



Inquiry into the Incident at the Manus Island Detention Centre from 16 to 18 February 2014

The Salvation Army
Australia Eastern Territory
Submission to the Senate Legal and Constitutional Affairs
References Committee

22 May 2014

INTRODUCTION

1. The Senate Legal and Constitutional Affairs References Committee (**the Senate Committee**) has called for submissions in relation to its inquiry into the incidents at the Manus Island Detention Centre from 16 February to 18 February 2014.
2. The Salvation Army is deeply saddened by the death of Mr Reza Berati in Manus Island Offshore Processing Centre. We offer our condolences to Mr Berati's family and welcome the Senate Committee's inquiry into his death and into the events which took place from 16 February to 18 February 2014.
3. It is well-known that up until 21 February 2014 The Salvation Army was contracted by the Commonwealth government to provide humanitarian support and welfare services to asylum seekers transferred to the Manus Island and Nauru Offshore Processing Centres (**OPCs**). This support included practical assistance, case management services, recreational activities, educational and other programs aimed at supporting the welfare and emotional well-being of asylum seekers. The Salvation Army had been undertaking this work in Nauru and Manus Island since the re-commencement of the offshore processing policies at those locations, instituted under by the then Federal Labor government in September 2012.
4. In relation to The Salvation Army's involvement in the events which took place from 16 February to 18 February 2014, by reference to the Senate Committee's Terms of Reference we respond as follows:

A. Chronology of Events

5. In the lead up to the events which took place from 16 February to 18 February 2014 The Salvation Army had been aware of increasing tensions at Manus Island OPC, particularly in relation to the lack of progress in the refugee status determination process and a general lack of information being provided to clients in relation to what was intended regarding resettlement.
6. At the end of January and in the beginning of February 2014 some clients engaged in peaceful protest expressing their desire for freedom. The protests were not about the conditions of the OPC or about the PNG nationals, they were simply about the asylum seekers getting their claims processed.
7. On 16 February 2014 a meeting was held between asylum seekers, representatives of service providers, the Department of Immigration and Border Protection (**DIBP**) and PNG Immigration and Citizenship Service Authority (**PNGICSA**) Centre Coordinator, Mr Jeffrey Kiangali. The purpose of the meeting was to address clients' concerns in relation to the

refugee determination process. It was clear that asylum seekers were not satisfied with the response provided by PNGICSA and DIBP during this meeting.

8. Liz Cruickshank was The Salvation Army's contract manager on Manus Island at the time of the incident. She has provided an interview to Robert Cornall AO, as part of his investigation into the matter. A copy of Ms Cruickshanks' record of that interview appears at annexure "A" to this submission.
9. Sharon Callister and Ben Litchfield were the Chief Executive Officer and Chief Operating Officer respectively of The Salvation Army's Humanitarian Mission Services, the program established to manage the work of The Salvation Army under its contract with the Commonwealth for the provision of welfare and humanitarian support services on Manus Island and Nauru. Ms Callister and Mr Litchfield provided an interview to Robert Cornall AO, as part of his investigation into the matter. A copy of their record of that interview appears at annexure "B" to this submission.
10. On 16 February 2014 at about 7:30pm, all Salvation Army employees left the compounds and returned to employee accommodation on The Bibby.
11. After the disruption in the Oscar compound on 16 February 2014, the DIBP and Service Providers endeavoured to conduct Business as Usual on 17 February 2014. A number of Salvation Army employees who were assessed as fit, volunteered for duty that day. The Salvation Army opened the kiosks and undertook basic duties. On advice received from G4S senior officer Kevin Pye, at about 5:30pm all Salvation Army employees were removed from all compounds and moved to employee accommodation on The Bibby.

B. The sequence of events and factors that gave cause to the incident

12. The Salvation Army strongly believes that the absence of clear and authoritative information about the refugee determination process and regarding resettlement may have contributed to the tragic events which occurred from 16 February to 18 February 2014.

C. The sequence of events that led to, and the cause of, Mr Reza Berati's death

13. As noted earlier, at 5:30pm on 17 February 2014, on advice received from Mr Pye, Salvation Army employees were removed from the OPC and expatriate employees moved to employee accommodation on The Bibby or returned to their homes (Manusian employees). We were not aware until 18 February 2014 of the alleged involvement of any local (i.e. PNG) Salvation Army employees in the events which took place on 17 February 2014.

D. Contractor, subcontractor and service provider involvement and response

14. From the outset we would like to note that during our time serving at the OPCs all Salvation Army employees, whether they be expatriate or local Manusian employees, worked in extremely difficult circumstances, both by reference to the physical conditions at the OPCs and the emotionally charged nature of the work, in order to provide around the clock care and support to all asylum seekers in our care.
15. A small number of submissions to the Senate Committee have imputed the involvement of at least one PNG Salvation Army employee in the violence which took place on 17 February 2014 (although, we note that the submission from the hon. Mr Wilkie MP suggests that persons involved in Mr Berati's death were G4S officers and a Spic and Span cleaning employee). It is believed that these references are to the alleged involvement a former employee of The Salvation Army, in the death of Mr Berati. The Salvation Army takes these allegations very seriously and has cooperated with the Cornall inquiry by providing all information in its possession concerning the former employee's alleged involvement at the time in question. In this regard, a copy of email correspondence between our Mr Luke Geary, Managing Partner of Salvos Legal, and DIBP of 6 May 2014 (with enclosures) appears at annexure "C" to this submission. The Salvation Army welcomes the independent investigation being conducted by the Senate Committee and the PNG authorities into these events.
16. In addition to the material annexed at "C" hereto, The Salvation Army can only say that in the aftermath of the tragic events of 17 February 2014 many of our employees and employees of other service providers assisted in the treatment of injured clients. Injured clients were moved to The Bibby and Salvation Army employees assisted IHMS staff in the triage centre based on the pier to treat them. The Salvation Army wishes to acknowledge the assistance provided by all employees in the treatment of the injured. Their actions showed remarkable bravery.

E. Department of Immigration and Border Protection involvement and response

17. The Salvation Army's work on Manus Island concluded on 21 February 2014 and accordingly, is not in a position to respond to this aspect of the Terms of Reference.

F. Papua New Guinean police, military and civilian involvement and response

18. The Salvation Army's work on Manus Island concluded on 21 February 2014 and accordingly, is not in a position to respond to this aspect of the Terms of Reference.

G. The Minister for Immigration and Border Protection's conduct before, during and after the incident

19. The Salvation Army's work on Manus Island concluded on 21 February 2014 and accordingly, is not in a position to respond to this aspect of the Terms of Reference.

H. Protocols and procedures observed by agencies in the detention centre

20. The OPC is housed on the Lombrum Naval Base, as such, all agencies were required to observe protocols of the Naval Base. G4S provided an induction to all staff in relation to the protocols of the Naval Base and security of the OPC. Each agency had internal policies and procedures for the operation of their business within the OPC.

I. Any documents, including incident reports and emails as well as briefings involving staff, employees, contractors and subcontractors involved in or responding to the incident

21. Other than the documents appearing at annexure "C" hereto, The Salvation Army has no further relevant documents in its possession.

J. Any communication between the Minister for Immigration and Border Protection, contractors, sub-contractors and service providers regarding the incident

22. Other than the documents appearing at annexures "A" to "C" hereto, The Salvation Army has no further relevant documents in its possession or any other relevant knowledge of such communications.

K. The Australian Government's duty of care obligations and responsibilities

23. We note that the OPCs were established pursuant to the recommendations of the Expert Panel on Asylum Seekers (**the Expert Panel**). The Expert Panel was explicit in their recommendations that asylum seekers on the OPCs would be provided with protection and welfare arrangements consistent with Australian responsibilities under international law, including the protection set out in the Refugee Convention and that NGOs and civil society groups be productively engaged in specific aspects of welfare and service delivery.¹

24. The then Federal government accepted this and the other recommendations made by the Expert Panel and bearing this in mind, The Salvation Army agreed to enter a relationship with the Commonwealth to provide humanitarian support and welfare services to asylum seekers, so that we might be able to serve and care for them. We entered into the contract because we genuinely and truly care deeply for the plight and the situation of the

¹ Paragraphs 3.46 and 3.52 of the Report of the Expert Panel on Asylum Seekers.

asylum seekers and believed our presence on the OPCs would make a difference. We believe that our presence there did make a very significant difference for the asylum seekers and that we were able to help them in their time of need. It is with deep regret that we are unable to continue to assist them in this way.

25. The Salvation Army is deeply concerned at matters raised by other parties in various submissions to the Senate Committee in which breaches of international obligations and Australian laws have been alleged, as against the Commonwealth. The Salvation Army feels that submissions on these issues are best coming from the legal and policy experts who have commented and defers to them on such matters within their respective fields of expertise.

L. Refugee status determination processing and resettlement arrangements in Papua New Guinea

26. The Salvation Army has consistently and continually supported the implementation of a clear legal process and timeline to facilitate assessment of asylum seekers refugee claims. Despite repeated attempts to effect the implementation of such processes, the asylum seeker claims for all persons on Manus Island remain outstanding.
27. The Salvation Army believes from its first hand observations having worked with the asylum seekers on Manus Island and Nauru that this uncertainty of legal protection undoubtedly impacts on the mental, physical and emotional health of asylum seekers. The Salvation Army feels that the perpetuation of such uncertainty amongst these vulnerable people lacks compassion and dignity.
28. We believe that the implementation of an effective refugee determination process and a humane resettlement policy would go a long way to alleviating the concerns asylum seekers hold in the OPCs and may well prevent further incidents such as the one in question from occurring in the future.

M. Any other related matters

29. There are a number of matters which have been raised by former Salvation Army employees who were deployed to the OPCs. In relation to the matters raised by former employees, we respond as follows:

The Salvation Army recruited as support workers without with inadequate skills and experience and without interviews being conducted.

30. By their very description, support workers roles typically do not require individuals to have particular skills or experience. The role of Support Worker was a very flexible role, which at times consisted of largely unskilled activities, such as sport and recreation activities,

facilitating computer and telephone access, operating the kiosks and the provision of basic needs for clients. The Salvation Army maintains that those employees who were engaged in this role were, at all times, adequately skilled to discharge the duties required.

31. In the earliest stage of recruitment for work on Nauru and Manus Island OPCs, whilst an online application process was used at the first stage of application, this was followed by a telephone interview. Employees were also required to undertake a formal induction process at the commencement of their employment.
32. In the early days of The Salvation Army's work on the Nauru and Manus Island OPCs, the Department of Immigration and Border Protection required an incredibly rapid start-up, which meant that a formal induction was not developed prior to The Salvation Army getting their first people on the ground. However, at all times (including from the first deployment) employees were briefed by The Salvation Army either prior to departure or immediately upon arrival at the OPCs.
33. At all times, employees were fully supported by a comprehensive Employee Assistance Program provided on-island by an external clinical psychology firm, in addition to Salvation Army supports and debriefing.

Other serious allegations made by former Salvation Army employees

34. In addition to the above, there are a number of very serious allegations raised by former Salvation Army employees, who were deployed to the OPCs including allegations of the covering up of assaults on clients and threats purportedly made against them by members of Salvation Army management.
35. The Salvation Army categorically denies any knowledge of such matters and says that the first times these allegations have been raised are in the context of the relevant submissions to the Senate Committee.
36. The Salvation Army wishes to further investigate each of these very serious allegations. We invite those individuals who have made these allegations to contact The Salvation Army directly and by reference to each allegation provide details of:
 - (i) the names of Salvation Army employees involved in each matter;
 - (ii) names of all other service provider employees and officials who may have been involved; and
 - (iii) the date, time and place at which each of the said events have alleged to have taken place.

The Salvation Army

37. Without those critical details, The Salvation Army has no means of investigating or responding to some of these incredibly serious allegations. We ask that through the Senate Committee those individuals who hold any such information get into contact with us to enable these matters to be thoroughly investigated and reported to any appropriate authorities for further action.
38. If the Senate Committee believes that The Salvation Army is placed to assist it with any further specific matters related to its inquiry, please indicate how we can provide any further information or evidence and we would be pleased to do so, in order all the full facts relevant to the inquiry may be properly examined.

CONCLUSION

39. In concluding, we would like to again express our sorrow and sadness over Mr Berati's death. We extend our deepest sympathy to Mr Berati's family and our thoughts and prayers are with them.

Contact

Major Kelvin Alley
National Secretary
The Salvation Army National Secretariat, Canberra
2 Brisbane Avenue
Barton ACT 2600

Prepared by

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SYDNEY NSW 2000
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Email: enquiries@salvoslegal.com.au

Annexure "A"

INTERVIEW WITH LIZ CRUICKSHANK, THE SALVATION ARMY

CONDUCTED BY TELEPHONE, 28 MARCH 2014

Ms Cruickshank is a long serving TSA officer at the Regional Processing Centre. She commenced work on the island in December 2012 and spent most of 2013 at the Centre.

Ms Cruickshank was the TSA's RPC Contract Manager and she was working at the Manus Centre from 27 January to 22 February 2014 as the TSA service provider contract was coming to an end.

TSA observed the increasing tension in the Centre after 26 January 2014. Ms Cruickshank recalls receiving a message on or about 26 January that transferees were protesting for freedom and holding up banners with freedom messages.

When asked about the reasons for the increasing tension, Ms Cruickshank noted that Minister Morrison had visited the Centre around October 2013 and made it very clear to the transferees that they were not going to be settled in Australia. TSA officers had been repeating that message but felt it was not believed.

However, there was no information about the timing of their refugee status determination processing or what resettlement in PNG would mean for them.

Also the transferees who had been at the Centre the longest had been moved recently into the new and substantial Mike compound which, as an apparently permanent rather than temporary facility, gave the impression that they would be there indefinitely.

In addition to those factors leading to concern, dissatisfaction and tension, Ms Cruickshank expressed the personal view that two other issues may have partly contributed:

- First there were differences between the standards of accommodation between compounds (for example, only some have air conditioning; only some have direct access to internet and telephone facilities; Delta compound is very cramped with little access to direct sunlight; and so on), and
- Second, while the transferees knew from 13 December 2013 that the TSA contract was coming to an end, the appointment of a new welfare and case manager service provider was not announced until early to mid-February 2014, creating further uncertainty about their situation.

Ms Cruickshank did not detect any major issues between TSA staff and transferees but TSA was aware of some areas of difference as TSA managed complaints from disgruntled transferees about Eurest (the catering supplier) and G4S staff (PNG nationals and a couple of ex-pats).

She noted, as have other persons interviewed, that Iranian and Iraqi transferees have a particularly racist attitude towards PNG nationals (she mentioned expressions such as swinging from trees and cannibals).

Ms Cruickshank was not at the meeting on the afternoon of 16 February. Her deputy Traci Fraser attended the meeting to allow transferees the opportunity to elevate any concerns to her subsequently.

She is, however, aware that PNG ICSA and the Department developed the answers to the transferees' questions but Jeffrey Kiangali who, as Manager of the Centre, was the main spokesman, deviated from the agreed responses. In addition, Mr Kianagli is very softly spoken and did not command authority over the meeting.

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Ms Cruickshank noted that the Emergency Control Organisation was stood up during the afternoon but stood down at 16.58. According to her notes, it was reopened at 18.35 and then closed again at 01.43 on the morning of 17 February.

She noted she checked at 17.11 and all TSA staff were accounted for. They left the Centre and went to the Bibby at around 19.30 or so, leaving only Ms Cruickshank behind in the control centre. From that point on, Ms Cruickshank's knowledge is limited to what she heard over the radio. She made no personal observation of the events in Oscar compound.

17 February 2014

While the suggestion was that service providers should adopt a business as usual approach during the day, Ms Cruickshank was concerned for the safety of TSA staff. Some of them felt unsafe, partly because of what she said were mixed messaging from G4S the day before. Ms Cruickshank also noted there was lot of animosity in the compounds.

After consultation with Phsyscare (the TSA's contracted adviser), Ms Cruickshank advised staff who did not feel comfortable working that day to stay on the Bibby and some of them did so. The 20 or so officers who did work staffed the canteens (supplying cigarettes etc) but TSA did not conduct any programs or activities that day.

During the day, TSA was advised of intelligence that the coming evening was going to be 'unpleasant' and protests were expected. They were told to pack up properly before they left the Centre.

On advice from G4S senior officer Kevin Pye, all TSA staff left the Centre by 17.30 or 18.00. Ms Cruickshank remained behind in the emergency control centre and Meagan Spicer was in the TSA office.

Ms Cruickshank stayed there until about 23.15 by which time Mr Pye was getting very anxious about their safety. It was decided to move from their present location and they were put on a bus and driven a couple of hundred metres to the IHMS medical clinic where they stopped for a while but stayed on the bus.

The protests were making a lot of noise and then they heard gunshots. It was decided to split the control centre and some of the participants were taken on the bus to the Bibby at 23.30 while G4S and PNG ICSA stayed in the Centre.

On arrival at the Bibby, Ms Cruickshank recalled TSA staff to duty and they assisted IHMS in the triage centre on the pier (holding drips and so on). Ms Cruickshank says she finished work at about 04.30 – 0500 on 18 February.

Ms Cruickshank said the atmosphere in the Centre on that Tuesday was very subdued, almost eerie. TSA did not go into the compounds that day but she commented that the gunshots had ‘scared the living daylights out of the transferees’.

I asked Ms Cruickshank about AB. She said AB was a very hard worker and worked well with the transferees. AB was a very strong Christian. However, in relation to the events of 17-18 February, she had heard reports of AB helping transferees but contrary reports as well.

In relation to recommendations for the Review, she noted that, although this is a PNG processing centre, PNG ICSA officers have very little involvement in the daily workings of the centre (as opposed to the visibility of the Department) and this causes confusion.

SIGNED as a true record:

.....

Liz Cruickshank

.....March 2014

Annexure "B"

INTERVIEW WITH SHARON CALLISTER, CHIEF EXECUTIVE OFFICER, AND BEN LITCHFIELD, CHIEF OPERATIONS OFFICER, SALVATION ARMY HUMANITARIAN SERVICES

CONDUCTED BY TELEPHONE, 27 MARCH 2014

On 27 March 2014, I interviewed Sharon Callister and Ben Litchfield about the incidents at Manus Regional Processing Centre on 16-18 February 2014. Neither of them was at the Centre at that time but they were (as well as Karen Noble) involved in the teleconferences that took place throughout the night of 17-18 February 2014.

However, they have been regular visitors to the Centre alternately. Ms Callister was there in December 2013 and again in early February this year. Mr Litchfield was there December and arrived 18 Feb 14. Liz Cruikshank was on duty during the incidents.

The Salvation Army contract to provide welfare and support services at the Centre finished on 21 February 2014.

I asked about the increasing tension at the Centre during early February. They agreed the Centre was becoming increasingly tense and they identified the following causes:

- Lack of progress with their refugee claims
- Lack of information about what was going to happen and when, and
- Conflicting information or mixed messages causing confusion.

They said the messaging from the new Australian Government had always been strong (that they would not be resettled in Australia) but it was less clear as to what was intended in regard to their resettlement.

I asked about the growing antagonism between the transferees and the PNG nationals. Ms Callister said that issue had not been high on the Salvation Army's radar of issues within the Centre. The peaceful protests in the first half of February had all been about freedom, not conditions at the Centre or the PNG nationals.

It really only became a major issue as far as the Salvation Army and its staff were concerned on the Sunday night (16 February) due to jeering from outside the Oscar compound on the Sunday night (16 February) had involved locals including off duty PNG G4S guards. Prior to then, the Salvation Army had not been aware of this animosity. The Salvation Army employed a lot of Manusian staff who worked closely with the transferees providing much of the day today services (canteen, clothing, activities, educations etc) for them.

In relation to the meeting on 16 February, they noted it was a big meeting with around 70 transferee representatives from all four compounds and interpreters. It was reported to TSA management through their representative at the meeting, the Centre Manager, Jeffrey Kiangali, spoke softly and it was difficult to hear him. He changed the agreed messages in some ways and he was misunderstood or misinterpreted.

As they were not at the Centre, Ms Callister and Mr Litchfield have no direct knowledge of events on the ground that night except to the extent of involvement in teleconferences.

However, it seems clear that G4S lost control when Foxtrot and Mike combined.

After the disruption in Oscar compound on 16 February, the department and service provider staff endeavoured to conduct business as usual on the day of 17 February. TSA with staff assessed as fit, volunteered for duty that day. The Salvation Army opened the canteens and undertook basic duties until its staff were removed from the compounds at 5 pm that day.

The Emergency Command Operation (ECO) desk was stood up at 6pm on the 17 Feb. Liz Cruikshank (TSA Contract Manager) and Megan Spicer (Client Services Manager) .

were represented TSA in the Emergency Command Operation (Anthony Kniepp was the senior department person on duty in the ECO and also participated along other stakeholders in the teleconferences taking place during the night.

Mr Litchfield noted that from the information provided via the teleconferences the disturbance stopped very quickly as soon as the mobile police squad entered Mike compound. Up until then, G4S had been trying to maintain the perimeters with its incident response teams and the use of containers to cover breaches in the fence but finally without success.

The Salvation Army knew nothing of AB's involvement in Mike compound until Tuesday late afternoon (18 February). Mr Litchfield described AB as a 'good [REDACTED] AB's role was to support transferees. . Mr Litchfield described AB as always a very caring and dedicated worker for transferees. AB was a responsible staff member and acted as team leader on some occasions.

The Salvation Army has already provided the Review with a copy of AB's handwritten statement to the effect that AB was helping not attacking transferees on the night of 17-18 February. AB has made a supplementary statement to police (which the Review has not seen) but Mr Litchfield said it does not alter the substance of AB's handwritten statement. It simply provides more detail.

Mr Litchfield described AB as always a very caring and dedicated worker for transferees. AB was a responsible staff member and acted as team leader on some occasions.

In relation to recommendations that could be considered by the Review, Ms Callister made these two points which she stressed were not major issues but could be worth noting:

- There are some inequalities in services (such as telephone and internet access) which can cause dissatisfaction, and
- In the absence of clear and authoritative information about the resettlement process and timing, the construction of a substantial and permanent structure in the new Mike compound (into which the longest held transferees at the Centre were moved) could easily have led the transferees to believe they were going to be on Manus Island for a long time.

Even though the new facility provided a better living standard, it may well have increased their anxiety.

Annexure "C"

From: Luke Geary/AUE/SAmy
To: OPC Service Delivery <opc.service.delivery@immi.gov.au>
Cc: Alan PLAYER, Karen Noble/AUE/SAmy, Sharon Callister/AUE/SAmy@AUE
Date: 06/05/2014 06:13 PM
Subject: RE: URGENT ACTION: Information required for Senate Inquiry [DLM=For-Official-Use-Only]

Dear Alan,

I am instructed regarding each of the matters raised in the spreadsheet sent this morning, to provide the responses which I have set out in the column titled 'TSA Response' to each item in the **attached**.

I trust that the responses and each of the attached supporting documents satisfactorily answers the request but if there are any other queries, please let me know.

Best regards,
Luke



HMS_Staff Roster Manus Island.pdf



HMS_Manus Island All Staff Contact Details.xlsx



CONFIDENTIAL TSA RESPONSE Review into the events of 16-18 February 2014 at the Manus Regional



Processing Centre.eml
incident.xlsx

TSA Copy of Senate Inquiry-Manus

Luke Geary
Salvos Legal | Managing Partner

web www.salvoslegal.com.au

Level 2, 151 Castlereagh Street, Sydney NSW 2000
PO Box A288, Sydney South NSW 1235
Migration Agent Registration Number 0635598



From: OPC Service Delivery <opc.service.delivery@immi.gov.au>
To: "luke.geary"
Date: 06/05/2014 03:57 PM
Subject: RE: URGENT ACTION: Information required for Senate Inquiry [DLM=For-Official-Use-Only]
Sent by: Alan PLAYER

For-Official-Use-Only
Thank you Luke.

I will advise the Coordination Section of the timeframe.

Kind Regards,

Alan Player

Service Delivery – Garrison Support & Welfare
Offshore Detention Services Branch
Offshore Detention and Returns Task Group
Department of Immigration and Border Protection

From: luke.geary
Sent: Tuesday, 6 May 2014 3:54 PM
To: OPC Service Delivery
Cc: AlanPLAYER; karen.noble ; sharon.callister
Subject: RE: URGENT ACTION: Information required for Senate Inquiry [DLM=For-Official-Use-Only]

Dear Alan,

I am still working on collating this - I will have something to you overnight, which hopefully answers the request in full (or almost in full).

Best regards,
Luke

Luke Geary

Salvos Legal | Managing Partner

web www.salvoslegal.com.au

Level 2, 151 Castlereagh Street, Sydney NSW 2000
PO Box A288, Sydney South NSW 1235
Migration Agent Registration Number 0635598



From: "OPC Service Delivery" <opc.service.delivery@immi.gov.au>
To: "Luke Geary"

Cc: "OPC Service Delivery" <opc.service.delivery@immi.gov.au>
Date: 06/05/2014 03:51 PM
Subject: RE: URGENT ACTION: Information required for Senate Inquiry [DLM=For-Official-Use-Only]
Sent by: "Alan PLAYER"

For-Official-Use-Only

Dear Luke,

Could you please confirm if Salvation Army will be in a position to provide all the requested documentation by COB today. If not, could you please advise when this will be provided.

Kind Regards,
OPC Service Delivery

Service Delivery – Garrison Support & Welfare
Offshore Detention Services Branch
Offshore Detention and Returns Task Group
Department of Immigration and Border Protection
E: opc.service.delivery@immi.gov.au

For-Official-Use-Only

From: Alan PLAYER **On Behalf Of** OPC Service Delivery

Sent: Tuesday, 6 May 2014 9:25 AM

To: Luke Geary

Cc: OPC Service Delivery

Subject: URGENT ACTION: Information required for Senate Inquiry [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Luke,

As you are aware, there are a number of inquiries into the incidents on Manus Island during 16-18 February 2014.

As such the department has received a request from the Senate Inquiry for a significant number of documents held by TSA.

Attached is a list of the documents we require you to provide.

We apologise for the tight timeframe, however all documents are required by **cob Wednesday 7 March 2014**. If you are unable to provide all documents within the deadline, please notify us immediately outlining the obstacle in being able to provide.

Kind Regards,
OPC Service Delivery

Service Delivery – Garrison Support & Welfare
Offshore Detention Services Branch
Offshore Detention and Returns Task Group
Department of Immigration and Border Protection
E: opc.service.delivery@immi.gov.au

For-Official-Use-Only

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Document titled “The Salvation Army Timesheet Manus Island Delivery Team 3rd-16th February 2014” attached to email dated 6 May 2014 (Annexure “C”) contains staff names, and has accordingly been removed from our submissions for privacy reasons.

Document titled “Manus Island All Staff Contact Details.xlsx” attached to email dated 6 May 2014 (Annexure “C”) contains staff contact details, and has accordingly been removed from our submissions for privacy reasons.

Senate Inquiry into the incident at the Manus OPC 16-18 February 2014

	Information/documents requested	TSA Response
1	The inquiry will examine the incident at the Manus Island Detention Centre from 16 February to 18 February 2014 with particular reference to:	
d	Contractor, subcontractor and service provider involvement and response;	
h	Protocols and procedures observed by agencies in the detention centre;	OPC Guidelines held by DIBP. Only require Agency SOPS
i	Any documents, including incident reports and emails as well as briefings involving staff, employees, contractors and subcontractors involved in or responding to the incident	DIBP will coordinate G4S Incident reports. Any Agency incident reports required
2	The committee invites the department to provide a submission addressing the terms of reference. The committee also requests that the department provide the following information and documents to assist the committee with its inquiry:	
f	<ul style="list-style-type: none"> Breakdown of all staff by name, occupation/role, engaged to perform functions at the Manus Island Detention Centre, including: <ul style="list-style-type: none"> How many Salvation Army staff were employed at the time of the incident 16-18 February and currently How many contractors provide services on site at the Manus Island Detention Centre 	<p>Spreadsheets attached. DIBP invoice based on roster also attached</p> <p>See attached per above</p> <p>1 x Psycare Consultant</p>
g	<ul style="list-style-type: none"> Staff rosters for all persons working in the Manus Island Detention Centre between 1 February 2014 and 1 March 2014 and a breakdown of roles and whether staff ratios were met. 	See attached per above
i	<ul style="list-style-type: none"> Training manuals for staff engaged at the Manus Island Detention Centre. 	Induction documents only. Most training supplied by Psycare (Wellness, Fatigue Management, Cultural etc)
j	<ul style="list-style-type: none"> Files and manuals concerning emergency procedures and protocols in the Manus Island Detention Centre. 	These are handled by the security provider

n	• Copies of:	
	o All incident reports, officer's reports, interview records and CCTV footage received by DIBP from the Salvation Army concerning the incident 16-18 February	See attached email from Karen Noble to Robert Cornall of 17 March 2014 (with attachments)
o	• Number of staff resignations including contracted and sub-contracted staff since the incident of 16-18 February at the Manus Island Detention Centre	Zero as TSA's contract ended on 21/2/14.
t	• Copies of communications including email correspondence between the DIBP, G4S, Transfield Services, IHMS and the Salvation Army and any other service providers related to the incident of 16-18 February.	See attached email from Karen Noble to Robert Cornall of 17 March 2014 (with attachments)

CONFIDENTIAL: TSA RESPONSE: Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre

Karen

Noble

to: rob.cornall

17/03/2014 02:30
PM

Cc: susan.mathew, luke.geary



February 2014.docx



Investigation.pdf
16-18 February 2014.pdf



Terms of Reference into the events of 16-18

TSA Attachments_Manus Island

The Salvation Army Review letter re

Dear Mr Cornall,

The Salvation Army (TSA) notes the following with respect to your letter of 5 March 2014, to assist you in your Review into the events of 16-18 February 2014, at the Manus Island Offshore Processing Centre:

1. TSA has concluded all work on Manus Island under its contract with the Department of Immigration and Border Protection (DIBP). That contract concluded on 21 February 2014 and there are no TSA staff present on Manus Island any longer;
2. In respect of the attached report made by Ben Litchfield on 12 March 2014, the further statement of AB which is referred to in that report has not been provided to TSA at all in the past and is therefore not able to be provided to you by us;
3. Attached are copies of the following:

- (i) Email received by the TSA Island Manager on Manus Island at the time, Liz Cruickshank, from DIBP with the attached 'talking points' referred to in that email of 16 February 2014;
- (ii) Talking Points from DIBP as per (i);
- (iii) Letter making allegations regarding AB;
- (iv) Emails from Peter McLean of 20 & 21 February 2014;
- (v) Statement of AB;
- (iii) Report made by Ben Litchfield on 12 March 2014;
- (vii) TSA timeline for 17 February 2014; and
- (viii) TSA staff contact details.

As regards matters for consideration in your Review, TSA would support recommendations that:

- ensure that the use of force is always minimised and as a last resort;
- allow for a proper examination of the serious injuries suffered by asylum seekers, and in particular an examination into how those injuries were caused and by whom; and
- can design a system which will require (and enable) all senior stakeholders (heads of all service providers and governmental representatives) being included at Transferee Communications Forums, to ensure adequate information sharing procedures are in place for the overall welfare of all asylum seekers and service provider staff. In this regard, the briefing held on 16 February 2014 only had DIBP and PNGICSA representatives present. You may consider whether broader

senior service provider representation at that meeting could have led to the situation being handled more effectively.

We have indicated to our former staff who were on-island during the relevant period that your staff may wish to speak with them regarding the events. We have indicated to those staff that unless they object, we will provide you with their contact details and names, so that your staff can make contact with them directly. In this regard, kindly find also **within the attachment** relevant TSA staff with their contact details.

Our appropriate contact person for future correspondence concerning this matter is:

Mr Luke Geary
Salvos Legal | Managing Partner

If we can be of further assistance, please do not hesitate to ask.

Yours faithfully

Karen Noble

(See attached file: TSA Attachments_Manus Island Investigation.pdf)

Karen Noble
Strategic Risk, Governance and Policy Manager
Humanitarian Mission Services
The Salvation Army

webhms.salvos.org.au
twitter @salvoshms



From: "Susan MATHEW"
To: "Sharon.callister"
Date: 05/03/2014 05:08 PM
Subject: Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre [DLM=For-Official-Use-Only]

For-Official-Use-Only

Dear Ms Callister,

Further to the facsimile you would have received earlier this afternoon, please find attached an email version of the letters from Mr Cornall and a copy of the Terms of Reference for the Review.

Kind regards

Susan Mathew

Susan Mathew

Secretariat

Review into the 16-18 February 2014 events at the Manus Regional Processing Centre

For-Official-Use-Only

For-Official-Use-Only

For-Official-Use-Only

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-----Safe Stamp-----

Your Anti-virus Service scanned this email. It is safe from known viruses.

For more information regarding this service, please contact your service provider. (See attached file: *Terms of Reference into the events of 16-18 February 2014.docx*) (See attached file: *The Salvation Army Review letter re 16-18 February 2014.pdf*)

Terms of Reference Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre

From Sunday 16 February to Tuesday 18 February 2014 there were two significant incidents at the Manus Regional Processing Centre (RPC) involving violence, property damage to the centre and the death of a transferee.

A number of transferees have been arrested by PNG Police and a number of individuals received injuries, some serious, during the incidents requiring medical treatment off-site. The incidents were the culmination of a protracted period of regular protests at the Manus RPC.

The Secretary of the Department of Immigration and Border Protection, Mr Martin Bowles PSM, has initiated a review to investigate and report on the key issues surrounding the incidents and leading up to the events, in particular:

- to determine exactly what the facts were
- to ensure that those facts are available to any authorities for any action that would take place as a result
- to ensure that the department is provided with clear recommendations on any improvements that can be made to assist in the management of future incidents.

This review will be undertaken in cooperation with the PNG Government.

This will involve, but not limited to, assessing:

- breaches of security
- the clarity of roles and responsibilities in managing security at the centre and in managing the incident
- intelligence in the lead up to and factors that gave cause to the outbreak of peaceful and then violent protest
- appropriateness of key stakeholder and service provider response
- ability of service providers to manage protest activity within the centre
- procedural matters that relate to the management of transferees, including those that pose a risk to the facility
- any other issues deemed necessary.

Any evidence of possible criminal activity obtained by the review will be made available to relevant authorities.

The review may make recommendations to strengthen relevant arrangements at the centre and prevent recurrence of any similar incident in the future.

The review is to commence immediately and report to the Secretary of the Department of Immigration and Border Protection by April 2014 or such other dates as may be negotiated with a progress report to be provided by 31 March 2014.

To: "jeffreykiangali
"john.mccaffery " "carl.webb
<carl.webb "tsamanager.manus@aue.salvationarmy.org"
<tsamanager.manus@aue.salvationarmy.org>, "IHMS.HSM.Manus

From: "Katrina NEUSS"
Date: 02/16/2014 12:52PM
Cc: "Scott MATHESON" , "Cait VIGNON"
"AnthonyKNEIPP" "DOOLEY Troy(
"wilsonkuve "Hasan
SOW AID" <hasan.sowaid
Subject: TPs meeting with transferees 14 Feb 2014 - with Waigani input (2).docx [DLM=For-Official-Use-Only]

(See attached file: TPs meeting with transferees 14 Feb 2014 - with Waigani input (2).docx)

For-Official-Use-Only

Dear All

Please find attached the new version of the talking points for today's session. Hasan has made some recommendations for the answers. I would like to adopt these changes please.

Regards

Katrina Neuss

Assistant Director

Operations Lead – Manus Island

Offshore Detention Operations Branch

Department of Immigration and Border Protection

For-Official-Use-Only

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TPs meeting with transferees 14 Feb 2014 - with Waigani input (2).docx



ANSWERS TO TRANSFEREE QUESTIONS

1. Is there a process? What is it?

In short, the process includes:

- a. Initial transferee interviews – to obtain information about you and your journey
- b. Claims Assistance Provider interviews – to help you to document your refugee claims
- c. Refugee Status Determination interviews – to gain further information to assist the PNG Government to assess whether you are a refugee
- d. Review – independent assessment of your claims and review of the initial assessment for people who were assessed not to be refugees
- e. Determination – the final decision on your refugee status by the PNG Minister for Foreign Affairs and Immigration

People who are determined to be refugees will be permitted to settle in PNG.

People who are determined not to be Refugees must return to their home country or another country where they have a right of **long term** residence.

2. How long are we going to be here?

You are free to leave PNG and return to your home country or another country where you have a right of residence at any time. The IOM is able to assist you with this.

If you choose to remain, this will be a lengthy process. There is no definite timeframe how long you are going to be at the Manus Regional Processing Centre. Your claims will be assessed in order of your arrival and no preference is given to anyone in this refugee claim process.

3. When will we have our freedom?

You have the freedom to leave PNG and return to your home country or another country where you have a right of **long term residence** ~~entry~~ at any time. The IOM is able to assist you with this.

If you choose to remain in PNG, you are required under PNG law to remain at the Centre for as long as it takes to process your refugee claims. This is likely to be a lengthy process.

After your 30 days quarantine period, you will be permitted to go out on escorted activities outside the Centre.

4. Will transferees who have been deemed refugees in other countries be given priority in processing?

No. Your claims will be assessed in order of your arrival and no preference is given to anyone in this refugee claim process.

If you have been granted refugee status elsewhere, your documents will be forwarded to the UNHCR for verification. You should advise your Claims Assistance Provider if you have been granted refugee status elsewhere.

If you have a right of **long term residence** ~~re-entry~~ to the country where you were assessed to be a refugee, you are free to return to that country.

5. Why is there no PNG partnership

The Centre is administered by the Government of PNG under PNG law with the operational and funding support of the Australian Government. PNG Government Officials are always present and maintain overall management and control of the Centre.

If you have any questions that require my attention, please do not hesitate to forward them to me via the service providers.

6. Some of the transferees have been interviewed some time ago, what is happening with our process? What is the hold up?

The Refugee Status Determination process is complex and lengthy. There is no definite timeframe how long it will take. Your claims will be

assessed in order of your arrival and no preference is given to anyone in this refugee claim process.

You are free to leave PNG and return to your home country or another country where you have a right of **long term residence** ~~entry~~ at any time. The IOM is able to assist you with this.

**7. Who is responsible for us here on Manus PNG or Aust?
(transferees that arrived in Darwin)**

The Manus RPC is established under PNG law and the Government of PNG is responsible for the management, administration and control of the Centre.

The Government of Australia provides funding and operational support, including through contracted service providers such as IHMS, the Salvation Army and G4S.

8. Why won't Immigration allow media to come and interview us?

Strict controls have been placed on access to the centre in order to protect the privacy, identity and dignity of all people who reside here.

9. Will the Australian government take responsibility for our Mental Health problems.

The Papua New Guinean Government is responsible for the Manus RPC, however, the Australian Government has contracted appropriately trained and experienced service providers to provide services to people at the Manus RPC, including providing health and mental health care services. It is important that you take responsibility for your general and mental health well-being and that you do this in partnership with your medical practitioner. The services that are provided to you are there to help you do that.

10. The Play fair Lawyer said there was a third country option, why can't we be sent to this other country?

People who have are found to be refugees will be permitted to settle in PNG.

Neither the Governments of PNG or Australia, nor the UNHCR, will assist people who are found to be refugees to arrange third country resettlement.

Refugees who do not wish to settle in PNG may independently seek to identify a third country that is willing to accept them for resettlement. You are free to leave PNG and return to your home country or another country where you have a right of **long term residence** ~~entry~~ at any time. The IOM is able to assist you with this.

11. Why are our human rights not respected?

The PNG government is a signatory to the UN Refugees Convention and PNG is committed to respecting your human rights, including by providing appropriate safety, security and care arrangements for you while your claims are being assessed.

With all rights come responsibilities: it is the responsibility of everyone to abide by PNG laws. If you break any of PNG's laws you will be dealt with under those laws.

I would also like to remind you that your behaviour and conduct at the Centre will be taken into consideration during your Refugee Status Determination. If you are found guilty of an offence, it may have an impact on your assessment.

This document has been removed after discussions with the Senate Committee on the basis it contains information that may prejudice ongoing legal proceedings and which relates to an individual located outside Australia to whom parliamentary privilege does not apply.

From: Peter McLean/iNotes/AUE/SAArmy
To: Ben Litchfield/AUE/SAArmy@AUE, TSA Manager Manus/AUE/SAArmy@AUE,
Date: 21/02/2014 05:20 PM
Subject: Fw: AB

Ben and Liz,

Further to the email below.

I spoke with AB today, in the presence of Tim Rowland and discussed with AB what happened on Monday Night 17/02/2014.

AB stated openly that AB entered the MIKE Compound with other PNG people, not dressed in uniform.

AB went in because AB knows the transferees and they saw AB and called for AB's help which AB gave. AB dragged 3 transferees out of the line of fire and returned to protect others.

AB stated that so many called for AB's help and AB tried to help many including shielding them with AB's own body so that they did not get beaten.

AB is bruised where AB was hit by other PNG people and thanked God AB still had his back pack on otherwise AB's injuries would have been worse.

AB is writing a statement in preparation for any interview which AB may have about the incident.

Apparently there is a G4S guard by the name of XY who witnessed AB's action.

Reading AB's body language, AB was telling both Tim and I the truth.

These actions are the actions of the AB that I know.

Pete McLean

Human Resources
Humanitarian Mission Services
The Salvation Army

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twitter @salvoshms

-----Forwarded by Peter McLean/iNotes/AUE/SAArmy on 02/21/2014 04:11PM -----

To: TSA Manager Manus/AUE/SAArmy@AUE
From: Peter McLean/iNotes/AUE/SAArmy
Date: 02/20/2014 08:29AM
Subject: AB

Liz,

An allegation has been made by Transferees in MIKE Compound that AB was involved in entering the MIKE Compound with other PNG Nationals who then hit and fought with the Transferees.

They recognised AB as AB, Recreation person from TSA, even though AB was not in any uniform.

The further allegation is that AB was directly responsible for the death of the Transferee in MIKE Compound.

Pete McLean

Human Resources
Humanitarian Mission Services
The Salvation Army

web hms.salvos.org.au
twitter @salvoshms

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Humanitarian Mission Services

THE SALVATION ARMY | AUSTRALIA EASTERN TERRITORY | HMS.SALVOS.ORG.AU

AB – Manus Island RPC Incident 17 Feb 2014	
Date	12 March 2014
Incident Report	Ben Litchfield
Subject Matter	Record of conversation Up-dated statement and confirmation of reporting to the Manus Is police

AB contacted me on 11 March 14 to advise AB had engaged a Public Solicitor, updated AB's initial statement and provided the Manus Island police the information as part of their investigation into the incident at the MI RPC of the 17 Feb 14.

Ben Litchfield advised AB as part of the review being conducted by the Australia Government TSA is required to provide all information pertaining to the incidents 16 – 18 Feb 14. Therefore the first statement provided by AB will need to be submitted. AB was assured this notice would be provided with AB's initial statement to help remove any confusion in regard to the second, updated statement.

AB confirmed AB's updated statement fundamentally was unchanged, in that AB was in the centre on the 17 February to protect transferee.

*Confidential: TSA Timeline for Monday 17 February 2014

TSAManagerManus

to:

Pye Kevin

20/02/2014 01:03 PM

Sent by:

Liz Cruickshank

Cc:

"Anthony KNEIPP", "Katrina NEUSS", "McCaffery John"

Bcc:

Karen Noble

HideDetails

From: TSAManagerManus/AUE/SArmY

To: "Pye Kevin"

Cc: "Anthony KNEIPP", "McCaffery John", "Katrina NEUSS"

Bcc: Karen Noble/AUE/SArmY

Sent by: Liz Cruickshank/AUE/SArmY

Dear Kevin

Please note the following information from TSA to inform the Chronological Order for 17 February 2014:

16:06 last of TSA staff exit Delta Compound (outreach engagement with transferees).

17:32 last of TSA staff exit Foxtrot Compound (outreach engagement with transferees).

Cigarettes were distributed to Delta and Oscar prior to 16:00.

17:00 last of TSA staff depart MIRPC and return to Bibby or home (Manusian Staff).

Meagan Spicer and I left the MIRPC when directed by you (recorded in Chronology).

TSA had limited engagement in Oscar and Mike Compound on 17 February 2014, as directed by the Sierra One in each of these compounds.

Please advise if you would like further information.

Regards

Liz

Liz Cruickshank

RPC Contract Manager Manus Island

Humanitarian Mission Services

The Salvation Army

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twitter @salvosahms

This page contains staff contact details, and has accordingly been omitted from our submissions for privacy reasons.

**REVIEW INTO THE EVENTS OF 16 – 18 FEBRUARY 2014 AT THE MANUS REGIONAL
PROCESSING CENTRE**

PO Box 25
BELCONNEN ACT 2616

5 March 2014

Ms Sharon Callister
Chief Executive Officer
Humanitarian Mission Services
The Salvation Army
Australia Eastern Territory
20-36 Nancarrow Avenue
MEADOWBANK NSW 2114

Dear Ms Callister

Review into the events of 16 – 18 February 2014 at the Manus Regional Processing Centre

I have been engaged to conduct this Review by the Secretary of the Department of Immigration and Border Protection, Mr Martin Bowles PSM. I enclose a copy of my Terms of Reference for your information.

I am seeking the following assistance from your organisation to facilitate the completion of my inquiries by 30 April 2014.

First, I intend to visit the Processing Centre on Manus Island in the near future. It would be very helpful if you would:

- Authorise your staff (both employees and contractors) on Manus Island to cooperate fully with my Review
- Advise the name of your senior officer at the Centre who can facilitate my meetings with your staff, and
- Provide a list of the names of the staff on duty during the period 16 – 18 February 2014 who can provide first hand accounts of the events I am investigating.

Secondly, I request that you send me any information in your possession that has not already been recorded in regular operational reports held by the Department which may be of assistance in meeting the Terms of Reference.

Thirdly, could you please let me have any submission you may wish to make in regard to the Terms of Reference, including in particular:

- Possible recommendations on any improvements that can be made to assist in the management of future incidents, and

- Possible recommendations to strengthen relevant arrangements at the Centre and prevent the recurrence of any similar incidents in the future.

If you would like to discuss any aspect of this request, I can be contacted by telephone on [redacted] or by email at [redacted]

However, I would appreciate it if any formal response can be sent to Ms Susan Mathew at the Review Secretariat.

Yours sincerely

Robert Cornall AO
Reviewer

Terms of Reference Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre

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