

DIMA response to the Ombudsman's *Report into Referred Immigration Cases: Mental Health and Incapacity*

The department agrees in general with the recommendations of this report.

Significant reforms to mental health care have been made within the department including:

- the establishment of a Detention Health Branch, and an expert *Detention Health Advisory Group*;
- formal professional mental health screening conducted as part of the detention induction process, with ongoing clinical care provided; and
- providing external clinicians with comprehensive referral information about detainees referred to them.

The department has also reformed its detention arrangements, with the introduction of hostel-style transit accommodation, more residential accommodation, and refurbishments in Detention Centres. Detention Review Managers and the Detention Review Committees have also been established to regularly assess whether there continue to be grounds for a client's ongoing detention.

The department recognises that care should be exercised when dealing with information provided by persons who may be delusional or mentally incapacitated. Accordingly, staff are provided training through the College of Immigration (in conjunction with the NSW Institute of Psychiatry) on:

- recognising behaviour that may indicate poor mental health; and
- recognising where mental health issues may impact upon a person's detention.

Staff are also instructed on seeking professional medical advice at the earliest opportunity where a person suspected of being an unlawful non-citizen presents possible mental health issues. Where there is reasonable suspicion to detain a client but officers are concerned about the client's health, a medical assessment will be arranged as soon as possible. Where an officer does not form a reasonable suspicion to detain, but has concerns about a client's mental health, the officer may contact the appropriate state mental health authority or the police to advise of the department's concerns.

Officers are also trained to access all sources of information and make all reasonable efforts to establish a person's identity and immigration status before deciding whether to detain them.

Procedural guidance, policy support and protocols in a range of areas also strengthen the department's capacity to deal appropriately with clients experiencing a mental illness. Specialist advice and services are available to officers through the department's National Identity Verification and Advice section to assist in establishing clients' identities. Revised policies also seek to ensure that corrections facilities are used to detain individuals for immigration purposes as a last resort, and only with the agreement of the relevant state corrections authorities.

The department has developed a new training package which assists State and Territory police involved in immigration compliance activities, to properly manage issues around clients' health, mental health and substance abuse. This is supplemented by protocols and closer working relationships with police to assist them in referring people to DIMA appropriately.

In support of all these initiatives, the department's information systems and record keeping processes are being extensively reformed to ensure:

- appropriate standards regarding the timeliness and quality of officers' data recording on departmental systems;
- the appropriate issuing, use and maintenance of compliance notebooks; and
- the maintenance of health and medical records according to the requirements of the *Privacy Act 1988* in relation to personal health information.

The department has commenced a 'Management of Information in Detention Centres Review', which will ensure that only appropriate information is recorded in detainee dossiers.