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16 January 2007

Ms Vanessa Lesnie  
Director, Human Rights Unit  
Human Rights and Equal Opportunity Commission  
GPO Box 5218  
SYDNEY NSW 2001

Dear Ms Lesnie

### **HREOC Inspection of Mainland Immigration Detention Facilities**

Thank you for your email of 10 January, attaching the revised draft of the Summary Report of HREOC's inspection of mainland immigration detention facilities, and for giving GSL the opportunity to comment. As I remarked in my email on 12 December, it was gratifying to note that HREOC was "pleased to see the improvement in the approach and attitude of DIMA and GSL staff running immigration detention centres [and that there] have clearly been substantial efforts to improve the physical environment, reduce the tension levels, enhance the programs and activities available to detainees and improve the mental health services." We have taken careful note of the Commission's criticism and recommendations regarding those aspects of the management and operation of the facilities that are the responsibility of GSL.

We would like to place on record our response to a number of specific issues that are identified in the Summary Report, particularly relating to the Northern Immigration Detention Facility.

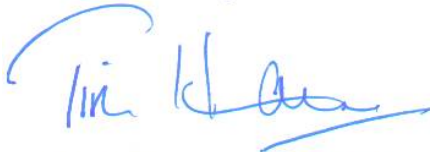
1. At the time of the Commission's visit to NIDF, there were three 17-year old youths in the facility and nobody aged 14 or younger could go into the facility. Since 18 December 2006, that policy has changed and no minor, regardless of their age, is permitted on the site at any time of the day or night. GSL is currently looking to appoint an appropriate third party to review our individual case plans for minors and we are investigating external providers of services for young clients, including the YWCA, who may be able to provide a suitable activity/program balance. Minors are allowed visitors for a specified time, but only under constant supervision.
2. GSL is working with DIMA to engage Darwin programs and activities staff who have training and expertise in working with children. GSL is also working to improve the standard of English lessons in the NIDF, as part of a renewed emphasis on activities and programs in all detention facilities.
3. The washing of 'staff' vehicles in Darwin has ceased and will not occur again, but it should be clear that the vehicles that were being cleaned were company vehicles that are used at the facility to facilitate escorts, excursions and activities for clients, and not the private vehicles of staff.

4. GSL is continuing to work with DIMA to improve the robustness of placement decision-making, both into and within facilities (i.e. between stages in Villawood). This will lead to improved placement decisions and happier clients.
5. GSL is seeking to make increasing use of Designated Persons to improve the quality of activities offered to clients. Staff at Villawood, for example, have identified approximately 50 people who have expressed their willingness to be involved in such a program and they have already taken part in an event in which Designated Persons, with minimal staff, supervised a group client outing. This will be extended in 2007 to allow clients and Designated Persons to undertake off-site activities without any GSL staff being present.
6. GSL agrees with HREOC's observation regarding Residential Housing and the fact that clients and visitors are not free to come and go as they please. GSL cannot relax the controls any further until there is a change in legislation, and sensible procedures will therefore remain in place to maintain the required level of supervision in Residential Housing.
7. It is already GSL policy to refer to people in administrative detention as 'clients' and not 'detainees', as part of a deliberate culture shift that helps staff to better identify and interact with the people they care for.
8. With regard to displayed notices for visitors at the facilities, and the Visitors Application Form, we have recently resolved a Privacy Complaint (Privacy Commission Reference C6719:ma) relating to this issue. The following sign, in four languages (English, Mandarin, Arabic and Indonesian), is now prominently displayed at each facility, and the Visitor Application Forms are being amended to carry the same words, which meet the requirements of IPP 2:

"Personal information provided to GSL by visitors will be retained for the Commonwealth and may be used to improve the care of clients, or to investigate incidents in which visitors might be involved. All information provided will be treated confidentially and will only be used or disclosed in accordance with the provisions of the *Migration Act 1958* and *Privacy Act 1988*."

We will continue in our commitment to upholding the human rights of all those in our care. The Summary Report and the conclusions and recommendations of the President, the Commissioner and Commission staff provide us with an important resource.

Yours sincerely



Tim Hall  
Director of Public Affairs