice and Regulation (Victoria) that implements court judgements and orders of the Adult Parole Board. As at 30 June 2017, there were 7,149 prisoners detained by Corrections Victoria (10). Victoria's critical challenge at present is the unprecedented increase in prisoner population as a result of policy and legislative changes. The purpose of the system is to deliver effective correctional services for a safe community.



Legislation, Authority and Governance

Corrections Victoria operates in a punitive environment, where detainees have been sentenced for committing a criminal offence, to a specific period of time. The Corrections Act and Regulations provide the legislative basis for adult correctional services in Victoria.

Legislation

- Corrections Act 1986

Regulation

- Corrections Regulations 2009



Network and Facility Infrastructure

Across Victoria, there are 11 publicly operated prisons and three privately operated prisons. Each prison has a designated function and the infrastructure supports a certain cohort of risk. A key strategic priority of Corrections Victoria is to build a sustainable system that responds to and adapts to changing priorities and trends in the growing prisoner population (11). As such, in a similar way to the immigration network, the Corrections system needs to plan and forecast for future growth or changes.



Detention Services

Three of the prisons are privately operated, by GEO and G4S. These prisons accommodate around one-third of the state's male prisoner population. Corrections Victoria is responsible for contract management, as the state retains the duty of care to all prisoners. Under the contracts, the operators provide accommodation services and correctional services.

The Correctional Management Standards for Men's Prisons in Victoria establish the minimum requirements for correctional services, providing a basis for ensuring accountability and a consistent level of service delivery across the system (12). The focus of these is the outcomes and outputs to be achieved by public and private prison operators. The Service Delivery Outcomes are a suite of service delivery measures used to determine performance across the system. Payment of performance linked fees to private prison contractors is based upon achievement of targets against performance indicators. The Commissioner's Requirements and Local Operating Procedures further support the governance of prisons that have been contracted.



Detention Health

As in immigration detention, the quality and standard of healthcare in Correctional Health must be the same as provided in the community through the public health system. Justice Health (an agency of the Department of Justice and Regulation) is responsible for the delivery of health services across Victorian prisons, with many services contracted to private providers. The Justice Health Quality Framework supports accountability and a consistent level of service across these providers.





Chapter 5. Future Considerations

Chapter 5. Future Considerations

Chapter overview

s 47, s47E(d)

An overview of the considerations considered during this chapter has been provided below.

s 47

s 47, s47E(d)



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Appendices



Appendix A. Detailed methodology



Appendix B. Stakeholder engagement

Appendix B. Stakeholder Engagement

Stakeholder engagement

A list of the stakeholders consulted as part of this project has been provided in the table below.

Date	Stakeholder	Position
26 March 2018	Vanessa Holben	AS Detention and Offshore Operations Command
26 March 2018	s22(1)(a)(ii)	Director, Health Services Contract Section
26 March 2018	s22(1)(a)(ii)	Director, Onshore Contracts Section
26 March 2018	Peter Manwaring	AS Detention Estate Management Branch
26 March 2018	Lee-anne Monterosso	AS Services Management Branch
16 April 2018	Site Visit – Villawood (various ABF, FDSP and HSP stakeholders)	
18 April 2018	Site Visit – MITA (various ABF, FDSP and HSP stakeholders)	
1 May 2018	Elizabeth Hampton	FAS, Health Services Policy and Child Wellbeing
1 May 2018	David Nockles Claire Roennfeldt	FAS, Property and Major Contracts AS, Services Management
1 May 2018	s22(1)(a)(ii)	Superintendent, Detention Health Operations Section
1 May 2018	Latha Reardon	Commander, Detention Operations Branch
1 May 2018	Robin Gray	Superintendent, National Detention and Removals Program
1 May 2018	Sabrina Callaghan	Superintendent, Detention Futures Operations
1 May 2018	Claire Roennfeldt*	AS, Services Management

*Two consultations were conducted with Claire Roennfeldt on 1 May 2018



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Appendix C. Detailed Demographic Analysis



Appendix D. End Notes

Appendix D: End Notes

End Notes

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