

Chapter 13

Recreation for Children in Immigration Detention

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13. Recreation for Children in Immigration Detention

The opportunities for children to engage in play and recreation have a critical impact on a child's experience of detention. However, the detention environment brings with it inherent difficulties in providing adequate opportunity for play and recreation.

For example, unlike other children in Australia, children in detention cannot, with their friends or parents, visit cinemas, shopping centres, beaches or parks. The Department of Immigration and Multicultural and Indigenous Affairs (the Department or DIMIA) must take positive measures to overcome these difficulties in order to ensure that children are occupied not only during school hours but throughout the day.

On the one hand, the adequacy of the opportunities for play and recreation in detention can have an impact on children's mental health and development. On the other hand, the mental health of children can also have an impact on their interest and capacity to participate in activities offered in detention.

This chapter discusses the interaction of these factors and examines the efforts made by Australasian Correctional Management Pty Limited (ACM) and the Department to provide opportunities for play and recreation.

In particular this chapter considers the following questions:

- 13.1 What are children's rights regarding play and recreation in immigration detention?
- 13.2 What policies were in place to ensure appropriate play and recreation for children in detention?
- 13.3 What impact does detention have on the ability to enjoy the right to play and recreation?
- 13.4 What play facilities and equipment were available to children in detention?
- 13.5 What recreational programs were available to children in detention?
- 13.6 What excursions were available to children in detention?

Finally, the chapter provides a summary of the Inquiry's findings regarding play and recreational facilities provided to children in detention.

13.1 What are children's rights regarding play and recreation in immigration detention?

1. States Parties recognize 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.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Convention on the Rights of the Child, article 31

Rest and leisure, play, recreational activities and participation in cultural and artistic life, all of which are provided for in article 31 of the *Convention on the Rights of the Child* (CRC), are vital for the healthy development of the child.¹

The United Nations Children's Fund (UNICEF) *Implementation Handbook for the Convention on the Rights of the Child* (UNICEF Implementation Handbook), and the United Nations High Commissioner for Refugees' (UNHCR) publication *Refugee Children: Guidelines on Protection and Care* (UNHCR Guidelines on Refugee Children), provide a guide to what the rights under article 31 mean in practice. They also highlight that children in a refugee situation may require special measures to ensure the protection of their rights under article 31, on account of their vulnerability.² Article 22(1) of the CRC requires Australia to take such measures.

The right to rest requires that all children have adequate time for quality sleep and relaxation. The right to leisure extends beyond these necessities and includes having the time and freedom to do as one pleases.³ The right to play refers to unstructured activities free from adult direction, whereas recreation refers to structured activities undertaken for pleasure. Children should be able to choose for themselves whether to participate in play and recreational activities.⁴

Recreation activities can include sports, arts, science, films and games. Where recreation equipment is shared between adults and children, children should have equitable access to the equipment. Recreation facilities should always be provided in a culturally sensitive manner, and should ensure that girls have equal access.

The right to 'participate freely in cultural life and the arts' refers to a child's right to access developmentally appropriate artistic and community events.⁵

The quality of play and recreation is directly related to the environment in which it takes place. For example, children should be provided with safe and accessible play areas.⁶

Article 31(2) speaks of Australia's obligation to 'encourage the provision of appropriate and *equal opportunities* for cultural, artistic, recreational and leisure activities'.⁷

However, when children are in detention, their ability to engage in leisure activities and cultural life are automatically restricted. For example, children cannot choose

to go to the park or the cinema at will. They cannot decide whether or not to join the local football team or dance class. They cannot freely participate in the cultural life that occurs within Australia. Thus in order to ensure that children in detention can enjoy these rights on the basis of *equal opportunity*, there is an obligation on the Department, as the detaining authority, to take special measures to compensate for the restrictions that come with detention.

The principle of 'equal opportunity' in article 31 is very similar to article 28(1) regarding the provision of education. As discussed in Chapter 12 on Education, article 2(1) of the CRC reinforces this principle by requiring that there be no discrimination against children in detention. However, unlike education services, there is no clear comparison against which the recreational opportunities afforded to children in detention can be measured.

The UNICEF Implementation Handbook suggests that the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (the JDL Rules) are an appropriate guide to what special measures should be taken for children in detention.⁸ Rule 47 of the JDL Rules states:

Every juvenile should have the right to a suitable amount of time for daily free exercise in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile wishes, to arts and crafts skill development.⁹

Furthermore, rule 18(c) of the JDL Rules states:

Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

The UNHCR guidelines regarding unaccompanied children also suggest that:

Facilities should not be located in isolated areas where culturally appropriate community resources...may be unavailable.¹⁰

These rules set a low threshold for compliance with article 31. The rules also provide some guidance regarding compliance with article 37(c), which requires that children be treated with respect for their inherent dignity, taking into account the needs of their age.

However, it is important to note that play, recreation and participation in cultural life have a strong impact on a child's development and mental health. Through play, children learn social and personal skills such as negotiation, sharing and self-control. For child asylum seekers, play can help the child cope with what has happened to them, including past experiences of trauma or violence. Play can relax the child, relieve tensions, assist with the assimilation of learnt experiences and help the child function better within the family and the community.¹¹ For children in detention, play and recreation can help them cope with their circumstances. Article 6(2) of the CRC imposes a high obligation on the Commonwealth to ensure that children live

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in an environment which fosters 'to the maximum extent possible' a child's development. Article 39 also sets out the importance of a healthy environment to encourage recovery from past trauma.

A child's freedom to enjoy play and recreation is also an important factor to take into account in determining what actions will be in the best interests of the child (article 3(1)). For example, the ability to play and participate in cultural life may affect a decision regarding whether or not to detain a child, where to detain a child, or the conditions in which to detain a child.

13.2 What policies were in place to ensure appropriate play and recreation for children in detention?

The Department is responsible for ensuring that detained children have adequate opportunities to engage in play and recreation. Over the period of the Inquiry, ACM had a contractual responsibility to provide recreational services to children in detention on a day-to-day basis. Guidelines for ensuring that detainee children had access to play and recreation are primarily contained within the 1998 Immigration Detention Standards (IDS) and ACM policy.

The IDS applicable during the period of the Inquiry contain only one specific requirement regarding recreation programs for *children*:

Social and educational programs appropriate to the child's age and abilities are available to all children in detention.¹²

The IDS also contain general requirements for the provision of recreational and social activities to all detainees:

- 4.1 Each detainee is able to receive visitors except where the security and good order of the detention facility would be compromised.
- 4.2 Detainees have access to spiritual, religious and cultural activities of significance to them.
- 4.3 Detainees are provided with appropriate recreational activities.
- 4.4 All detainees have access to education, recreation and leisure programs and facilities which provide them the opportunity to utilise their time in detention in a constructive and beneficial manner.
- 4.5 Detainees are encouraged to participate in such programs.
- 4.6 Detainee programs are regularly evaluated.¹³

There is no requirement in the IDS to provide excursions to children in detention.

The core ACM policy governing provision of recreation is entitled, 'Recreational Equipment and Facilities'.¹⁴ Notably, this policy does not make any specific reference to the provision of recreation for children. It states that:

Detainees will be provided with appropriate recreational activities which will provide them with the opportunity to utilise their time in detention in a constructive and beneficial manner.¹⁵

The policy outlines the recreational equipment that should be available within each detention centre.¹⁶

The ACM policy does not place any obligation on centres to organise excursions from the centre but states that:

The Supervisor, in consultation with the Centre Manager and Education Officer shall regularly assess the possibility of external escorts to local attractions for all detainees.¹⁷

Excursions are 'subject to vehicle and staff availability'.¹⁸

ACM policy also specifies the recreational facilities that should be available to detainees in separation detention:

While in separation detention, detainees are to have reasonable access to the full range of detention facilities and services including food, health, welfare and recreation.¹⁹

They may also have access to suitable videos and reading material in languages used by major groups of detainees.

The Department Managers' Handbook, designed to assist the Department in monitoring the performance of ACM, makes specific comment about the provision of recreation to children, stating that '[c]hildren should have access to safe, secure areas where they can play without fear of harassment and a range of safe and useable equipment and resources both for educational purposes and recreation'.²⁰

Furthermore, the Handbook states that with regard to unaccompanied children:

care should be taken to ensure they enjoy at least the same access to sporting, recreational and leisure activities as children whose families are with them at the facility. They may also need additional activities, monitoring and support since they are without a close family network to nourish and encourage their learning.²¹

This chapter will discuss the challenges in providing effective opportunities for recreation and play to children in detention, and assess the provision of these facilities within detention centres.

13.3 What impact does detention have on the ability to enjoy the right to play and recreation?

The fundamental restriction on play and recreation is the deprivation of liberty itself. Children who are detained are limited in their ability to make choices about their play and recreation. For example, they are not able to choose to visit a local park, or visit friends. Their ability to choose who they play with is limited, and choices as to the kind of play in which they engage are restricted. Although there is evidence of some involvement in community sporting and recreational activities, this too is limited.²²

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The Inquiry found that there were three recurring themes regarding the impact of detention on play and recreation:

1. the physical environment
2. security concerns
3. children's mental health.

The following sections explore each of these three themes.

13.3.1 The physical environment

The Inquiry heard that the harsh physical environment, especially of the remote detention centres, has an impact on children's capacity to enjoy opportunities for play and recreation.

For example, a psychiatrist from the Australian Association for Infant Mental Health (AAIMH) stated that Woomera:

is a physically harsh environment with very poor opportunities for infants and children to play freely so enriching that environment may be one way of offsetting the stress, providing proper early child development enrichment tools, having proper facilities for enriching children's development, having facilities for parents to play with their children and having the freedom to do so.²³

However, she was also of the view that improving the environment would be 'tinkering around the edges and not getting to the fundamental issue and that is of the kind of environmental deprivation that is part of the detention structure'.²⁴

Another specialist told the Inquiry that he did not believe that an enriching environment could be created in Woomera:

You know we could get together and design a play-rich environment for children within the Woomera Detention Centre, but I would be very pessimistic about it being effective because of the context in which it is happening and because, really, I would feel pessimistic about implementing the good ideas that people might come up with.²⁵

This psychiatrist found that Woomera had:

cognitively impoverished conditions, with little opportunity for play and legitimate academic pursuits ... [and a] hostile and deprived physical environment with intimidating and ever-present security measures.

These factors contribute to the psychiatrist's conclusion that:

It is hard to conceive of an environment more potentially toxic to child development.²⁶

Similarly, a former Woomera Department Manager who worked at the centre between May 2000 and May 2001 told the Inquiry that the detention environment was difficult for children as it was a '[h]arsh physical environment and [there was] a lack of sensory stimulation (colours, smells, textures) such as plants, grass, play equipment, colour, smell that e.g. flowers would provide'.²⁷



Play area near the accommodation units at Woomera, June 2002.

In the remote centres there were no grassed areas on which children could play. Sport such as soccer, popular with detainees, had to be played on rocky dirt fields instead of on grass, thus increasing the likelihood of injury for children participating in the sport.²⁸ An unaccompanied boy, detained at Woomera until early 2002, told the Inquiry that 'when we played we badly hurt ourselves because of the rocks. It was very difficult for us'.²⁹

A former Woomera Activities Officer reported that the absence of grass has had a detrimental psychological impact on children:

Comments were often made by detainees regarding the absences of greenery, and how this contributed to their feeling sad. I recall taking a group of children on an excursion to St Michael's school in Woomera, when I took the children to the oval, the whole group became overexcited began laughing with delight and ran directly to the grass making comments like 'Play, play, play' – 'Very happy' – 'Run, run'. The children behaved as if they had never seen grass before. They did not want to leave the grass when it was time to go.³⁰

A family who were released from Port Hedland in February 2002 told the Inquiry that '[t]he little children used to sit and play in the sand'. One of the children told the Inquiry that '[m]e and my sisters and brothers we used to try and go out and play outside, but the sand was coming into the eyes and causing a lot of problems. It was very distressing for the kids'.³¹

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Although there is a small grassed courtyard area at Maribyrrnong, in May 2002 detainees told the Inquiry that a larger grassed area was reopened to detainees two weeks previously, after a period of two and a half years.³²

There are grassed areas at the Woomera Residential Housing Project, grassed communal areas within the Baxter compounds, and open grassed areas at Villawood.³³

13.3.2 Security

A report by the South Australian Department of Human Services outlines the impact of the need to have play facilities in locked compounds:

There is no normality for the children, even in play. A child cannot just decide to ride his bike because that is a limited activity, controlled by the availability of staff to arrange and supervise. There is no grass for the children to play on; there are no trees for them to climb. For the youngest children, they cannot go to the 'playground' when they want to as this is only accessible for certain hours during the day. There are very few toys and the kindergarten room has scarce resources.³⁴

This is especially problematic when play equipment or friends are located in different compounds. For example, in Woomera in June 2002, some children were restricted from going into the Main Compound to use facilities there.³⁵

Riots and disturbances within detention centres also interrupted recreational activities. For example, the Curtin Department Manager reported that in April 2002:

A planned camp to Broome had to be postponed as a result of the riot. Videos and equipment are limited at present due to the looting and damage during the riot.³⁶

A former ACM Activities Officer who worked at Woomera during 2001 also reported that:

During disturbances all activities and education ceased. They only recommenced a few days after the disturbances. There were countless disturbances while I was employed at the Woomera IRPC and they could last for 5 or 6 days during which time everyone was kept locked in their compound.³⁷

The Department informed the Inquiry that it 'accepts that on occasion the provision of recreational activities and excursions has been affected by incidents such as the destruction of buildings during protests and other security concerns'. The Department continued:

Excursions and activities may be cancelled or postponed for reasons pertaining to the safety and security of detainees and the facility. ... in ensuring the safety of children and others who may inadvertently be involved in a disturbance, from time to time officers may be relocated and therefore not available for escort or supervision duties for excursions. This is a decision that is taken with the overarching principles of safety and security in mind.³⁸

In response to the disturbances at Woomera in 2001 the Department also noted that:

Notwithstanding the difficult circumstances facing the department and the services provider at the time, the maximum available infrastructure and resources were being utilised to provide recreational programs to detainees, including detainee children. That this service provision was challenged by the destruction of buildings and the arrival of large numbers of unauthorised arrivals, are contextual factors that, in all fairness, the Inquiry needs to take into account in assessing the provision of recreational services to detainee children ...³⁹

Although ACM policy states that children held in separation detention should have access to recreation, the Inquiry heard that this access was limited.⁴⁰ For example, a teacher who worked at Port Hedland between August 2001 and April 2002 stated that detainees were only allowed to go outside for between one and two hours per day while in separation detention at Port Hedland.⁴¹ One family from Port Hedland reported that they were in separation detention for seven months, and that they were only allowed outside for a short period of time per day.⁴² Former child detainees confirmed these restrictions. One child said that '[d]uring the first two months at the camp each day we only came out for two hours, and all day we spent in our rooms'.⁴³ Another said that:

For just one hour in the morning we come out of the room to see the sky and one hour in the afternoon. And then the doors closed, locked in. I could visit friends in other rooms but not go outside ... We had one small TV for 17 or 18 people ... for one or two hours, we have ball to play ... but very small place to play and, if we kicked the ball out, we ask the officers, "Could we have the ball please?" and they would say, "No. Why did you kick the ball out?" (Unaccompanied teenage boy)⁴⁴

While the Inquiry acknowledges the need to deal with disturbances in detention may take short-term priority over the provision of recreation opportunities, the Department must endeavour to overcome these difficulties to ensure appropriate recreational opportunities are provided.

The impact of security issues on excursions from detention centres is discussed in section 13.6.6 below.

13.3.3 Mental health

The long-term detention of children creates a vicious circle regarding mental health and recreation. The Inquiry heard that on the one hand the deprivation of liberty places restrictions on a child's ability to choose where, when, how, what and with whom they play and this impacts on their mental health and development. On the other hand, the deprivation of liberty itself impacts on their mental health generally and this affects their interest in any activities that are offered to children. This issue is discussed further in Chapter 9 on Mental Health.

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For example, a mother detained at Port Hedland told the Inquiry that detention had impacted on her child's capacity to play: 'my younger son was a very good drawer or painter, but now he just draws lines and lines'.⁴⁵ The child told the Inquiry that there is nothing to draw but the fence.

Furthermore, a family from Woomera, told the Inquiry that their young daughter occasionally engaged in inappropriate play: 'Even when they play with the toys or they don't have good playing and good normal with the toys, it's just hitting/hating and swearing and they talk about "I make problem, I do problems"'.⁴⁶ This mother went on to say that:

All the time she seeks excuses and tells me "I hate myself, I hate my clothes, and I hate this room and please take me to another place, take me to the park, to the cinema" or something like that and I can't.... Yes, they are here too many kids but they don't have normal playing together, all the time they have accidents and they fight together and swear together and they play with wood and rocks and something like this. And when we come back to our room, she doesn't feel like playing with her toys.⁴⁷

A psychiatrist with experience regarding the impact of detention reported to the Inquiry that the mental health of children, teenagers in particular, prevents their participation in education and recreation, and expressed pessimism about improving what was offered in the centres:

I think within that environment it is very difficult for teenagers to focus on either learning or to become involved in other kind of more constructive recreational activities.

There is a kind of listlessness and an aimlessness which pervades the whole group so that even – yes, I think that one of the things that needs to be recognised is that there are very severe constraints on the extent to which you can improve conditions within the centres in their current state so that it is not simply a matter of putting in more resources, making more recreational opportunities available, making available a bigger and more effective mental health or medical team. None of that deals with the fundamental problems that lead to these difficulties.⁴⁸

ACM documents provided to the Inquiry suggest that children were too depressed to participate in recreational activities. For example, the minutes of an Unaccompanied Minors Meeting from Port Hedland in November 2001 state that:

[t]he UAMs were asked what activities they participated in within the centre. Their response was that they are generally too worried about their applications and families overseas to be concerned about activities within the centre.⁴⁹

Similarly, January 2002 minutes of a meeting with unaccompanied children at Port Hedland suggest a connection between uncertainty regarding their visa processing, detention, and a lack of interest in recreational programs:

DIMIA ASS MGR: It can take a long [time] to go through the process of getting a visa, so how can we make [it] better for you in the centre while you wait?

Silence from the group.

PSYCHOLOGIST: If we could get activities like woodwork would this be alright ... would this be better?

UNACCOMPANIED CHILD: If you here long time you don't know your future what can you do?

UNACCOMPANIED CHILD: Nothing, it's too confusing.

Silence from the rest of the group.⁵⁰

The mental health of parents is also a significant impediment to a child's ability to enjoy recreational opportunities. For example, a psychologist with extensive experience in working with detainee families reported to the Inquiry the story of a mother who could not play effectively with her children:

She says sometimes she can play with her children but sometimes she doesn't feel able to and I think very poignantly she says how she tells – tries to tell her children stories which her own parents told her to try and maintain some kind of family tradition but she is forgetting these stories. She is forgetting them because her memory and concentration have become very poor so she is talking about becoming bereft of her own culture and not being able to impart that to her children.⁵¹

Similar evidence was provided to the Inquiry by a medical practitioner who worked at Woomera between October 2000 and June 2001:

When I was there we worked very hard with the children to give them play facilities and developmental activities and we worked very hard with the parents to try to bolster their moods but it was very, very hard because again, I stress, they did not know the status of their visa application and therefore although facilities were available to the children, play facilities, school facilities, the parents would not want to take them.⁵²

Finally, the Inquiry heard many reports that children who were taken on excursions from the centres became more depressed upon their return:

A common reaction when returning children to the centre after excursions was sadness, children becoming withdrawn and sullen. This was particularly the case for long term minors. Early in January 2002, I was returning to [Woomera] from an excursion with a group of long term minors. Three girls pleaded with me not to take them back to the centre, they cried when they realised I had to return them. This behaviour was reported informally and formally by other programs staff returning children to [Woomera] after excursions and most often involved long term minors.⁵³

13.3.4 Findings regarding the impact of detention on play and recreation

The Inquiry finds that a combination of the deprivation of liberty itself, the physical environment of detention, the security measures used in detention centres and mental health concerns all affected children's participation in play and recreation.

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The harsh physical environment and absence of grass in remote detention centres significantly affected the nature of recreational activities that could be undertaken, and generally had an impact on the psychological well-being of children.

Security measures impacted on children's ability to engage in play and recreation. For example, the fences between accommodation and recreation areas created physical barriers between the children and play equipment. Furthermore, riots and disturbances taking place in the centres significantly interrupted access to recreational activities and equipment.

However, the most serious barrier to full enjoyment of play and recreational activities for children in detention was the impact that detention had on their mental health. This created a vicious downward cycle. On the one hand, long-term detention contributed to depression and a lack of enthusiasm for play and recreation. On the other hand, inadequate play and recreation opportunities contributed to the poor mental health and development of children in detention.

The seriousness of the impact of all of these factors increases the longer that children are in detention.

13.4 What play facilities and equipment were available to children in detention?

The availability of appropriate play facilities and equipment is critical to children's ability to exercise the right to play, particularly in facilitating unstructured and spontaneous play.

13.4.1 Playground equipment

At the time of Inquiry visits, all detention centres had some playground equipment. However, it appears that the provision of playground equipment at Woomera did not occur until late 2001, nearly two years after the centre opened in November 1999.

The Woomera Department Manager's report of March 2000 states that '[c]omprehensive recreation facilities are difficult due to the overcrowding and the on-going development of the general compound'.⁵⁴ The report from December 2000 states that there is a '[l]ack of adequate playground for children'.⁵⁵

The former Department Infrastructure Manager who worked at Woomera from November 1999 to December 2000 said that the delay in installing the playground equipment was connected to issues of legal liability:

Playground equipment that had been dismantled from the town had been made available to the [detention centre] but it sat dismantled for many months because ACM had concerns about legal liability in the event that children were hurt. Ultimately DIMIA insisted that it be put up to give children something to play on. It was modern, plastic equipment that had been in use until recently in the town before the downturn in Woomera's population made it surplus to requirements.⁵⁶

A former ACM Operations Manager who worked at Woomera from May 2000 to June 2001 confirmed that liability was an issue for ACM. He also told the Inquiry that cost had a role to play in decisions regarding the extent of recreational facilities:

When they started building – like in November [2000] – compounds, there were big plans to have playgrounds and grassed areas in place and it didn't happen because of the costs. They could never agree on how much it should cost or how much money should be spent and I remember arguing with them several times, and I wasn't the only one. The Centre Manager at the time was arguing as well, and program staff were arguing, but it didn't happen.⁵⁷

A psychologist who worked at the centre from September 2000 to January 2002 also said that at first:

There was no grass and no adequate recreation facilities for children. In the latter part of last year [2001] some playground equipment was finally erected. Some lip-service was given to making the environment better, and token gestures such as the painting of buildings and planting trees were made, but the basic situation remained unchanged.⁵⁸

A woman detained at Woomera in early 2001 reported to the Inquiry that there was no playground equipment when she first arrived at the centre, that it was being built.⁵⁹ Furthermore, the family of a pre-school-aged child detained at Woomera told the Inquiry that there was no adequate play equipment for their daughter when they arrived in the centre in August 2001:

One year ago that we came to detention, most of the time my little girl complained to me that 'Father, I am really bored, I want to go outside and play'. There was no facility there, nothing, no playground, nothing, just red soil, so just I took her hand and walked around the fences, nothing for little kids that ask to enjoy also, there is nothing.⁶⁰

The problems with play equipment at Woomera appear to have been ongoing. The Woomera Department Manager's report from March 2001 noted that 'Better facilities [were] needed for improved play opportunities' for infants and young children.⁶¹ The Department-ACM Contract Operations Group meeting of April 2001 reported that 'ACM requested playground equipment proposals for Woomera start-up be accepted. DIMA agreed that the proposals will be examined and given early consideration'.⁶² This confirms that there was inadequate play equipment in the centre at this time, 18 months after the centre's opening. The Department informed the Inquiry that the 'installation of modern playground equipment at Woomera IRPC, suitable for a wide range of ages, was substantially completed by September 2001'.⁶³ This was nearly two years after the centre opened.

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Playground equipment at Woomera, June 2002.

The Department suggested to the Inquiry that:

this was a period when the sheer volume of unanticipated unauthorised arrivals meant that the department's focus was to ensure that all were provided with the necessities – adequate good quality food, comprehensive medical services, safe, clean accommodation, adequate ablution facilities, clothing and footwear. The demand for a rapid response required the department to focus on these practical aspects of managing detention before attending to improving facilities, amenities and services and the development of more comprehensive educational and recreational programs.⁶⁴

The Inquiry does not accept that the circumstances were such as to justify a two-year delay in the installation of play equipment at Woomera.

It appears that there was greater provision of recreational facilities within the city detention facilities. For example, the Inquiry received the following report on the facilities at Maribyrnong in August 2001:

Children have access to a grassed area known as the courtyard. The playground contains a swing set, treadmill, sandpit, small exercise trampoline, and outdoor furniture.⁶⁵

The Inquiry did not receive any evidence about the provision of playground equipment at Port Hedland or Curtin. However, it did observe equipment during its visit in June 2002.

13.4.2 Toys

It appears that there were, on occasion, an insufficient number of toys for children in detention centres. The Department informed the Inquiry that:

all toys are subject to wear, tear and loss. Replacement of toys was undertaken but was not always immediate, as to some extent replacement was dependent upon the availability of supplies whether in the local community or further afield. New toys sometimes took weeks to arrive. The department queries whether the gaps or delays in acquiring new supplies were outside the spectrum of community norms.⁶⁶

In early 2001, concerns were raised at the Contract Operations Group meeting about the frequency with which toys were purchased by ACM. In April 2001 '[i]t was agreed by both parties that toys must be regularly replenished, as they tend to go missing over time'.⁶⁷

Staff at the Woomera Residential Housing Project appear to have taken action to ensure equitable provision of toys in November 2001:

Many toys have been "disappearing" as each family leaves. As families left they would pass their toys onto another family and some families ended up with an excess of toys whilst new families had only a few. In order to address this, all toys were removed from the houses, a list was made of all programmes toys (attached), and then toys were redistributed to families in a more fair and age appropriate manner. As families are released their list of toys is collected, ready to be distributed to newcomers.⁶⁸

There is also evidence that toys were purchased and replaced at certain points of time at Woomera. For example, an ACM report of August 2001 states that '[a]n order of toys for babies and toddlers has been received and put into the Kindy', and an ACM memorandum of 23 November 2001 refers to the purchase of toys to replace those destroyed by fire in the centre.⁶⁹

Children detained at Port Hedland reported that sometimes there were 'no toys, no games, no ball for the kids'.⁷⁰ In another example, a father from Curtin told the Inquiry during the visit in June 2002 that toys had only been provided recently:

Since we came here, we did not have any toys, maybe just the last three months so, they start to get some toys to the children.⁷¹

The children's mother reported that there were toys in the centre earlier, but that the children had very limited access to them:

At the beginning they used to go to school, they would go to school for half an hour and then for another half hour they would have some toys, they would play with toys and then they would take toys away.⁷²

13.4.3 Sports equipment

The Department's submission states that sports equipment was located in every centre. Inquiry visits confirmed that this was generally the case, but that there were shortages at certain times. Furthermore, children did not always have access to the equipment that was on the premises.

A former Activities Officer from Woomera, employed from May 2000 to January 2002 told the Inquiry that:

One significant problem with equipment and resources for activities was that because of property damage during disturbances and through wear and tear (such as cheap soccer balls on the stony ground), things would no longer be available and were not always replaced.⁷³

This Activities Officer noted that children sometimes had problems getting access to the equipment:

there were soccer balls, volley balls, basketballs, badminton, table-tennis, all those things, and the children's play equipment ... they could only access it when we were on duty, either the Activities Officers or the Welfare Officers.⁷⁴

Access was generally only between the hours of 10am and 4pm.⁷⁵ Similarly, a family detained at Curtin told the Inquiry in June 2002 that they were not able to access sports equipment after 4pm in the afternoon.⁷⁶

The Department informed the Inquiry that:

in taking operational security requirements into account, the services provider requires that at some centres sporting equipment be available during certain daylight hours only. This policy is implemented with the safety and security of detainees and staff in mind, and hours of availability sometimes fluctuated seasonally. For example, due to high daily temperatures during summer months in north Western Australia, sporting equipment was generally available from 6am at Port Hedland IRPC.⁷⁷

The Inquiry heard of an instance where bicycles were provided for use by detainees at Curtin, but only for a short period of time. A family from the centre made the following comments:

For example, there was a time they brought some bicycles for the children here. For example when they brought this bicycle for two weeks the children they just had rounds, like two rounds in these two weeks and some pictures and within the ACM books, that's all.⁷⁸

In a meeting with ACM and Department officers during a visit to the centre the Inquiry was told that the bicycles were brought into the centre by the police for a road safety visit and then taken out again.⁷⁹

In its submission to the Inquiry, the Department lists children's bicycles amongst the sporting equipment available to children at Villawood.⁸⁰ However, during the

Inquiry visit to Villawood, detainees informed the Inquiry that bicycles in the centre were in fact privately owned.⁸¹

It appears that the provision of sports equipment at times took priority over the provision of equipment for other recreational activities. For example, the Port Hedland Department Manager's report of December 2001 noted:

The limited funds allocated for activities is almost all spent on soccer and table tennis balls each month, with little or no provision of even basic materials such as pencils, paints, paper, fabric, thread etc for non-sporting activities. This is an ongoing source of frustration to detainees wishing to engage in meaningful activities other than sport. The problem would be even more serious were it not for regular donations of materials and equipment such as sewing machines.⁸²



Sports hall at Baxter, December 2002.

13.4.4 Television and audiovisual facilities

The Inquiry has received varied reports about the availability of television and audiovisual equipment between immigration detention centres and over time.



Television viewing area at Curtin, June 2002.

In some instances it appears there were insufficient television and audiovisual facilities and poor access for children. For example, children detained at Port Hedland in June 2002 reported that they had to wait until the adults had finished watching their programs before they were allowed to watch theirs.⁸³

The Inquiry heard that there was adequate access to televisions at Woomera, but reduced access at Baxter. By 2002, at Woomera each donga (which housed several families) contained a television. However, in Baxter television facilities had to be shared between detainees in an entire compound. Detainees could have their own televisions in their rooms if they purchased them, however, there were no antennae facilities in individual rooms. A detainee family told the Inquiry that:

In Woomera we had access to a few TV channels SBS, ABC, and we had access to satellite channels, but here unfortunately and you know that in Woomera in every donga [dismountable sleeping quarters] we had TV and video set, but here we have not. Here we have only TVs in the recreational rooms.⁸⁴

The father of this family said that it was difficult for children's programs to be screened in recreational rooms as other programs took priority.

The parents of another family reported that reduced audiovisual facilities at Baxter had a detrimental impact on their children:

At least in Woomera we had a television. He could watch television all night, he was sitting and watching movies, but here he regrets that he came here because there's nothing ... here it's only one channel and it's not clear. When we tell them they say if you want to go and buy yourself a television.⁸⁵

When the Inquiry visited Baxter in December 2002, the ABC was the only channel available, and this had extremely poor reception.

The Department informed the Inquiry that:

The Department does not agree that the expectation that televisions and videos would be provided in individual living quarters at Baxter was a realistic one. Local free to air television channels, including ABC, are available at Baxter. However, as the reception at Baxter is poor, an Austar television satellite service (31 channels) is provided with four televisions in each compound for use by detainees. This provides sport, movies, news, entertainment and documentary channels.⁸⁶

Another issue with regard to audiovisual equipment is the appropriateness of the material viewed by children. Some families felt that their children were being exposed to inappropriate audio-visual material. For example, one mother from Baxter told the Inquiry that:

video games ... have been brought in and they're all for the children. The children are playing video games all day and there is a lot of violence involved and she's finding that the children are learning these traits and are trying to emulate what's happening.⁸⁷

This concern was also mentioned to the Inquiry by parents at other detention facilities. The Department emphasised that parents and guardians in detention are responsible for monitoring the activities of their children.⁸⁸

13.4.5 Findings regarding play facilities and equipment

The Inquiry finds that there was playground equipment in all immigration detention centres in 2002. However, the Inquiry is concerned about the two year delay in installing the playground equipment at Woomera. This suggests that the provision of play facilities in Woomera, where many children were detained, was a low priority for the Department.

The Inquiry also finds that toys and sporting equipment were generally provided in all centres. However, there were times when there were insufficient numbers of toys to meet the needs of children. Similarly, sporting equipment was not always replaced when damaged and in some cases was only available during limited hours.

Finally, access to television and audiovisual facilities varied between centres. While in some centres there was adequate access, in others there was some competition for children to watch the television. Access to audiovisual equipment was particularly problematic in Baxter in December 2002.

13.5 What recreational programs were available to children in detention?

For children to draw full benefits from play and recreational opportunities they need structured and resourced recreational programs in addition to opportunities for free play.

The Department states that there are organised recreational and social programs available to children at all centres, but that these vary, depending on 'the number of children, the skills and interests of the children, the skills and capabilities of the activities officers, and the local attractions and environmental factors'.⁸⁹

Common elements, however, are celebrations of birthdays, arts and crafts classes, recreational videos after school and on weekends, organised sporting activities, supervised access to computers, and excursions outside the facility.⁹⁰

Recreational programs were offered in all detention facilities, usually by Activities Officers with relevant expertise. The Department's submission contains extensive lists of recreational programs offered within detention centres, stating that:

The following range of activities were provided across the network of all immigration detention facilities, as at February 2002:

- drama
- cooking
- roller-skating
- jewellery-making
- dances and singing
- concerts
- discussion groups on topics such as 'Australian life'
- regular sports games such as netball and soccer.⁹¹

The Inquiry has received varied reports regarding the availability of these programs, both between centres and over time.

The bulk of documentary evidence provided to the Inquiry about recreational programs, concerned Woomera. Very little evidence was provided regarding Port Hedland or Curtin.

The Inquiry encountered some difficulties in determining exactly what recreational programs were offered to children in detention at any specific point in time. In particular, the Inquiry has been faced with discrepancies between official reports of activities and accounts by detainee children; and within program reports provided by ACM. This section discusses some of those difficulties and then goes on to assess what opportunities were provided, on the basis of the evidence before the Inquiry.

13.5.1 Difficulties in determining what recreational programs were offered to children in detention

The Department's submission lists the recreational facilities and programs available in each detention centre as at 31 January 2002.⁹² The Inquiry sought to verify the accuracy of those lists by showing them to detainees during its visits over 2002. Children and their parents overwhelmingly denied that these were accurate lists. In fact, many detainees had not even heard of some of the activities.

During the Inquiry's visit to Curtin in June 2002, ACM Programs staff reported that jewellery making and parachute exercises were two of the activities offered by staff at that time. Once again, when detainees were asked whether they had participated in those activities, the detainees denied having any knowledge of such activities.⁹³

The Inquiry acknowledges that there was some time lag between 31 January 2002 and the date on which the lists were shown to detainees. This may have meant that some detainees had forgotten that those activities were available at the time. Nevertheless, the consistency of the denials raises serious doubts as to whether those lists were an accurate representation of the activities that were conducted in the centre at that time.

The 2001 Joint Standing Committee on Foreign Affairs, Defence and Trade Report on Detention Centre Visits also notes that the range of recreational activities, at Curtin in particular, was not as extensive as claimed by ACM.⁹⁴ The Committee found that the pattern in the detainee statements across all the centres could not be ignored, and therefore that the 'range of activities was not adequate for the number of detainees, especially for children and older children in particular'.⁹⁵

The Inquiry required ACM to produce the Detention Services Monthly Reports, from January 2000 to December 2002. From early 2001 these reports included lists of recreation programs and attendance rates.

A close analysis of these documents revealed a sufficient number of discrepancies to call into question the reliability of the reports. In particular, the ACM reports from Curtin and Port Hedland raised some concerns.

For example, the records regarding the activities at Curtin are identical for every month between January 2002 and August 2002 (except for February 2002, when no list was supplied). The reports claim that there were the following recreational activities and participation rates for each of the seven months:

- Toys to enhance fine motor skills – 11 [children]
- T-ball equipment – 10
- Parachute – 11
- Netball – 6
- Jewellery making – 6
- Needlework – 6
- Art/Craft/Plaster crafts – 8
- Videos – 20⁹⁶

A last resort?

In the Inquiry's view, it is unlikely that the participation rates for these activities would have remained identical when the numbers of children detained in the centre progressively decreased from 60 in January 2002 to 29 in August 2002.⁹⁷ ACM did not offer any conclusive explanation for this discrepancy.⁹⁸

The Port Hedland ACM report for February 2002 notes that 55 children attend soccer training *daily*. This report also states that the average participation *per day* in preschool, 'weekly excursions to fishing, swimming or school excursions' and 'after school activities such as sports, arts and crafts' is 71 children. However there were only 49 children detained at the centre at the time.

The March 2002 Port Hedland report also states that 71 children participated per day in the excursions and after school activities, but there were only 33 children in the centre. In April and May 2002, 30 children were said to have participated in the activities but there were 13 and 11 children detained at the centre respectively.⁹⁹

The accuracy of these ACM reports is of particular concern to the Inquiry because the Department appears to rely on these same reports in order to monitor the provision of recreation programs. For example, the list of recreational programs and attendance numbers in the Department's submission to the Inquiry is clearly based upon the ACM Detention Services Monthly Reports from the ACM Centre Managers for each facility.¹⁰⁰

The Department informed the Inquiry that inconsistencies in reporting were raised at the Contract Operations Group meetings in July, August and September 2002. It also reported that:

In August 2002 departmental staff at the centres commenced verifying certain information in the Amenities Table [table of activities provided in the ACM reports] in a further effort to ensure accuracy.¹⁰¹

Although this is appropriate action regarding assessment of the service provider's performance, it had not occurred at the time that the Department made its submission to the Inquiry.

The following sections evaluate the recreational programs available to children in detention. It is important to note that the ACM documents relied on below are centre-specific documents, rather than the Department's submission or the monthly reports noted above. The Inquiry believes the centre-specific documents to be more reliable.

13.5.2 Woomera

Monthly ACM Programs Overview documents from Woomera were provided for most of 2001, listing the programs available to detainees. For example, the April 2001 Programs Overview reports many specific activities for children, including:

- Unaccompanied Minor Activities, Recreational (Sporting Competitions)
- Behaviour Reward Therapy Children and UAMs
- Children's Special Sport
- Juvenile Band

- Children's Song and Dance
- Children's Journey, Journal and Creative Drawing, Poetry and Writing
- Children's After School Club, Diverse Variety Games and Activities
- Young Infant Care Program (Mothers and Babies) Diverse Variety Games and Activities
- Young Female Adult Program i.e., Emotional Support and Medical Issues
- Children's Birthday Parties.¹⁰²

Similar lists are found in each of the monthly ACM program reports from Woomera. The April 2001 report noted that there was a 'lack of grassed areas for sporting events'.¹⁰³ This observation was repeated in reports of May, June, August, and September 2001.

An 'After School Club' was developed at Woomera in early 2001. In January 2001, between 30 and 50 children attended this club daily. However, the Youth Recreation Officer noted several significant barriers to its operation, including a 'highly unsuitable and inadequate venue', 'excessive heat in a small demountable building', that the 'venue is appallingly small', and that there is a 'lack of safe area for sporting activities'. The memo requested that '[a] much needed grassed area for playing sport and outdoor recreation' be provided.¹⁰⁴

A former Activities Officer from Woomera, between January 2001 and January 2002 said that the level of activities available to children varied over the year she was there, depending on staffing levels and numbers of detainee children.¹⁰⁵

The November 2001 minutes of an ACM meeting regarding unaccompanied children noted serious staffing shortages:

Activities Officer Two said that she had been working in November Compound for nine and a half weeks. Sometimes she had between 70 and 80 children in her care. She assumed that this was [how] things were and tried to do the best job that she could under the circumstances.¹⁰⁶

A doctor who worked at Woomera in August 2001 and January 2002, reported that:

the adolescents were very vulnerable because at that time there was no provision made for them. There were no recreational facilities, there were no resources for them other than a couple of televisions and therefore there was simply nothing for them to do all day.¹⁰⁷

Furthermore, when Action for Children in South Australia conducted interviews with families detained in Woomera in January 2002, they found that the absence of recreation programs was a common complaint:

One of the issues most frequently raised by families was the lack of sufficient leisure and recreational activities. Parents of younger children indicated that there was a dire shortage of toys and play equipment. There is very little access to art supplies.

Adolescent girls complained about their inability to pursue hobbies such as sewing and tapestry work. Young men stated their frustration at not being able to play sports such as basketball. Adult families [*sic*] members were interested in having access to board games such as chess.

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Parents were very aware that the paucity of leisure and recreational activities meant their children had no physical release for their pent-up energy and that the lack of access to hobby and craft materials meant there was little ability for children to develop their creativity. All of the parents interviewed expressed concern for their children's ability to develop intellectually, physically as well as emotionally.¹⁰⁸

A father of children detained at Woomera told the Inquiry in June 2002 that his children were prevented from playing with computers which was all that they were interested in:

Nothing to do for older kids, just they do some painting. They don't use any computers – they say 'you're a child, you're not allowed to go' to the compound where the computers are. The computers were just for the men, not for the children.¹⁰⁹

13.5.3 Other centres

It appears that more extensive recreational programs were available at the city immigration detention centres, Villawood and Maribyrnong. This seems to be because there were many more outside groups who were permitted to conduct their own programs with children in detention.

For example, the Inquiry received evidence from Villawood that during April 2002, a group called Youth with a Mission visited weekly, providing 'various arts, crafts, recreational, leisure and sporting activities', and that Project Crayon visited twice weekly providing 'arts and crafts, simulation type games, [and] educational development programs'.¹¹⁰

Activities reports regarding recreational programs offered to children at Maribyrnong during 2001 indicate that regular art and craft activities, cooking lessons, and other activities were provided. For example, the July 2001 report from the centre states:

Other activities participated in by the children within the centre included art and craft, where the children made their own 3D paintings involving shoe boxes, cardboard and string, they are currently displayed in the family area. Cooking was also a very popular activity, not only for the children, but also for those detainees who ate the delicious results.¹¹¹

The September 2001 report states:

As a result of pre-school children living in the centre having limited opportunities for interaction with children of their own age, the Counsellor and I have commenced taking the children to "storytime" at the local library once a week. The first session proved to be very exciting for the children, with stories, singing and an art and craft activity. They can't wait to go back next week.¹¹²

13.5.4 Findings regarding recreational programs

There are significant discrepancies between detainee reports and official reports regarding the availability of, and participation in, recreational programs. However, the Inquiry prefers the view of detainees as there are significant inconsistencies in the ACM reports and a high level of consistency in detainee accounts. This leads the Inquiry to find that recreational activities provided were fewer than those listed in the Department's submission.

The Inquiry finds that individual staff members went to considerable efforts to try and provide recreational programs to children. However, in Woomera in particular, there were periods of time during which those programs were unable to meet the needs of children in detention. This was primarily due to understaffing and inadequate facilities and equipment. More programs appear to have been offered in Villawood and Maribyrnong due to greater access to community groups and facilities.

The Inquiry did not receive sufficient evidence regarding Port Hedland and Curtin to make a finding about the recreational programs that were offered there.

13.6 What excursions were available to children in detention?

Excursions are extremely important for children in detention. It is their opportunity to see and experience normality. The importance of excursions is recognised by the Department:

Such events are important for children to vary the routine of the facility. It allows them to experience a range of activities which are not available within a detention facility ... For example, excursions are arranged on a regular basis to local parks, swimming pools, and local attractions.¹¹³

As one former detainee child told the Inquiry that '[i]t was like new life for us when we went out of the centre'.¹¹⁴

Evidence provided to the Inquiry indicates that there were significant efforts in some centres during certain periods to organise excursions for children. The Human Rights Commissioner noted some of these efforts in his report on visits to immigration detention facilities in 2001.¹¹⁵

Evidence from detainees, ACM and Department documents suggest variations in the number and frequency of excursions offered to children, both between centres and over time. The Inquiry is also concerned that, on occasion, when excursions were offered to children in detention, only a small number of those detained did actually participate.

13.6.1 Woomera

During the Inquiry's visit to Woomera in June 2002, children detained at the centre reported infrequent opportunities to participate in excursions.

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For example, children from one family reported that they had travelled to Port Augusta once in 15 months and that they had only been taken on excursions in the last two months.¹¹⁶ A twelve-year-old boy, detained for 14 months, reported going on excursions outside of Woomera only two or three times – to Roxby Downs and to visit a sheep station – and that these excursions had only commenced in the last few months.¹¹⁷ Another twelve-year-old boy, also detained for 14 months, reported that he had been on four excursions in eighteen months: swimming, Port Augusta, Roxby Downs and fishing.¹¹⁸

Other children who were detained at Woomera during 2001 and early 2002, reported that they had been taken on excursions to Breen Park (the local park) and the swimming pool in Woomera town, but that this was the limit of the excursions. One unaccompanied child told the Inquiry that in four months of detention during 2001 he was taken to Breen Park twice.¹¹⁹ Other unaccompanied children detained at Woomera until early 2002 told the Inquiry that they were taken to Breen Park twice and swimming in Woomera once.¹²⁰ Another child detained at Woomera in early 2001, told the Inquiry that '[w]e had to remain at the camp site all the time, and in the 3.5 months I was there, only once were we allowed outside to a park'.¹²¹

These reports conflict with the 'Minors Management Plan' from March 2001, which states that '[a]ll detainees including children are taken on excursions on a weekly basis. Some places they are taken to are, Breen Park, Youth centre, Bowling centre, and the Swimming Pool'.¹²²

ACM documents indicate that excursions were organised in late 2000. In October 2000, children are reported to have visited a cinema in Woomera.¹²³ Similarly, a November 2000 memo states that:

Children visited the Woomera Cinema with 13 children attending and 4 staff assisting. Two outside BBQ's have been attended and one trip to the swimming pool. More outings to progress in the month of December. These activities are very popular.¹²⁴

The December 2000 ACM programs report states that women and children visited the swimming pool in Woomera.¹²⁵

The January 2001 ACM programs report states that '[t]his month has brought about many changes through 5 new boat arrivals'; however, there are no reports of any excursions.¹²⁶ The February 2001 report states that '[e]xcursions have continued, however detainees have only been able to visit the Breen Park facilities till further notice from DIMIA'.¹²⁷ The March and April 2001 reports state that there are excursions, but do not specify what type. The May 2001 report notes excursions to 'Breen Park, Bowling, Local School Gymnasium'.¹²⁸ In the June and August reports there are no reports of excursions. In September 2001, external excursions are mentioned but there is no explanation of the number or type of excursions.¹²⁹

The October 2001 ACM programs report states that the 'UAMs went on an excursion to Breen Park' and that '[a] group of 11 long term children from the Main Compound

went on an excursion to Roxby Downs to Wendy's Café having hotdogs and ice-cream, followed by play time at the park'.¹³⁰ In November 2001 it is reported that 'Long term minors visit Roxby Downs for Wendy's Ice-cream and dogs; UAMs Woomera swimming pool then BBQ at Breen Park; Thirty (30) children Woomera to visiting circus'.¹³¹ The December 2001 report states that an excursion to St Barbara's School in Roxby Downs had been organised.¹³²

It appears, therefore, that between January and September 2001, most excursions were to a park in Woomera township, with limited other excursions from the centre. During this time there were large numbers of children detained at Woomera.

The number of excursions offered to children increased during 2002, particularly to the swimming pool. The ACM programs report from January 2002 states that '[o]ver the past month, all children in the 5-12 year range have had the opportunity to attend swimming'.¹³³

ACM meeting minutes from May 2002 note that 'children had three excursions this week. The sheep shearing, drama group and the science fair. This was held in conjunction with the Woomera area school, and was very successful, the children interacted well'.¹³⁴

When the Inquiry visited Woomera in June 2002, ACM staff reported that they aimed to hold excursions from the centre every week, and that in the previous two months excursions had been taken to Port Augusta to go fishing, to a sheep station, to Woomera Area School and to Breen Park.¹³⁵

13.6.2 Port Hedland

Children formerly detained at Port Hedland told the Inquiry that they were offered very few opportunities to leave the centre. An unaccompanied child, detained at Port Hedland between March and August 2000, told the Inquiry that he did not leave the detention centre at any time.¹³⁶ Another unaccompanied child told the Inquiry that he was not taken out of Port Hedland during the seven months that he was detained.¹³⁷

The October 2001 Department Manager report notes several problems with the excursions program:

In general, a broad range of activities is provided. Lack of proper management and supervision of programs, however, as previously reported, is an ongoing problem. One outcome of this is that some residents are well-catered for whereas others are overlooked and may miss out entirely. For example some detainees have been taken on several excursions/activities outside the Centre, whereas among the unaccompanied minors, a vulnerable group, none has ever gone out.

Community invitations to engage in sports matches not accepted, as well as other opportunities for interaction with the community, which is a concern DIMA is trying to address. Currently the only external activities for residents are those which are initiated and driven by DIMA.¹³⁸

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However, the report also commends ACM for some external activities for detainee children:

Weekly participation of four girls in the Port Hedland Girl Guides group ... About twelve women and children were taken on a picnic with a group of local women, which was much enjoyed.¹³⁹

The Inquiry has received evidence from Port Hedland that ACM did not understand the cost of excursions to be covered by the contract, and that they were an 'optional' extra. In November 2001, a Department officer queried the cancellation of an excursion for unaccompanied children at Port Hedland:

At the last meeting we had with the UMs [unaccompanied minors] they were promised that they would be taken on a fishing trip last Wednesday afternoon. This did not eventuate and no-one provided me with any reasonable reason as to why it did not/could not go ahead. As you know there are seven UMs and none of them have ever been outside the Centre for any type of excursion which is pretty poor given the number of trips offered to adults and children.¹⁴⁰

In reply, the ACM Centre Manager commented that:

These sort of trips can be arranged and are usually offered on the weekend when there are less internal escorts and that sort of thing. Given that we are the only Centre that does excursions these activities are watched closely by Sydney who question all activities which are outside of the requirements of the contract. We regularly conduct excursions even though these are above the requirements of the contract. All excursions have to be cost effective and I cannot bring extra staff in just for these activities. Canberra has advised that DIMA will not pay for excursions.¹⁴¹

This situation was reported in the Port Hedland Department Manager's report of November 2001:

ACM's CO has advised ACM management at the centre that there are to be no excursions unless at nil cost. Consequently excursions have been significantly cut back and this is a concern. As excursions have been common at this Centre and proved to be an excellent management tool, particularly for longer-term residents, requests for outings have escalated.¹⁴²

By December 2001, there seems to have been an increase in the number of excursions:

Although lack of proper management and supervision of programs continued to be a problem this month, there has been an increase in the number of excursions offered (shopping and fishing trips, women's and children's excursions). Ten children went to see a ballet.¹⁴³

In January 2002, the Port Hedland Manager notes that the '[a]ppointment of a new Programs Manager as a result of a merit selection has seen positive results, with a visible increase in external activities, especially for children'.¹⁴⁴ Over the next few months, the reports consistently note that there were frequent excursions which were well organised.¹⁴⁵

The Inquiry also received ACM documents providing weekly summaries of programs, including all excursions for a period of three weeks in May and June 2002. These documents indicate that apart from the daily trip to school outside the centre, the only excursions were a weekly soccer training session for ten children and a trip to Horse Riding for the Disabled at the Port Hedland Pony Club for three children.¹⁴⁶

13.6.3 Curtin

It appears that excursions from the centre were introduced at Curtin in September 2000. The Department Manager reported at this time that '[d]uring quarter program of off site activities introduced for Children. Eg visits to parks and beach volleyball'.¹⁴⁷

The Inquiry heard from a family detained at Curtin in June 2002 that they had excursions outside the centre approximately every two months:

Swimming pool. We go just for maybe twenty minutes in the bus and we stop. We go to Broome. Just twenty minutes and we stop and we go every one or two months. And we go there, there is water, deep water.¹⁴⁸

The children from this family had been in detention for 18 months, and reported that they had been on excursions outside the centre nine times. They also reported that they had in the past played cricket and soccer, but they were tired of that now.

A teenage boy detained at Curtin told the Inquiry in June 2002 that in two years of detention he was taken on excursions twice.¹⁴⁹

ACM staff told Inquiry staff in June 2002 that they tried to organise an excursion every fortnight, for example to Cable Beach, the library, or to the swimming pool. Detainees who were interviewed during the Inquiry visit did not support this claim.¹⁵⁰

13.6.4 Baxter

It appears that more frequent excursions have been offered to children detained at Baxter. A child interviewed during a visit to Baxter in December 2002 reported that children were taken on excursions outside of the centre, for example to Whyalla Zoo, approximately every two weeks.¹⁵¹

13.6.5 Maribyrnong and Villawood

More frequent and varied excursions were available from the city detention centres, Villawood and Maribyrnong. The Inquiry received evidence that the monthly excursions provided for children attending school at Villawood during 2001, increased to two excursions per month in April 2002.¹⁵² These excursions included visits to Darling Harbour, National Maritime Museum, Botanic Gardens, Sydney Opera House, Coogee Beach, Taronga Park Zoo, the Sydney Aquarium, and a wildlife park.¹⁵³

The Inquiry received monthly activities reports for Maribyrnong which indicate that excursions were regularly offered to children detained at the centre. For example, the September 2001 activities report states that during the school holiday program,

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'[a]ctivities provided were roller-skating, the movies, cooking, a picnic at Williamstown beach, lunch in St Kilda, and a stroll along the Maribyrnong river'. Younger children from the centre were taken to 'Storytime' at the Maribyrnong library.¹⁵⁴ Excursions included visits to see a puppet show, the swimming pool, local parks, the local library and visits to the Melbourne zoo.¹⁵⁵ The report of June 2001 states:

Four children attended with their respective parent and from all reports enjoyed the show. It was great for the children to get out of the centre for a morning and is something we would like to do more often.¹⁵⁶

13.6.6 Impact of the detention environment on excursions

As set out in section 13.3 above, the detention environment brings with it some inherent difficulties in providing opportunities for play and recreation. These difficulties are especially visible with excursions due to the obvious conflict of the need to detain with a child's desire to visit places of interest.

The Inquiry also heard that logistical and security issues made organising excursions difficult and meant that they were often cancelled. A former Activities Officer from Woomera, employed during 2001 told the Inquiry that:

Excursions were infrequent and often cancelled. I can recall on several occasions having 30 or 40 kids ready at the gate to go on an excursion and then it was cancelled. Whether or not excursions went ahead depended upon the mood of the camp and the attitude of the transport and escort officers. Some officers made excursions difficult. Also, if the camp was full not all detainees were able to participate in excursions, so some missed out.¹⁵⁷

This officer reported that if there was a disturbance in the centre, a planned excursion would be cancelled, even if the disturbance did not involve children. This was due to the officers being required in the centre to monitor the disturbance. The Activities Officer said that she:

was in the practice of not telling detainees there was an excursion until the night before, because it would be cancelled so often that it can make them feel worse. You know, if you think you're getting out of the centre for a couple of hours and then 10 o'clock in the morning you're not going now, what happened?¹⁵⁸

There were a variety of other reasons why excursions were cancelled. For example, in Woomera on 1 May 2001 ACM documents report that '[e]xcursions last week had to be cancelled due to staff shortages'.¹⁵⁹ On 12 June 2001, excursions were cancelled completely until further notice, with documents stating that '[t]his is due to accusations being made about the excursions that detainees have been able to give information to people within the Centre on how to get about outside'.¹⁶⁰ On 24 August 2001, documents state that an '[e]xcursion to town facilities for male UAMs were scheduled this week ... however they have been cancelled due to the large influx of new arrivals'.¹⁶¹ On 28 August 2001, it is noted that '[e]xcursions have been cancelled for the past three weeks'.¹⁶² Finally, on 2 October 2001 it is reported

that '[c]hildren's planned excursion to the cinema had been cancelled due to suspected outside protestors and typhoid alert'.¹⁶³

Former detainees from both Port Hedland and Woomera reported to the Inquiry that there was a significant presence of officers while they were on excursions. Children detained at Woomera during 2001 reported that:

After three months, they took us to a park [Breen] for one hour, but we were not allowed to go out of the park. A dozen or so of them – there was an officer for every three or four people, observing us.¹⁶⁴

Two children detained at Port Hedland during 2001 told the Inquiry that when they went on an excursion, 'for every person there were two officers – they just took us to see the water, the seaside. We did not go into the water. Wherever we went, there were two officers per person'.¹⁶⁵ Another family detained at Port Hedland told the Inquiry that with regard to excursions:

Yes, it happens but very rarely and when you go there you regret going even. The officers they watch us like they are watching prisoners and for us it is very embarrassing because it gives us a feeling of being convicts.¹⁶⁶

Another example of security concerns affecting children's participation in excursions is that children who were on HRAT (High Risk Assessment Team) watch were generally not allowed to attend excursions. For example, at Woomera on 20 November 2001, it was reported that '8 UAMs were supposed to attend the circus excursion on Saturday evening. As they were on HRAT this was not possible'.¹⁶⁷

However, in February this requirement was waived. An Activities Officer reported that he was able to take children who were on HRAT swimming as he had detention officer training. 'He said it was advantageous to their state of mind that they in fact take part in the activities out of the Centre. He said this was a very rare occurrence'.¹⁶⁸

Finally, the Inquiry heard that on occasion excursions were organised due to official visits to the centre. For example, a former Activities Officer reported to the Inquiry that '[w]hen I first started as an Activities Officer it was January 2001. We were told that Human Rights were coming tomorrow, "Go out and tell the families they're going on an excursion tomorrow"'.¹⁶⁹

13.6.7 Behaviour as a criterion for participation

Not all children were permitted to go on excursions. The Inquiry heard that participation in excursions has been restricted due to prior bad behaviour.

For example, a Detainee Management Strategy from January and March 2001 from Curtin states:

The Minor Liaison Officer organises excursions out of the centre for the unaccompanied minors. Due to Operational limitations, a maximum of eight unaccompanied minors can attend each excursion. The Minor Liaison Officer is responsible for selecting which unaccompanied minors attend the excursion. Selection can be based on rewarding good behaviour, (eg school

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attendance), and the current emotional wellbeing of the unaccompanied minor. These excursions also facilitate the unaccompanied minors' integration into society (pending the approval of a visa) by exposing the unaccompanied minor to the Australian community and culture.¹⁷⁰

There is also evidence that behaviour affected participation in excursions at Woomera. For example, the minutes of a meeting of 4 September 2001 regarding unaccompanied children note that 'The UAMs have been advised that they will be able to go on excursions if they clean up the recreation room, which at the moment they will not do unless they are paid for it'.¹⁷¹ Furthermore, the minutes of a meeting of 30 October 2001 report that:

On the 15 November there would be an excursion to the circus and Uniform Officer One would choose those UAMs who had been attending school and sticking to curfew from the Main compound.¹⁷²

When the Inquiry visited Baxter in December 2002, ACM staff reported that behaviour affected eligibility for excursions, and that a child who had been leaving lunch papers on the ground was barred from attending an excursion.¹⁷³ Another family from Baxter told the Inquiry that children were barred from attending excursions if they didn't do their homework.¹⁷⁴ One parent from Baxter told the Inquiry that:

like if a child laughed in the class then they're excluded from the excursion. They think that this is bad behaviour. If two children have an argument then the two children are prevented from going ...¹⁷⁵

During the visit to Port Hedland in June 2002 the Inquiry was informed that excursion rights are suspended as a punishment for bad behaviour.¹⁷⁶

Involvement in activities within the centre has also been used as a criterion for participation. For example, during the visit to Villawood in August 2002, the Inquiry was informed that children have to be attending the school within Villawood to be eligible to attend excursions.¹⁷⁷

Although behaviour might normally be seen as an appropriate criterion for participation in excursions, very careful consideration should be given to its use in the detention context. This is particularly the case given that the detention environment itself may contribute to children's 'bad' behaviour.

This conclusion is supported by the Port Hedland Manager's report of January 2002:

The availability of work and excursions remains contingent on good behaviour by residents, even small children. They are often left out of excursions due to bad behaviour and this seems an inadequate/poor reaction given the environment the children live in.¹⁷⁸

The Department has informed the Inquiry that parents are primarily responsible for their children, 'including the provision of discipline and decisions about participation in play and recreational activities such as excursions'. They further state that:

The department agrees with the Inquiry that this strategy of providing rewards does need to be exercised carefully. It is not unreasonable, however, to expect

that children, particularly older children, understand that there are consequences for some behaviours and to take some responsibility for those consequences.¹⁷⁹

13.6.8 Family excursions

The Inquiry has received some reports that opportunities for families to participate in excursions together are limited. For example, the parents of one family from Port Hedland told the Inquiry in June 2002 that they could not watch their children play in a soccer competition held outside of the centre.¹⁸⁰

A family of pre-school-aged children detained at Maribyrnong in mid-2002 were taken on weekly excursions by the program staff, for example:

With the onset of cooler weather, the children have enjoyed two visits to local indoor swimming pools. Their confidence is increasing in the water, with splashing the activities worker being their favourite activity! In the coming weeks it is hoped the children will be confident enough to learn floating, kicking and blowing bubbles under water. The children are also enjoying a weekly outing to the park, endeavouring to try out every swing in our local area.¹⁸¹

The children's mother was not allowed to accompany them on these excursions. This led to the development of what the programs staff believed was an inappropriately high level of attachment between the children and themselves.¹⁸²

In another example, a mother detained at Baxter told the Inquiry that she and her young child had only been taken out of the detention centre once in 21 months of detention.¹⁸³

There is, however, some evidence of family excursions in some centres. The December 2000 Department Manager report from Curtin notes that '[o]ff site activities continue for children. Eg visits to parks and beach volleyball. Mothers of children able to accompany children on some outings'.¹⁸⁴

Some children formerly detained at Woomera told the Inquiry that on one occasion they had been allowed to go on an excursion to the park with their parents.¹⁸⁵ Furthermore, the minutes of a meeting regarding children at Woomera on 26 March 2002 note that the 'plan for the last week of swimming is to take the children with their parents. Fathers will attend with the boys swimming and mothers with their daughters'.¹⁸⁶ Parents of children detained at Woomera also attended an open day at St Michael's school in March 2002, and a family sports day was held at a park in Woomera on 16 April 2002.¹⁸⁷

13.6.9 Findings regarding excursions

The Inquiry notes that providing excursions is not a requirement under the Immigration Detention Standards. However, both ACM and the Department recognised the importance of providing excursions to children in detention in order to give children some relief from the detention centre.

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The Inquiry finds that some level of excursions were offered to detainee children in all centres.

However, in Woomera, for the bulk of 2001, excursions appear to have been largely limited to visits to a park in Woomera town. Although opportunities appear to have increased during 2002, children detained there in June 2002 told the Inquiry of infrequent opportunities to participate in excursions.

Similarly, there were a limited number of excursions offered to children in Port Hedland until 2002.

In Curtin there appears to have been a policy in place from 2000 to conduct fortnightly excursions. ACM staff in June 2002 stated that the policy still applied at that time. Detainees, however, did not support this latter claim.

More frequent excursions were offered to children detained at Baxter, Maribyrnong and Villawood detention centres.

However, it appears that programmed excursions were frequently cancelled due to logistical and security concerns. Furthermore, depending on the population in the centres, not all children could regularly participate in the excursions that did occur. This may explain some of the discrepancies between the documented program and the evidence of children who report infrequent outings.

The Inquiry is also concerned by reports that children were excluded from participating in excursions as a result of minor behavioural issues. The Inquiry understands that excursions may be used as an incentive for good behaviour in the general community. However, it is particularly important for children in detention to obtain some relief from the detention centre. Furthermore, as discussed in greater detail in Chapter 9 on Mental Health, the behavioural issues can be related to the detention environment itself, making an outside visit all the more important.

The Inquiry finds that opportunities for family excursions from detention were rarely offered.

13.7 Summary of findings regarding the play and recreational facilities available to children in detention

The Inquiry finds that there has been a breach of article 6(2) and 39. The Inquiry finds no breach of article 31 or 2(1) of the CRC. However, the Inquiry has considerable concerns about the ability of children to enjoy the right to play and recreation within the detention environment.

Australia's obligation to ensure the right to enjoy play, recreation and cultural life is about providing children with appropriate choices for recreation and play. Article 31 of the CRC requires that those choices be provided on the basis of 'equal opportunity'. In the context of Australia's immigration detention system, the primary responsibility for ensuring compliance with this right lies with the Department.

Unlike the right to enjoy education on the basis of 'equal opportunity' (see Chapter 12 on Education), there is no clear standard of recreational opportunities in the community against which the Inquiry can compare the opportunities available to children in detention for the purposes of articles 31 or 2(1). However, the Inquiry accepts that the JDL Rules are an appropriate guide as to what constitutes an acceptable standard of recreational opportunities for children deprived of their liberty.¹⁸⁸ Those rules do not set a very high threshold for compliance. Despite the Inquiry's significant concern that the detention of children denies them the same freedom to access and participate in cultural life as children in the community, the following factors lead the Inquiry to conclude that the requirements of article 31 have been met.

The evidence available to the Inquiry suggests that there were no constraints on children regarding leisure time or access to outdoor areas, albeit that those outdoor areas were surrounded by razor wire and usually not grassed. The exception to this is with respect to children held in separation detention in Port Hedland, who had limited access to the outdoors.

By 2002 all centres had play equipment, although the Inquiry notes with concern that it took two years for playground equipment to be installed at Woomera. Toys and sporting equipment were generally provided, although there were times when they were insufficient to meet the needs of children in the centres. Access to televisions and videos varied between centres, but they were generally available to children. There have, however, been some problems in Baxter.

Each centre had a recreational program in place, although the quality of those programs varied between centres. It has been difficult to determine the exact extent of the recreational programs and the attendance rates due to unreliable reporting. However, the Inquiry finds that the programs offered to children were fewer than that represented in the Department's submission. Nevertheless, it appears that staff members in Woomera went to some effort to try and provide activities to children during 2001 and 2002, although understaffing and resource constraints meant that the needs of children in Woomera were not always met. Children detained in the metropolitan detention centres of Villawood and Maribyrnong had greater access to recreational programs due to the access to outside community groups and facilities. There was insufficient evidence to make any findings regarding recreational programs with respect to Curtin, Port Hedland or Baxter.

Excursions were arranged on an ad hoc basis at all centres at different points in time. Concerted efforts to offer regular excursions only began in late 2001. However, there were several periods during which no excursions were offered at all, and, in some centres, excursions were often cancelled at late notice. The Inquiry is concerned that children were barred from excursions for minor behavioural issues and that there was little opportunity for families to participate in excursions together. It is important to keep in mind that excursions were highly sought after by children as they provided some relief from the detention centre environment.

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Thus, while the provision of play equipment and recreational programs was far from ideal, the Inquiry is of the view that the Department and ACM satisfied the low threshold for ensuring that children in detention were not deprived of free time, nor prevented from playing outdoors and there were some opportunities to participate in recreational programs.

Nevertheless, the Inquiry remains seriously concerned about whether children held in remote detention centres for long periods of time can ever fully enjoy the right to recreation and play on the basis of equal opportunity with children who are at liberty in the Australian community. The detention environment is inherently unsuited to promoting the right of children to participate fully in play and recreational activities for several reasons.

First, detention places a physical barrier between children and community programs and events, cinemas, parks, parties and other activities that form part of a normal child's social life. Detention in remote facilities exacerbates the problem due to the reduced access to community groups that can offer alternative activities to children. For example, groups in Sydney and Melbourne helped children detained in Villawood and Maribyrnong access a greater number of activities and excursions. This is one reason why UNHCR guidelines recommend against detention of children in remote locations.

Second, the quality of recreation and play is affected by the environment in which it occurs. As mentioned above, the harsh physical environment surrounded by razor wire and the absence of grass, affects the enthusiasm of many children to engage in free play.

Third, the need to maintain security within detention centres poses barriers to accessing the activities and equipment that is on offer. For example, play equipment was often in different compounds to those in which children were accommodated. Sports equipment was locked up between certain hours. Riots and disturbances in the facilities sometimes resulted in the destruction of play equipment. Furthermore, security concerns meant that excursions have been cancelled at a moment's notice because detention staff were needed elsewhere.

The impact of each of these factors becomes more serious the longer a child is in detention. In particular, experts have told the Inquiry that the impact of long-term detention on the mental health of children has a significant impact on a child's ability and interest in participating in recreational opportunities that are offered. They suggest that little can be done to create that enthusiasm other than release or transfer from detention centres. At the same time, the lack of interest in those activities puts the mental health and development of children at greater jeopardy. In other words, there is a vicious downward cycle connecting the length of detention, mental health and development and the ability of a child to enjoy the right to play and recreation on the basis of equal opportunity with children in the community.

Considering all of these factors, while the Inquiry does not find a breach of article 31, the Inquiry does find that detention centres do not provide an environment which fosters a child's maximum possible development and recovery from past

trauma. Therefore, Australia's detention laws, and the manner in which they have been administered by the Department, results in a breach of articles 6(2) and 39 of the CRC, keeping in mind the close link between play, development and recovery from trauma for refugee children.

These same factors also raise the question as to whether the Department has adequately considered the best interests of children in deciding whether children should be detained in remote detention centres, metropolitan centres or, more ideally, alternative places of detention in the community (article 3(1)). This issue is addressed more fully in Chapter 17, Major Findings and Recommendations.

As previously indicated the Inquiry finds that the Department complied with the JDL Rules regarding recreation. The Inquiry therefore finds that the quality of play and recreational activities does not contribute to any breach of article 37(c). See further Chapter 17.

Once again, the difficulties faced by children in relation to recreation highlight the importance of ensuring that children are detained as a matter of last resort and for the shortest appropriate period of time in accordance with article 37(b) of the CRC.

Endnotes

- 1 UNICEF, *Implementation Handbook for the Convention on the Rights of the Child* (UNICEF Implementation Handbook), United Nations Publications, Geneva, 2002, p467; UNHCR, *Refugee Children: Guidelines on Protection and Care* (UNHCR Guidelines on Refugee Children), Geneva, 1994, ch 4.
- 2 UNICEF Implementation Handbook, 2002, pp469-470.
- 3 UNICEF Implementation Handbook, 2002, p467.
- 4 UNICEF Implementation Handbook, 2002, p467.
- 5 UNICEF Implementation Handbook, 2002, p465.
- 6 UNHCR Guidelines on Refugee Children, 1994, ch 4.
- 7 UNICEF Implementation Handbook, 2002, p465.
- 8 UNICEF Implementation Handbook, 2002, p472.
- 9 *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (the JDL Rules), Geneva, 1990, rule 47.
- 10 UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, Geneva, 1997, para 7.7.
- 11 UNHCR Guidelines on Refugee Children, 1994, ch4.
- 12 IDS, 1998, para 9.4.1, www.immi.gov.au/detention/det_standards.htm.
- 13 IDS, 1998, para 4.1-4.6.
- 14 ACM, Policy 14.1, Recreational Equipment and Facilities, Issue 4, 12 August 2001.
- 15 ACM, Policy 14.1, para 1.1.
- 16 ACM, Policy 14.1, para 4.1.
- 17 ACM, Policy 14.1, para 4.6.
- 18 ACM, Policy, 14.1, para 4.6.
- 19 ACM, Policy 2.7, Separation Detention, Issue 2, 5 February 2002, para 5.2. See further Chapter 7 on Refugee Status Determination regarding separation detention.
- 20 DIMIA, Managers' Handbook, Section 4.12, Issue 3, 30 April 2002.
- 21 DIMIA, Managers' Handbook, Section 4.12, Issue 3, 30 April 2002.
- 22 The Department informed the Inquiry that 'children from Curtin IRPC participated in a week long sports competition in Broome in July 2002, children from Woomera IRPC regularly participated in soccer and netball matches with Woomera Area School students and in activities, such as barbecues and games, with children from nearby Roxby Downs. Preschool age children at Woomera RHP

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- currently attend playgroup and occasional care in Woomera'. DIMIA, Response to Draft Report, 10 July 2003.
- 23 AAIMH, Transcript of Evidence, Adelaide, 1 July 2002, p30.
- 24 AAIMH, Transcript of Evidence, Adelaide, 1 July 2002, p30.
- 25 Dr Jon Jureidini, Transcript of Evidence, Adelaide, 2 July 2002, p44.
- 26 Senior Child Psychiatrist, Department of Psychological Medicine, Women's & Children's Hospital, Adelaide, Psychiatric Report, 30 May 2002, (N3, F9).
- 27 Anthony Hamilton-Smith, Submission 282, para 8.
- 28 The Department informed the Inquiry that '[c]hildren at Port Hedland IRPC, which has a non-grassed sporting field, also have access to a grassed oval at a nearby school, where they play while attending school and, occasionally, outside school hours'. DIMIA, Response to Draft Report, 10 July 2003.
- 29 Inquiry, Focus group, Adelaide, July 2002.
- 30 Sharon Torbet, Submission 62a, para 27.
- 31 Inquiry, Focus group, Perth, June 2002.
- 32 Inquiry, Meeting with detainees, Maribyrnong, May 2002.
- 33 DIMIA, Response to Draft Report, 10 July 2003.
- 34 DHS, Social Work Assessment Report on the Circumstances of Children in the Woomera Immigration and Processing Centre, 21 August 2002, p20, (N5, Case 18).
- 35 Inquiry, Interview with two detainee families, Woomera, June 2002; Inquiry, Notes from visit, Meeting with DIMIA and ACM staff, Woomera, June 2002.
- 36 DIMIA Curtin, Manager Report, April 2002, (N1, Q3a, F5).
- 37 Sharon Torbet, Submission 62a, para 16.
- 38 DIMIA, Response to Draft Report, 10 July 2003.
- 39 DIMIA, Response to Draft Report, 10 July 2003.
- 40 See Chapter 7 on Refugee Status Determination for a discussion of separation detention.
- 41 Katie Brosnan, Transcript of Evidence, Perth, 10 June 2002, p37.
- 42 Inquiry, Interview with detainee family, Port Hedland, June 2002.
- 43 Inquiry, Focus group, Perth, June 2002.
- 44 New South Wales Commission for Children and Young People, Submission 258, p40.
- 45 Inquiry, Interview with detainee family, Port Hedland, June 2002.
- 46 Inquiry, Interview with detainee family, Woomera, June 2002.
- 47 Inquiry, Interview with detainee family, Woomera, June 2002.
- 48 Confidential Transcript of Evidence, Melbourne, 31 May 2002.
- 49 ACM Port Hedland, Unaccompanied Minors Meeting Minutes, 29 November 2001. DIMIA, Letter to Inquiry, 27 November 2002, Attachment B.
- 50 ACM Port Hedland, Unaccompanied Minors Meeting Minutes, 3 January 2002, (N1, Q19, F18).
- 51 Confidential Transcript of Evidence, Melbourne, 31 May 2002.
- 52 Dr Bernice Pfitzner, Transcript of Evidence, Sydney, 16 July 2002, p6.
- 53 Sharon Torbet, Submission 62a, para 21.
- 54 DIMIA Woomera, Manager Report, January-March 2000, (N1, Q4a, Attachment A).
- 55 DIMIA Woomera, Manager Report, October-December 2000, (N1, Q4a, Attachment A). The Department suggests that these two reports indicate that some playground equipment was available and that further improvements could be made. DIMIA, Response to Draft Report, 10 July 2003. The Inquiry is not satisfied with this interpretation.
- 56 Department former Infrastructure Manager, Woomera, Confidential Submission 253, para 33.
- 57 Allan Clifton, Transcript of Evidence, Adelaide, 2 July 2002, p19.
- 58 Harold Bilboe, Submission 268, para 32.
- 59 Inquiry, Focus group, Adelaide, July 2002.
- 60 Inquiry, Interview with detainee family, Woomera, June 2002.
- 61 DIMIA Woomera, Manager Report, March 2001, (N1, Q3a, F5).
- 62 DIMIA, Contract Operations Group Minutes, 19 April 2001, (N1, Q3, F4).
- 63 DIMIA, Response to Draft Report, 10 July 2003.
- 64 DIMIA, Response to Draft Report, 10 July 2003.
- 65 ACM Maribyrnong, ACM report, 29 August 2001, (N1, Q8, F9).
- 66 DIMIA, Response to Draft Report, 10 July 2003.
- 67 DIMIA, Contract Operations Group Minutes, 19 April 2001, (N1, Q3, F4).
- 68 ACM Woomera officer, Memo, Response to DIMIA Minute 30 November 2001, to ACM Centre Manager, (N1, Q12, F13).

- 69 ACM Woomera, Education Monthly Report, August 2001, (N1, Q12, F13); ACM Woomera officer, Memo, Fire Damage to Kindergarten, Main Compound, to ACM Woomera officer, 23 November 2001, (N1, Q12, F13).
- 70 Inquiry, Focus group, Melbourne, May 2002.
- 71 Inquiry, Interview with detainee family, Curtin, June 2002.
- 72 Inquiry, Interview with detainee family, Curtin, June 2002.
- 73 Sharon Torbet, Submission 62a, para 18.
- 74 Sharon Torbet, Transcript of Evidence, Adelaide, 2 July 2002, p62.
- 75 Sharon Torbet, Transcript of Evidence, Adelaide, 2 July 2002, p62.
- 76 Inquiry, Interview with detainee family, Curtin, June 2002. The Department informed the Inquiry that play equipment was available to children until 6pm at Curtin.
- 77 DIMIA, Response to Draft Report, 10 July 2003.
- 78 Inquiry, Interview with detainee family, Curtin, June 2002.
- 79 Inquiry, Notes from visit to Curtin, June 2002.
- 80 DIMIA, Submission 185, p155.
- 81 Inquiry, Notes from visit to Villawood, August 2002.
- 82 DIMIA Port Hedland, Manager Report, December 2001, (N1, Q3a, F5).
- 83 Inquiry, Interview with detainee children, Port Hedland, June 2002.
- 84 Inquiry, Interview with detainee family, Baxter, December 2002.
- 85 Inquiry, Interview with detainee family, Baxter, December 2002.
- 86 DIMIA, Response to Draft Report, 10 July 2003.
- 87 Inquiry, Interview with detainee mother, Baxter, December 2002.
- 88 DIMIA, Response to Draft Report, 10 July 2003.
- 89 DIMIA, Submission 185, p87.
- 90 DIMIA, Submission 185, p88.
- 91 DIMIA, Submission 185, p88.
- 92 DIMIA, Submission 185, see Appendix B: Analysis of Facilities and Amenities at Each Detention Facility, p127-128; Appendix G: Social and Recreational Activities by Detention Facility, as at 31 January 2002, p153; and Attachment 5, Summary of Continuous Improvements of Facilities, Services and Activities Available to Detainees, as at 31 January 2002, p195.
- 93 Inquiry, Notes from visit, Meeting with ACM recreation officers, Curtin, June 2002. Inquiry, Interviews with detainees, Curtin, June 2002.
- 94 Joint Standing Committee on Foreign Affairs, Defence and Trade, *A Report on Visits to Immigration Detention Centres*, June 2001, p36.
- 95 Joint Standing Committee on Foreign Affairs, Defence and Trade, *A Report on Visits to Immigration Detention Centres*, June 2001, p67. The Committee recommends that the Department and ACM introduce into each of the centres an updated and expanded range of educational, sporting and exercise facilities, Recommendation 1, p68.
- 96 ACM, Detention Services Monthly Report, January 2002, (ACM N4, Q2).
- 97 ACM, Detention Services Monthly Reports, January – August 2002, (ACM N4, Q2).
- 98 ACM reported that they are 'unable to explain why the participation figures for Curtin in January to August 2002 are identical. ACM suspects that in writing each month's report to Head Office, the centre used the previous month's figures as a template, but neglected to write over the previous month's figures'. ACM, Response to Draft Report, 5 September 2003.
- 99 ACM, Detention Services Monthly Reports, February 2002, March 2002, April 2002 and May 2002, (ACM N4, Q2). ACM informed the Inquiry that these reports record the average attendance of children for each activity for each month, and that activities are offered several times a week and children may participate in more than one activity per day. ACM state that this explains why the total number of children engaged in activities may exceed the total number of children detained in the centre at this time. ACM, Response to Draft Report, 5 September 2003. However, the figures for Port Hedland in these reports clearly indicate that they are a record of daily participation.
- 100 ACM, Detention Services Monthly Reports, (ACM N4, Q2); DIMIA Submission 185, Appendix G: Social and Recreational Activities by Detention Facility, as at 31 January 2002, p153.
- 101 DIMIA, Response to Draft Report, 10 July 2003.
- 102 ACM Woomera, WIRPC Programs Department Monthly Report, April 2001, (N1, Q14, F15).
- 103 ACM Woomera, WIRPC Programs Department Monthly Report, April 2001, (N1, Q14, F15).
- 104 ACM Woomera Youth Recreation Officer, Memo, to Acting Centre Manager, 22 January 2001, (N1, Q19, F18).
- 105 Sharon Torbet, Submission 62a, para 14.

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- 106 ACM Woomera, Unaccompanied Minors Committee Meeting, 6 November 2001, (N2, Q5, F4).
- 107 Dr Annie Sparrow, Transcript of Evidence, Perth, 10 June 2002, p66.
- 108 Action for Children, South Australia, Submission 186, pp3-4. This is a discussion of interviews with 16 families which were conducted at Woomera in January 2002.
- 109 Inquiry, Interview with detainee father, Woomera, June 2002.
- 110 ACM Villawood, Excursions for Detainees, provided during Inquiry visit to Villawood, August 2002.
- 111 ACM Maribyrnong, July Activity Report, (N1, Q14, F15).
- 112 ACM Maribyrnong, September Activity Report, (N1, Q14, F15).
- 113 DIMIA, Submission 185, p89.
- 114 Inquiry, Focus group, Perth, June 2002.
- 115 HREOC, *A report on visits to immigration detention facilities by the Human Rights Commissioner 2001*, p14.
- 116 Inquiry, Interview with detainee family, Woomera, June 2002.
- 117 Inquiry, Interview with detainee family, Woomera, June 2002.
- 118 Inquiry, Interview with detainee family, Woomera, June 2002.
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- 120 Inquiry, Focus group, Adelaide, July 2002.
- 121 Inquiry, Focus group, Melbourne, May 2002.
- 122 ACM Woomera, Minors Management Plan, 15 March 2001, (N2, Q3, F2).
- 123 ACM Woomera Programs staff, Monthly Report, to ACM Programs Manager and ACM Centre Manager, 3 October 2000, (N1, Q14, F15).
- 124 ACM Woomera Programs staff, Monthly report, to ACM Programs Manager and ACM Centre Manager, 27 November 2000, (N1, Q14, F15).
- 125 ACM Woomera Programs staff, Monthly report, to ACM Programs Manager and ACM Centre Manager, 1 January 2001, (N1, Q14, F15).
- 126 ACM Woomera Programs staff, Monthly report, to ACM Programs Manager and ACM Centre Manager, 2 February 2001, (N1, Q14, F15).
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- 128 ACM Woomera, WIRPC Programs Department Monthly Report, May 2001, (N1, Q14, F15).
- 129 ACM Woomera Programs staff, Monthly reports, January 2001, February 2001, March 2001, April 2001, May 2001, June 2001, August 2001, September 2001, (N1, Q14, F15).
- 130 ACM Woomera, Program's Department Monthly Overview for October 2001, (N1, Q14, F15).
- 131 ACM Woomera, WIRPC Programs Department, November Report 2001, (N1, Q14, F15).
- 132 ACM Woomera, Program's Department Monthly Overview for December 2001, (N1, Q14, F15).
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