

Submission by Serco Australia
to

**Joint Select Committee on
Australia's Immigration Detention
Centre Network**

August 2011

Contents

1	Executive Summary	6
	Serco's understanding of the Terms of Reference	6
	Summary of Serco's submissions on the Terms of Reference	6
2	Relevant background	10
	Central values underpinning the Contract	10
3	Terms of Reference	14
	TOR (a): any reforms needed to the current Immigration Detention Network in Australia	14
	TOR (b): the impact of length of detention and the appropriateness of facilities and services for asylum seekers	14
	TOR (c): the resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties	18
	TOR (d): the health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network	21
	TOR (h): the reasons for and nature of riots and disturbances in detention facilities	26
	TOR (i): the performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the detention and processing of irregular maritime arrivals or other persons	29
	TOR (j): the health, safety and wellbeing of employees of Commonwealth agencies and/or their agents or contractors in performing their duties relating to irregular maritime arrivals or other persons detained in the network	30
	TOR (k): the level, adequacy and effectiveness of reporting incidents and the response to incidents within the immigration detention network, including relevant policies, procedures, authorities and protocols	32
	TOR (n): the management of good order and public order with respect to the immigration detention network	35
4	Recommendations	37
	Annexure Table	39

Glossary

In this submission the following terms and abbreviations have the following meanings, unless the context otherwise requires:

Act	Migration Act 1958 (Cth)
AFP	Australian Federal Police
APOD	Alternative Place of Detention
ASPAC	Asia Pacific
CI	Christmas Island
CIIDC	Christmas Island Immigration Detention Centre
CISSR	Council for Immigration Services and Status Resolution
Client	A person who is accommodated in an immigration detention facility and to whom Serco provides care.
Construction Camp	Construction Camp Alternative Place of Detention
Contract	Comprised of the original detention services contract (executed by Serco and DIAC on 29 June 2009) as varied by the parties and the second contract relating specifically to IRH and ITAs (executed on 11 December 2009)
CSO	Client Service Officer
CSM	Client Service Manager
DIAC	Department of Immigration and Citizenship
DSM	DIAC Detention Services Manual
EDS	Electronic Detection System
HSE Policy	Health, Safety and Environment Policy
IDC	Immigration Detention Centre
IDG	International Deployment Group
IRC	Immigration Removal Centre
IRH	Immigration Residential Housing
ITA	Immigration Transit Accommodation
IHMS	International Health and Medical Services
IMAs	Irregular Maritime Arrivals
JIG	Joint Intelligence Group
Lilac/Aqua	Lilac and Aqua Compound

LTAPOD	Longer Term APOD
Minister	Minister for Immigration & Citizenship
NWP	North West Point Immigration Detention Centre
Original RFT	Request for Tender 07/23
Original RFT response	Response to the Original RFT dated 14 September 2007
Phosphate Hill	Phosphate Hill Alternative Place of Detention
Resolve FM	Facilities and maintenance subcontractor of CIIDC
PPM	Policy and Procedures Manual
RSA	Refugee Status Assessments
Serco	Serco Australia Pty Ltd
Serco Group	Serco Group plc
VIDC	Villawood Immigration Detention Centre

Structure of Serco's submission

This submission is structured as follows:

Glossary: Defined terms used throughout these submissions are located in the glossary.....	3
Section 1: The submission commences with an executive summary.....	6
Section 2: Relevant background.	10
Section 3: Addresses each aspect of the Terms of Reference.	14
Section 4: Sets out recommendations that Serco has identified through its own internal and external review processes that may be of interest or assistance to the Committee.	14

1 Executive Summary

Serco's understanding of the Terms of Reference

- 1.1 Serco Australia Pty Limited (**Serco**) welcomes the opportunity to provide a submission to the Joint Select Committee (**the Committee**) in relation to this important inquiry into Australia's Immigration Detention Network.
- 1.2 Serco is committed to providing a dignified, humane environment in all facilities that it manages under the Contract. We take extremely seriously our responsibility to deliver services in a caring and compassionate way to all persons accommodated at immigration detention facilities operated by Serco.
- 1.3 In line with that approach, Serco requires that in their day to day work staff describe all persons detained in immigration detention as "clients". Serco believes the use of the term "clients" when referring to persons in detention is important symbolically and, further, also has a tangible practical impact in that it reinforces to both staff and clients the culture of dignified and humane care that Serco strives to deliver. Consistent with its usual approach, Serco will refer to persons in detention as "clients" throughout this submission.
- 1.4 Serco is also committed to ensuring "continuous improvement" in the delivery of high quality services, based on a humane and dignified approach. Our track record in Australia and globally is evidence of this approach. Serco believes that "continuous improvement" of systems, policies and procedures is critical to maintaining the "best practice" standards to which Serco seeks to hold itself both in Australia and globally. Serco looks forward to considering the further opportunities for improvement of systems, policies and procedures at its immigration detention facilities that will be identified by the Committee.
- 1.5 Serco's submission will address only those aspects of the Terms of Reference on which Serco believes it is in a position to assist the Committee. At a number of points in this submission, Serco refers to external factors that impact directly upon management and security at the immigration detention facilities but which are "external" in the sense that they are not factors that Serco is in a position to control or influence. These factors include the very significant change in the number and composition of the client populations at the facilities and similarly significant changes in the average time taken to determine visa applications for those clients.
- 1.6 For the reasons explained at paragraph 3.76 to 3.77, this submission does not analyse those external factors in any detail.

Summary of Serco's submissions on the Terms of Reference

- 1.7 **TOR (a):** Serco outlines in Section 4 of this submission a number of recommendations that it respectfully commends to the Committee for its consideration.
- 1.8 **TOR (b):** Serco provides a wide variety of services to clients in detention. These services are outlined at paragraph 3.19 of this submission and include accommodation, catering, access to religious practitioners and religious practice, libraries and educational services, telephones and computers, access to interpreters, television and other media and entertainment facilities and gyms and other sporting and recreational

facilities. Serco also maintains a schedule of programs and activities (participation in which is voluntary) targeted at enhancing the mental health and wellbeing of clients. Further details about these services are provided in paragraphs 3.41 to 3.67.

Serco does not determine the infrastructure (including security infrastructure) that is in place at the IDCs and other facilities. Serco and DIAC regularly consult about the adequacy and appropriateness of infrastructure at the facilities and Serco is committed to assisting DIAC by highlighting potential areas for improvement and working with DIAC to facilitate any resulting construction works, installations or repairs.

- 1.9 **TOR (c):** Serco seeks to provide a broad range of support and resources for its employees to assist them to meet their potential and work to the best of their abilities. The support provided by Serco to its employees includes extensive induction and refresher training, career development planning, a Code of Conduct, internal policies and procedures (including grievance procedures) and an Employee Assistance Program. Serco's induction training program for staff is discussed at paragraph 3.24 and includes, amongst many other topics, training on cultural awareness and cross-cultural communication, human rights, mental health awareness and suicide awareness, duty of care owed to clients and the Commonwealth Government's Immigration Detention Values.
- 1.10 **TOR (d):** Serco has a strong commitment to ensuring that it has in place a range of programs, systems and policies to ensure (as far as Serco is able to) client safety and wellbeing. Serco's approach to service delivery is outlined in its *Wellbeing of People in Detention policy and procedure manual*. The primary goal is to ensure that all clients experience humane detention conditions and that facilities are at all times operated with respect for human dignity. The services provided by Serco to clients in detention are discussed in detail from paragraph 3.41 to 3.67. These services include reception and induction services, programs and activities, religion and wellbeing initiatives, communications and media services, an Individual Allowance Program and HSE procedures.
- 1.11 A different approach is taken in the care of clients under the age of 18. Children are not detained in IDCs and are instead accommodated at APODs. Serco supports the best interest of children in the operation of the APOD and ensures that children are treated with respect and dignity, provided with a safe and supportive living environment and provided with access to health and welfare services, education and age appropriate recreational activities, amongst other things. Serco's policy around working with children is discussed more extensively at paragraphs 3.68 to 3.74 of this submission
- 1.12 Serco does **not** provide medical, psychological or any other health services to clients at IDCs (or any other facility) and those services are provided by IHMS. Serco does, however, work closely with IHMS and DIAC to create and maintain an environment conducive to the health and welfare of clients.
- 1.13 **TOR (h):** Determining the cause of riots and disturbances in IDCs is an extremely complex issue.
- 1.14 Key "external" factors (that is, factors in respect of which Serco does not have an ability to control or influence either the existence or scale of that factor) relevant to the existence, scale and frequency of riots and disturbances at IDCs include the substantial

increase in the number of IMAs arriving into Australia in the period June 2009 to July 2011, increased visa processing times and an associated increase in the average time spent in detention, as well as substantial changes in the composition, particularly risk profiles, of the clients accommodated at IDCs.

- 1.15 The riots and disturbances that have occurred at the IDCs, notably at CIIDC and VIDC, have varied significantly in type, scale and duration. They have included actual and threatened self harm, peaceful and non-peaceful protests, actual and threatened violence between clients and by clients against staff and sometimes extensive property damage. In order to provide some necessarily limited insight regarding the “nature” of the riots and disturbances that have occurred in Immigration Detention Centres, an overview of the major disturbances at CIIDC in March 2011 and VIDC in April 2011 is provided at paragraphs 3.84 to 3.99 of this submission. While these overviews serve as useful case studies, it should be noted that these incidents were particularly serious and not typical in either scale or duration.
- 1.16 **TOR (i):** The Contract is extremely complex and challenging and Serco is discharging its obligations in circumstances that are sometimes extremely difficult.
- 1.17 The presence of “external factors” (such as those discussed in this submission at paragraph 3.76 to 3.77) have had a significant impact on the context within which Serco is required to fulfil its contractual obligations. Although many of these factors have dramatically altered the environment in which it provides services under the contract, Serco (in collaboration with DIAC) strives to maintain standards to as high a level as is possible in such challenging circumstances. Serco remains committed to high standards and continuous improvement.
- 1.18 **TOR (j):** Serco places a high priority on ensuring the health, safety and wellbeing of its employees and contractors. Serco recognises that the support and resources that it offers to its staff must account for the potentially distressing nature of the incidents and disturbances to which they may be exposed. The support that Serco provides its staff includes the promotion of safe work conditions and practices through an Occupational Health and Safety Plan and other HSE policies, as well as psychological support through the Employee Assistance Program which is available free of charge to all staff and their immediate families.
- 1.19 **TOR (k):** Serco has extensive systems, procedures and policies in place at its IDC facilities in connection with incident prevention and response. Those systems, procedures and policies are discussed in detail at paragraphs 3.116 to 3.121 of this submission and include:
- 1 systems for intelligence gathering and monitoring in order to identify the risk of potential incidents;
 - 2 procedures and policies for preventing disturbances and other incidents (both DIAC policies and internal Serco policies);
 - 3 procedures and policies for responding to and managing incidents (these include DIAC policies and internal Serco policies);
 - 4 training standards for Serco staff, including in relation to incident response and use of force; and

5 Immigration Detention Centre Use of Force Policy and Procedures.

- 1.20 Serco has a strong record regarding compliance with its contractual obligations and the standards it sets for itself in relation to the reporting and management of incidents.
- 1.21 **TOR (n):** Despite circumstances that have, at times, been extremely challenging, Serco has maintained good order at the IDCs and other immigration facilities to the greatest extent possible. Serco employs dynamic security processes (discussed at paragraphs 2.16 to 2.17 below) in order to prevent incidents and disturbances. Where disruptions are unable to be avoided, the vast majority are quickly and safely managed by Serco. In the event of serious disruption and/or rioting, Serco has worked effectively with DIAC, the AFP and other agencies to restore order as quickly and efficiently as possible.
- 1.22 In addition to the policies and procedures for incident prevention, management and response that are discussed in response to TOR 11, Serco also seeks to maintain order by actively establishing and promoting a positive culture at all facilities. This culture is described and promoted in the Wellbeing Policy that is outlined in paragraph 3.123 and through the IDC Client Consultative Committees, feedback and complaints processes, Religious Liaison programs and other initiatives that are discussed at paragraph 3.124.
- 1.23 **TOR (e), (f), (g), (l), (m), (o), (p), (q), (r) and (s):** Serco does not propose to make any submission on these aspects of the Terms of Reference, however, Serco would be pleased to assist the Committee if there is a particular issue or matter that the Committee would like Serco to address.
- 1.24 Serco's values-based approach means that it is constantly assessing ways in which it can improve the high standards of service it delivers at IDCs throughout the national detention centre network. Since the Contract commenced in June 2009, working closely with DIAC, Serco has made significant improvements to the systems, processes and culture across the immigration network. Serco acknowledges that there remains scope for further improvement and welcomes this Inquiry and looks forward to receiving the findings of the Committee as a means by which Serco can further engage in this process of continuous improvement. In section 4 of this submission, Serco has outlined a number of recommendations that it respectfully commends to the Committee for their consideration.

2 Relevant background

- 2.1 Serco is an Australian proprietary limited company that has contracted with DIAC to operate IDCs and other immigration facilities. The initial Contract was executed by Serco and DIAC on 29 June 2009.¹ A second contract relating specifically to IRH and ITAs was executed on 11 December 2009. References in this submission to the Contract (**Contract**) will encompass the terms of both documents and the relevant deeds of variation.
- 2.2 In addition to immigration services, Serco also provides services on behalf of Australian governments in the portfolios of defence, health, transport, justice and infrastructure. These services include: support for the Australian Defence Force through the provision of garrison and port services; rehabilitation of offenders in prisons; road safety in Victoria through our traffic camera services; public transport advice for travellers in Perth, Brisbane and New South Wales; and greening Melbourne's parks and gardens.
- 2.3 Serco is owned and operated by Serco Group plc (**Serco Group**), a company incorporated in the United Kingdom and listed on the London Stock Exchange. Serco Group is engaged in service provision throughout Europe, North America, Africa and Asia. Serco Group partners with governments, agencies and companies seeking operational, management and consulting expertise in the aviation, BPO (Business Process Outsourcing), defence, education, environmental services, facilities management, health, home affairs, information and communications technology, knowledge services, local government, science and nuclear, transport and welfare to work sectors. As is the case for Serco Australia, Serco Group's primary business is service provision to government and the management of critical national infrastructure, particularly in the operation of correctional facilities, detention centres, transport services and defence facilities.
- 2.4 Serco Group has extensive experience in the provision of immigration services. In addition to the services provided in Australia, Serco works closely with the UK Home Office's Border Agency to help the UK Government manage migration and currently operates two IRCs in the UK: Colnbrook IRC and Yarl's Wood IRC.²

Central values underpinning the Contract

- 2.5 On 29 July 2008, the then Minister, Senator Chris Evans, announced the "New Directions in Detention" as part of a broader government policy on immigration

¹ Serco has assumed that the Committee will receive a copy of the subsequent versions from DIAC. If this is incorrect, please let us know and we will immediately provide the Committee with a copy (in consultation with DIAC).

² Serco was awarded the contract to design, build and operate Colnbrook IRC and Short Term Holding Facility in 2002; the eight year contract became operational in 2004. Colnbrook is one of the most secure immigration removal centres within the UK Border Agency (UKBA) estate. It is built to a "category B" prison standard and is designed to manage higher risk clients, many of whom arrive directly from the prison estate. Since it opened in 2004, more than 50,000 detainees have passed through the centre, making it one of the busiest removal centres in the UK. Most detainees are awaiting removal abroad. Yarl's Wood IRC is the main removal centre for women. It originally opened in 2001, with Serco taking over the management, operation and maintenance for the contract in 2007, providing residents with dedicated facilities. Yarl's Wood has a dedicated healthcare team including GPs, Nurses, Dentists and Counsellors. Activities for detainees include: a library, sports, arts and crafts and dedicated computer rooms to develop IT skills. There are also opportunities for paid work for detainees.

detention.³ To underpin this new policy, the Minister and DIAC developed a set of Immigration Detention Values to guide and drive new detention policy and practice into the future.

- 2.6 The Immigration Detention Values were incorporated into the Contract⁴ and the primary objectives of the Contract were linked to the Immigration Detention Values.⁵ This was made explicit in clause 10.1(a) of the Contract which provides:

The primary objectives of this Contract are to:

- (i) *enhance the well-being of People in Detention by implementing the Immigration Detention Values;*
- (ii) *continuously improve the quality, effectiveness and efficiency of the Services and promote cultural alignment between the Department and the Service Provider through the implementation of the Immigration Detention Values;*
- (iii) *enhance the management and operation of Facilities through cooperation between the Department, the Service Provider and other Stakeholders; and*
- (iv) *enable the Department to receive best value for money in the provision of the Services (collectively Objectives).*

Responsibility for managing and providing services at IDCs

- 2.7 Under the Contract, and subject to the provisions of the Contract, Serco is required to (in collaboration with DIAC) manage IDCs and other immigration facilities and to provide services to clients resident at the facilities. The client services that Serco provides are summarised at paragraph 3.19 and details of the services are set out in paragraphs 3.38 to 3.74 of this submission.
- 2.8 Serco has authority under the Contract to engage subcontractors to assist it with service delivery. Consistently with that authorisation, Serco has engaged MSS Security and Wilson Security to assist it with certain aspects of security at IDCs. Both MSS Security and Wilson Security are required to hold all appropriate licences and staff made available to Serco must have appropriate expertise and qualifications sufficient to enable them to be authorised as officers under the Act. Regular checks are undertaken to verify that subcontractors' licences and qualifications are in order. Were either MSS Security or Wilson Security to fail to meet the required standards, they would be exposed to contractual penalties including, potentially, termination.
- 2.9 Security staff provided by MSS Security and Wilson Security are intended to supplement rather than replace Serco officers. Serco officers continue to occupy positions that require direct client contact and subcontracted staff are generally allocated to roles with relatively minimal client interaction (such as perimeter security and staffing surveillance or monitoring stations).

³ Full text of Senator Evans' speech is available at:
<http://www.minister.immi.gov.au/media/speeches/2008/ce080729.htm>.

⁴ Ibid.

⁵ Contract, clause 10(1)(a).

- 2.10 Serco does **not** provide medical, psychological or any other health services to clients at IDCs (or any other facility) and those services are provided by IHMS.
- 2.11 DIAC has an official presence at all IDCs and other facilities throughout the immigration detention network, as does IHMS. Serco, DIAC and IHMS personnel work together closely on all aspects of the provision of services to clients and in relation to the development and deployment of systems, procedures and policies at the facilities.
- 2.12 When the Contract was executed in June 2009, the IDCs that Serco was to be responsible for managing were:
- (a) Maribyrnong IDC (Melbourne, Victoria);
 - (b) Northern IDC (Darwin, NT);
 - (c) Villawood IDC (Sydney, NSW);
 - (d) Perth IDC (Perth, WA);
 - (e) Northwest Point IDC (Christmas Island); and
 - (f) APODs known as “Phosphate Hill” and “Construction Camp” (Christmas Island).
- 2.13 Since June 2009, Serco and DIAC have agreed that Serco would also provide services at the following facilities:
- (a) Lilac/Aqua (Christmas Island);
 - (b) Adelaide APOD (West Richmond, SA);
 - (c) Asti Motel APOD (Darwin, NT);
 - (d) Virginia Palms Motel APOD (Boondall, Qld);
 - (e) Leonora Lodge and Gwalia Lodge LTAPODs (Leonora, WA);
 - (f) Darwin Airport Lodge LTAPOD (Darwin, NT);
 - (g) Pontville IDC (Hobart, Tas);
 - (h) Yongah Hill IDC (Northam, WA);
 - (i) Wickham Point IDC (Darwin, NT);
 - (j) Curtin IDC (Derby, WA); and
 - (k) Scherger IDC (Weipa, Qld).
- 2.14 Summary information regarding the location, composition and capacity (both operational and surge capacity) of each of the IDCs, APODs and LTAPODs listed above is contained in Schedule 1 to the Contract.⁶ Plans and drawings of the facilities also appear in Schedule 1 to the Contract.⁷

⁶ Contract, Schedule 1. Schedule 1 has been varied several times to reflect the extension of services to new facilities.

⁷ Contract, Schedule 1.

- 2.15 Serco is also, in collaboration with DIAC, the AFP and State and Territory police services, responsible for providing security services at the IDCs. The approach to security that would be required of Serco was a key focus of both DIAC and Serco during the tender process for the Contract.
- 2.16 Serco's approach to security services at each IDC involves "dynamic security" overlaying established static security systems. The approach to security that Serco intended to take was explained in its response to DIAC's original request for tender in relation to the Contract (issued May 2007):

*Central in Serco's approach to Security procedures will be a recognition and reinforcement amongst our staff that while levels of Security must be achieved, nevertheless, People in Detention will be treated with uncompromised dignity and respect while being held in conditions which ensure their, and the Immigration Detention Centre's safety and security. **We note the requirement to provide the minimum reasonable Security restrictions necessary to preserve the safety and security of the Centre.***

The core methodology of our procedures will be dynamic in concept, and in line with the Department's Service Delivery Model, focusing on the interaction between staff and People in Detention. This dynamic approach will enable the collection and collation of useful information to inform decisions and assist with the proactive management of issues with a minimum of impact on the environment.⁸

...

*We feel a key component of Security is firstly the presence of staff within the Centre, but then more importantly the way the staff conduct business when within the Centre. The Serco model does not support a method that sees officers occupy a discreet officer's station and stand and simply observe. Little is achieved by this approach and a camera could attain the same outcome or more. **We believe strongly in our staff being mobile, interacting and engaging with the People in Detention.** Our approach thus provides insight into issues within the population and is a responsive model versus merely one of simple observation.⁹ (our emphasis)*

- 2.17 This "dynamic security" approach is aligned with the Contract, with DIAC's Immigration Detention Values (see paragraphs 2.5 to 2.6) and with DIAC's "People in Detention Philosophy" which is in the following terms:¹⁰

The People in Detention Services philosophy is to make Facilities pleasant places for everyone to live and work. The aim of service delivery to People in Detention is to ensure that the only change to an individual's well-being as a result of being in Immigration Detention is the restriction of freedom of movement. Immigration Detention is mandatory "administrative detention"; it is not indefinite or correctional

⁸ Original RFT response, page 304.

⁹ Original RFT response, page 309.

¹⁰ Contract, Schedule 2: Statement of Work, page 3, Philosophy.

detention. Arrangements and principles that underpin the requirements of Immigration Detention are detailed in the Immigration Detention Values.

The Department and the Service Provider will work together to ensure that every individual in the detention environment is treated with dignity, equality, respect and fairness, in accordance with the Immigration Detention Values. The Department and the Service Provider will facilitate a positive, safe and healthy detention environment by providing Services to maintain the physical, emotional, social and spiritual well-being of the individual Person in Detention.

People in Detention Services will be managed cooperatively by the Service Provider with the Department's Regional Management and the Health Services Manager to provide integrated and effective service delivery. The Service Provider will facilitate access by People in Detention to family, legal services and support networks, information and communication technologies, education Programs and Activities, and religious activities and practitioners.

The Service Provider will promote social interaction between People in Detention, Service Provider Personnel, and visitors.

The Service Provider will have primary responsibility for day to day interaction with People in Detention. For each Person in Detention, the Service Provider will need to be fully aware of their state of well-being and be pro-active in managing their amenity needs.

In delivering People in Detention Services, the Service Provider will not act in a manner contrary to the principles set out in the Department's Immigration Detention Values.

- 2.18 The services that Serco provides to clients at the IDCs and other facilities, as well as the systems, policies and procedures that Serco has in place in relation to security and the safety, health and wellbeing of clients and staff, will be addressed in detail in section 3 of this submission.

3 Terms of Reference

TOR (a): any reforms needed to the current Immigration Detention Network in Australia

- 3.1 Serco has outlined in section 4 of this submission a number of recommendations that it respectfully commends to the Committee for its consideration.

TOR (b): the impact of length of detention and the appropriateness of facilities and services for asylum seekers

1) Facilities

- 3.2 Serco does **not** determine the infrastructure (including security infrastructure) that is in place at the IDCs and other facilities. Serco and DIAC regularly consult about the adequacy and appropriateness of infrastructure at the facilities and Serco is committed to assisting DIAC by highlighting potential areas for improvement and working with DIAC to facilitate any resulting construction works, installations or repairs. Ultimately,

however, the responsibility for determining the nature, scale and timing of any additions or improvements to existing infrastructure remains with DIAC.

- 3.3 The scale and type of accommodation, recreational facilities and other infrastructure in place at the IDCs and other facilities varies according to factors such as whether the facility was “purpose built”, its age, location, accessibility and the period of time the facility is to be used to accommodate clients. The security infrastructure in place at each facility similarly varies due to these factors and also in accordance with the risk profile of the client population (which may vary from time to time).
- 3.4 The external factors discussed at paragraphs 3.76 to 3.77 of this submission have had the result that, since mid-2009, significant pressure has been placed on the capacity and infrastructure throughout the detention centre network. Although DIAC has endeavoured to address these issues, the timeframes involved have had the result that it has not always been possible to commence or complete infrastructure construction, improvement or repair works as DIAC and Serco identify such works as necessary or desirable. Indeed, at some sites, it has been necessary to deploy temporary infrastructure and other short to medium term solutions that, but for the time pressures and other challenges associated with the current environment, would not have been recommended.
- 3.5 As already noted, the characteristics of the infrastructure (including security infrastructure) that is in place at the IDCs and other facilities across the network varies greatly. It follows that it is not possible in this submission to address the Committee in a detailed way on the adequacy and appropriateness of that infrastructure.
- 3.6 In order to provide some insight regarding the challenges that DIAC and Serco currently face in relation to infrastructure, however, the Committee may be assisted by a brief “case study” on infrastructure at CIIDC in the context of the events of 10 to 29 March 2011.
- Case study on infrastructure at Christmas Island Immigration Detention Centre*
- 3.7 CIIDC was identified as a site for an immigration facility in 2001, designed and purpose built for use as an IDC and has operated continuously as an IDC since late 2007.
- 3.8 From the commencement of the Contract until July 2010, CIIDC comprised 3 physically separate facilities:
- (a) North West Point IDC (**NWP**);
 - (b) Phosphate Hill Alternative Place of Detention (**Phosphate Hill**); and
 - (c) Construction Camp Alternative Place of Detention (**Construction Camp**).
- 3.9 Summary information regarding the location, composition and capacity (both operational and surge capacity) of each of NWP, Phosphate Hill and Construction Camp is contained in Schedule 1 to the Contract.¹¹ Plans and drawings of NWP, Phosphate Hill and Construction Camp also appear in Schedule 1 to the Contract.¹²

¹¹ Contract, Schedule 1, pages 11 to 14.

¹² Contract, Schedule 1, Annexure F (NWP), Annexure G (Phosphate Hill), Annexure H (Construction Camp).

- 3.10 A rapid increase in IMA numbers meant that, by mid-2009, NWP had reached capacity. It was determined by DIAC that new accommodation would be necessary to ensure the provision of adequate services and appropriate accommodation standards commensurate with clients' risk profile and care requirements. While DIAC commenced scoping and planning for a new facility, it also implemented temporary measures, including the following:
- (a) Extra beds were placed in the NWP surge accommodation dormitories, in activity rooms, and in an area previously designated as an education block (Block 3 Education Area).
 - (b) In December 2009, additional beds were placed in air-conditioned marquees in the area adjacent to Red Compound, and further marquees were erected in January 2010.
 - (c) Other client facilities at CIIDC including exercise areas, educational facilities and prayer rooms were converted to use for client accommodation (with associated loss of amenities).
- 3.11 These measures were still in place in March 2011.
- 3.12 On 14 July 2010, DIAC and Serco agreed that DIAC would design and construct, and Serco would operate, a new facility at CIIDC. The new facility was known as Lilac/Aqua. Summary information regarding the location, composition and capacity (both operational and surge capacity) of Lilac/Aqua is contained in Annexure B1 to Deed of Variation 2.¹³ Plans and drawings of Lilac/Aqua also appear in Annexure B1 to Deed of Variation 2.
- 3.13 The composition and security infrastructure of Lilac/Aqua was very different to that of NWP. At this point, it is convenient to refer to the following features of Lilac/Aqua (which are further summarised in Annexure B1 to Deed of Variation 2):¹⁴
- (a) Lilac/Aqua was composed exclusively of demountables, and other non-permanent structures;
 - (b) Lilac/Aqua is adjacent to NWP and linked to NWP by a fenced walkway; and
 - (c) the initial fencing installed at Lilac/Aqua was chain mesh fencing. It was anticipated by both Serco and DIAC that this fencing would be upgraded as part of future planned works.
- 3.14 The NWP facility has the following security features:
- (a) a micro phonic EDS;
 - (b) an electrified perimeter fence;
 - (c) CCTV;
 - (d) a secure main gate; and
 - (e) electronic doors.

¹³ Deed of Variation 2, Annex B1, pages 13 to 14. See also the site maps and plans in Annex B1.

¹⁴ Deed of Variation 2, Annex B1, pages 13 to 14. See also the site maps and plans in Annex B1.

- 3.15 Lilac/Aqua does not have security features of this kind. The security features of Lilac/Aqua and the ongoing construction works at Lilac/Aqua were issues on which DIAC and Serco regularly consulted. However, at the time of the serious disturbances at CIIDC between 10 and 29 March 2011, efforts to address these concerns were ongoing.
- 3.16 External factors including increasing numbers of clients and associated pressure on infrastructure contributed to the riots that occurred at CIIDC in March 2011.¹⁵ Further, a combination of factors including the large number of clients being accommodated in Lilac/Aqua and the absence of security features like those available at NWP, placed significant limits on the ability of Serco and DIAC to contain security breaches during the events at CIIDC between 10 and 29 March 2011 and therefore had an impact on the scale and duration of the riots. In particular:
- (a) The temporary fencing used around the marquees could easily be pushed over, allowing clients engaged in the incident to easily access other areas on site, including staff areas, administration areas and the kitchen buildings.
 - (b) The Lilac/Aqua compound fence line was breached on numerous occasions during the CIIDC incident and was found to be a security weakness throughout the week. The fence was capable of being scaled, pushed over or the mesh wire lifted from the ground. Holes were made in the fence throughout the incident and the fence was substantially destroyed on the second night of the rioting and this enabled a further 60 to 70 clients to leave that section of CIIDC.
 - (c) Demountables and other non-permanent structure suffered significant damage during the incident.
 - (d) The tools used by clients in effecting security breaches included metal poles and sticks fashioned from security and accommodation infrastructure. To the extent that it has been possible to verify the source of these tools, Serco understands that the tools were made from equipment and consumables present on site as a consequence of ongoing construction at Lilac/Aqua and from existing infrastructure (such as buildings and fences) that was damaged or destroyed during the incident.
- 3.17 Since the events at CIIDC between 10 and 29 March 2011, DIAC has (with Serco's assistance) invested significant efforts in easing the pressures on the infrastructure at CIIDC, primarily through the relocation of clients and significant reductions in overall client numbers at CI. Nonetheless, both DIAC and Serco continue to work together to highlight and prioritise potential areas for improvement of the physical infrastructure (including security infrastructure) at CIIDC, including extensive construction and repair work. Collaboration of this kind between DIAC and Serco also occurs in relation to the infrastructure of other sites across the detention centre network.
- 3.18 Serco understands that the Committee will be inspecting several IDCs and so will be in a position to form its own views regarding the adequacy of the facilities. To the extent that Serco can assist the Committee with any specific information regarding the facilities, it would be pleased to do so.

¹⁵ The factors that contributed to these riots are discussed further at paragraphs 3.76 and 3.77 of this submission.

2) Services

- 3.19 Serco provides a wide variety of services to clients at IDCs and other facilities, details of which are provided at paragraphs 3.38 to 3.74 of this submission. In summary these services include:
- (a) providing accommodation including bedding and bathroom facilities;
 - (b) catering, which includes the provision of a minimum of three meals per day and the accommodation of particular requirements such as halal, kosher, vegetarian;
 - (c) arranging access to religious practitioners, prayer rooms, services and other religious activities;
 - (d) providing access to television, library services and other educational and entertainment facilities;
 - (e) arranging access to visitors (including visitor accommodation), a mail service and to telephones, computers and the internet;
 - (f) arranging access to interpreters;
 - (g) arranging excursions to locations or venues external to the IDCs;
 - (h) facilitating a schedule of programs and activities (participation in which is voluntary) targeted at enhancing the mental health and wellbeing of clients (these programs and activities are discussed in further detail at paragraphs 3.47 to 3.52 of this submission);
 - (i) administering an income allowance program and operating shops and a hairdressing service;
 - (j) recreational and sporting facilities; and
 - (k) supplying and replenishing clothes, footwear, toiletries, hygiene products and other personal items.

- 3.20 As already noted, Serco does **not** provide medical, psychological or any other health services to clients at IDCs (or any other facility) and those services are provided by IHMS.

TOR (c): the resources, support and training for employees of Commonwealth agencies and/or their agents or contractors in performing their duties

1) Training

- 3.21 Serco has a dedicated immigration services Human Resources team comprised of 43 persons. Of that team, 14 are located locally at each of the IDCs and at other facilities. The Human Resources team assist Serco senior management through direct engagement with resourcing, supporting and training Serco employees.
- 3.22 Serco's obligations under the Contract include minimum training standards for Serco staff. The training program that Serco provides to its staff and management, including in relation to incident response and use of force, meets those obligations.

- 3.23 Serco staff receive training from Serco, DIAC and specialist training bodies and individual experts. In collaboration with the Human Resources team, the Centre Manager at each IDC or other facility ensures that CSOs have completed initial induction training before commencing duty. This induction training is complemented by refresher training conducted at the appropriate time.
- 3.24 The current four-week induction training course (leading to the awarding of a Certificate II Security Operations) provided to new Serco officers provides training on issues including:
- (a) cultural awareness and cross-cultural communication;
 - (b) human rights;
 - (c) mental health awareness and suicide awareness;
 - (d) duty of care owed to clients, Immigration Detention Values and other key principles in relation to immigration detention and the Act;
 - (e) first aid;
 - (f) client interaction and general communication skills;
 - (g) induction, reception and visitation procedures;
 - (h) maintaining logs and registers;
 - (i) fire awareness;
 - (j) welfare and occupancy checks;
 - (k) use of reasonable force in immigration detention;
 - (l) security screening, search powers and control, defensive and restraint techniques;
 - (m) occupational health, safety and the environment;
 - (n) incident management protocols;
 - (o) working with children and “child protection issues; and
 - (p) emergency response and contingency plans.
- 3.25 In addition, many Serco CSMs and CSOs who meet stringent selection criteria are trained in crisis negotiation techniques. A list of persons trained in these techniques is maintained to ensure ready access to an appropriately skilled person should the need arise. There are 66 trained negotiators across the network. Each of these negotiators has undertaken training in managing conflict through negotiation (through external service provider Pamela Wilson Associated Limited).
- 3.26 The induction training course template is provided at **Annexure 1** to this submission.
- 3.27 Serco CSMs and CSOs are trained to be visible and accessible to clients. They regularly interact with clients to build up confidence and mutual trust.
- 3.28 Serco’s senior management have undertaken additional training as appropriate to their specific area of responsibility and level of seniority. For example, most senior managers at IDCs and all senior managers at the immigration head office in Canberra who may be

called on to operate a command suite in the event of a major disturbance (for example, the disturbances at CIIDC in March 2011 and at VIDC in April 2011) undertake ongoing “Command of Serious Incident” training.

- 3.29 To ensure best practice is shared across the globe and to deliver value for its customers, Serco will from time to time arrange for employees to be seconded from other parts of its business overseas. Importantly, Serco has also been able to draw on the Serco Group’s global expertise in immigration services (as outlined in paragraph 2.4). particularly from the United Kingdom. Around 3.5% of staff currently working in Serco Immigration Services have come from overseas, including experienced senior managers. This transfer of personnel has ensured that Serco has been able to call on high level expertise and experience in providing services under the Contract.

2) Other Resources and Support

- 3.30 Serco provides a broad range of support resources to its employees including:
- (a) a large Human Resources team, with representatives locally at each IDC, who are devoted to supporting and training Serco staff;
 - (b) a line management scheme, in which each level of management has additional experience and expertise as appropriate to meet their obligations to their immediate reports;
 - (c) tailored and comprehensive training programs (this is discussed above from paragraphs 3.21 to 3.29); and
 - (d) policies and procedures including a code of conduct and the Serco Management System.
- 3.31 Serco provides an Employee Assistance Program, which makes available to all Serco employees and their direct family counselling and other psychological support at no cost to the employee. This program is discussed later in this submission at paragraphs 3.113 to 3.114.
- 3.32 The Serco Management System highlights the broad intention to support Serco employees in meeting their potential and working to the best of their abilities. Serco has developed internal policies to ensure staff have sufficient support when performing their duties.
- 3.33 Relevant policies include a Harassment, Bullying and Discrimination Procedure and a Grievance Procedure. The Harassment, Bullying and Discrimination Procedure requires managers to ensure that all employees are aware of Serco’s behavioural expectations and the processes available for making and managing complaints .
- 3.34 The Grievance Procedure is directed towards the fair and consistent treatment of and the timely resolution of personal grievances, complaints, problems, concerns or disputes. The procedure lists the responsibilities of staff with regard to grievance complaints and provides a mechanism by which disputes can be resolved speedily and efficiently. These procedures are provided at **Annexure 2** and **Annexure 3** to this submission.
- 3.35 These policies and procedures are subject to ongoing improvement initiatives and are regularly reviewed following incidents and facility analysis to maintain suitability.

TOR (d): the health, safety and wellbeing of asylum seekers, including specifically children, detained within the detention network

- 3.36 Serco has a strong commitment to ensuring that it has in place a range of programs, systems and policies to ensure (as far as Serco is able to) client safety and wellbeing.
- 3.37 Serco believes that it is necessary and appropriate to have in place a differentiated approach for the care of clients under the age of 18. Serco takes its responsibility for ensuring the wellbeing of children and young persons in its care extremely seriously and believes that this commitment must be supported through policies and procedures specifically tailored to address the unique needs of children clients. Children are not detained in IDCs and are instead accommodated at APODs. Serco supports the best interest of children in the operation of the APOD and ensures that children are treated with respect and dignity, provided with a safe and supportive living environment and provided with access to health and welfare services, education and age appropriate recreational activities, amongst other things. Serco's policy around working with children is discussed more extensively from 3.68 to 3.74.
- 3.38 Serco's approach to service delivery is to ensure that IDCs provide humane detention conditions and operate with respect for human dignity. Serco's *Wellbeing of People in Detention policy and procedure manual (Wellbeing Policy)* provides that all clients will be treated by Serco staff fairly and with dignity and respect. A copy of the Wellbeing Policy is at **Annexure 4** of this submission.
- 3.39 The Wellbeing Policy is designed to provide staff with an overview of the principles underpinning the Serco approach to client service, as well as specific guidance in the form of procedures and policies that recognise and respond to the physical and psychological components associated with client health and wellbeing.
- 3.40 Importantly, the Wellbeing Policy provides for Individual Management Plans to be created for each individual client, based on assessed needs and designed to ensure the wellbeing of that individual. Serco also seeks to promote these aims by alignment with the structured DIAC Case Management processes and through close liaison and coordination with IHMS.
- 3.41 The range of services that comprise Serco's strategies to achieve client wellbeing include:
- i) Reception, transfer, accommodation and discharge**
- 3.42 Serco conducts the reception, transfer, accommodation and discharge of clients in a manner that promotes their well-being, dignity and safety in accordance with the Immigration Detention Values.
- 3.43 Client reception and induction focuses on identifying the needs of each individual client and on the provision of information about the IDC. The information collected during this process forms the basis of an Individual Management Plan for each client. The reception and induction process therefore contributes to the wellbeing of clients by identifying and seeking to address each individual client's immediate concerns and by providing access to psychological and physical support where required. Further information about this process can be found in the *Individual Management Plan policy and procedure manual*, a copy of which is provided at **Annexure 5** of this submission.

- 3.44 In order to ensure that clients understand the processes associated with reception, transfer, accommodation and discharge, Serco provides leaflets and induction books in a range of languages, as well as a translated DVD presentation at some sites. Serco also facilitates access by clients to a range of skilled interpreters.
- 3.45 Detailed induction briefings are provided to clients to ensure they are aware of the operations of the particular centre at which they are to be accommodated. Clients are also informed how to contact or make complaints to Serco or to external agencies (including but not limited to the Australian Human Rights Commission and Red Cross).
- 3.46 Serco's Personal Officer program involves appointing each client a Personal Officer as a part of the induction process. The objective of the Personal Officer program is to personalise service delivery and to ensure the wellbeing of the client. This program is yet to be implemented in some facilities, due to difficulties created by overcrowding and other external pressures. Serco believes that the Personal Officer program is extremely valuable and is committed to deploying it universally once circumstances allow. In the meantime, in facilities where it has not yet been possible to implement the program, Serco ensures that all employees are trained to make certain that clients feel able to communicate all issues without fear of negative consequences.

ii) Programs and activities

- 3.47 Programs and activities are key components of the IDC environment and of the client services delivered by Serco. Further information about this process, which is summarised in the following paragraphs, can be found in the *Programs and Activities policy and procedure manual*, a copy of which is provided at **Annexure 6** of this submission.
- 3.48 In line with Serco's contractual obligations, each site has a Senior Care Manager or an Activities Manager who oversees the development of a monthly Programs and Activities Plan (**Activities Plan**). The Activities Plan is prepared to reflect client needs and preferences, awareness of which is derived through a process of client consultation.
- 3.49 The Activities Plan includes the delivery of structured and unstructured programs and activities designed to provide educational and recreational opportunities, and provide meaningful activities that will:
- (a) enhance mental health and wellbeing of clients;
 - (b) contribute to positive interpersonal relations between clients and between clients and staff; and
 - (c) contribute to the security of the IDC and the safety of clients and staff.
- 3.50 An example Activities Plan is at **Annexure 7** of this submission.
- 3.51 Other important processes in connection with the Activities Plan include:
- (a) The plan is submitted to the DIAC Regional Manager for approval before implementation.
 - (b) The Senior Activities Manager ensures that the plan is distributed widely to IDC staff.

- (c) A key component of the developmental aspect of the Programs and Activities plans is English language instruction.
- (d) The Senior Care Manager and local Religious Liaison Officer establish a range of activities for clients to develop relationships and increased social support, fostering a sense of community.

3.52 In addition to the programs and activities provided for in the Activities Plan, the Centre Manager of each IDC ensures that a Welfare Officer is available at each IDC between 9am and 5pm, Monday to Friday and operates a visits program to support the psychological wellbeing of clients. The CSOs and CSMs supervising visits are trained to be attuned to instances where clients do not receive any visits. This is reported to the Senior Care Manager who, in consultation with the Senior Manager Operations, may arrange, with the approval of DIAC Regional Management, for visits from appropriate community groups.

iii) Health of clients

3.53 Although IHMS is responsible for the provision of all medical and health services, Serco strives to create and maintain an environment conducive to the health and welfare of clients where the needs of clients are identified and responded to.

3.54 The Centre Manager and their management team at each facility have oversight of identifying and deploying all reasonable safety precautions to prevent injury, illness or loss to clients, staff and other persons present at the facilities from time to time. Serco's policies around Occupational Health, Safety and Environment are discussed more extensively from 3.105 to 3.110.

3.55 Serco also has other systems and procedures in place to promote client health including the following:

- (a) During the reception and induction process, clients are advised of the availability of health services. This is reinforced by the display of health promotional material and the advocacy of CSOs and the Health Services Manager (**HSM**) staff.
- (b) Also during reception and induction, clients are offered a Health Induction Assessment, and referred to IHMS.
- (c) Serco conducts a Self-Harm Risk Assessment during the reception process and at other times as appropriate, and refers any concerns to IHMS. Changes to the Self-Harm Risk Assessment results in changes to Individual Management Plans to reflect the assessment and any appropriate action required, including referral of concerns to IHMS.

iv) Religion and wellbeing

3.56 Religious freedom is supported by Serco and its staff in IDCs, which present multi-faith environments including prayer rooms and access to religious leaders and activities. To reflect this commitment, Serco has a dedicated Religious Liaison Officer located at each IDC.

3.57 Serco recognises that a person's spiritual identity can be critical to their wellbeing and so seeks to ensure that individuals have access to the religious practitioners, services and other religious activities

v) Communication services and media

3.58 Serco provides clients with access to a wide variety of communications services and information and media facilities.

3.59 Serco recognises the importance of continued contact by clients with friends and family in home countries and, in line with its contractual obligations, seeks to support that contact through access to communications services. Further information about this process can be found in the *Communication Services for People in Detention policy and procedure manual*, a copy of which is provided at **Annexure 8** of this submission. The services that Serco provides to clients include:

- (a) Computer and email access is available to clients through computers located in internet cafes and common areas, unless clients are accommodated in Border Screening Detention. Computers are available to clients to perform functions such as word processing, spreadsheets, internet and email.
- (b) Serco ensures that all clients can access a telephone and mail services at all times. Clients receive phone cards that can be used to make national and international calls from dedicated phone lines in the IDC.

3.60 Serco recognises the importance of access to media and information facilities for a variety of reasons including education, entertainment and as a resource for clients to use in progressing visa applications. The media and information facilities that Serco provides to clients include:

- (a) access to free-to-air television and other broadcast services where available (unless in Border Screening Detention).
- (b) Serco's local Senior Activities Manager ensures that clients are able to access a library in the IDC, which is established as a Multi-Cultural Resource Centre.
- (c) Library services are suitable to the demographic and occupancy levels of clients at a given point in time. Library holdings include:
 - (i) English and foreign language videos/DVDs;
 - (ii) a selection of local, national and foreign language books, periodicals, and newspapers; and
 - (iii) foreign language to English translation dictionaries.
- (d) The Library also holds electronic and hard copies of the Act and other relevant Australian legislation.

vi) Individual Allowance Program

3.61 Serco implements and manages DIAC's approved Individual Allowance Program (**IAP**) in each Facility.

3.62 Through the IAP, clients are allocated points that can be exchanged for small items at the Facility shop managed by Serco.

3.63 Depending on the type of facility, Serco also administers the Household Allowance Scheme (**HAS**) for clients who purchase and cook their own food.

vii) Client safety

3.64 Serco provides a range of services to promote an environment that supports security and safety at each Facility.

3.65 As already noted, Serco staff receive extensive training on matters relevant to client safety. Staff are supported by detailed incident prevention, management and response policies and procedures which are discussed in detail at paragraphs 3.116 to 3.121 of this submission.

3.66 Further, safety and security information is provided to clients during their detailed induction briefings.

3.67 Serco's Occupational Health, Safety and Environment policy is discussed more extensively from 3.105 to 3.110.

viii) Children

3.68 In compliance with the Immigration Detention Values, Serco ensures that children are not accommodated in IDCs. Instead, children are accommodated at APODs and generally with their parents or guardians.

3.69 Serco undertakes specific measures during the induction and screening processes to identify any clients who are under the age of 18. On identifying clients who are believed to be under the age of 18, Serco immediately informs DIAC Regional Management.

3.70 Serco strives to support the best interests of all children to whom it provides services and in recognition of the importance of this goal has developed and deployed the *Working with Minors policy and procedure manual*, which can be found at **Annexure 9** to this submission. In collaboration with DIAC, Serco has determined that promoting the best interests of clients under the age of 18 requires that that all children will:

- (a) be treated with respect and dignity;
- (b) be treated with an understanding of their age, gender, culture and life experiences;
- (c) be provided with a safe and supportive living environment;
- (d) have access to health and welfare services;
- (e) have access to education;
- (f) have access to age appropriate recreational activities;
- (g) be supported in their culture and religion;
- (h) where capable of forming his or her own views, be consulted on matters affecting their case or management plans;
- (i) be encouraged to engage with the wider community;
- (j) have access to family, friends and other social supports;
- (k) be provided with information about their family members; and

- (l) be able to complain.
- 3.71 In addition:
- (a) family units will be maintained and supported whenever it is appropriate; and
 - (b) the role of parents and family members and, where appropriate members of extended families, in the lives of children will be respected and supported.
- 3.72 Serco ensures that any personnel who manage or work directly with all children to whom Serco provides services have passed all necessary checks in accordance with the relevant State child protection legislation before that staff member commences work with children. Serco also ensures that staff members are trained on and adhere to Department policy and Serco procedures in relation to child protection. In particular,
- (a) Serco obtains clearances for staff (usually Working With Children checks or Mandatory Notifier training) in accordance with the relevant State legislation; and
 - (b) staff employed at IRH/ITA sites accommodating children are required to hold a Certificate III in Child Welfare.
- 3.73 While awaiting instruction from DIAC Regional Management in relation to a suspected minor, Serco undertakes its own inquiries to determine whether the client is accompanied. This includes asking families and other people in detention whether they are caring for children under the age of 18 other than their own, or whether they know of any children who are separated from their parents or relatives.
- 3.74 Serco takes steps to ensure that children, along with their guardian if they are accompanied, are not accommodated with the general population of clients. With DIAC, Serco assesses and addresses any immediate special needs of the suspected minor, taking into account their likely age, gender and background.

TOR (h): the reasons for and nature of riots and disturbances in detention facilities

1) *The reasons for riots and disturbances in detention facilities*

- 3.75 Determining the cause of riots and disturbances in IDCs is an extremely complex issue.
- 3.76 At a number of points in this submission, Serco refers to “external” factors that impact directly upon management and security at the immigration detention facilities. The use of “external” in this context refers to factors that impact upon Serco’s ability to maintain order and control but in respect of which Serco does not have ability to control or influence either the existence or scale of that factor. Key “external” factors include:
- (a) the substantial increase in the number of IMAs arriving into Australia in the period June 2009 to July 2011;
 - (b) as a consequence of (a), a substantial increase in the number of clients accommodated in the detention centre network nationally;
 - (c) increased visa processing times and an associated increase in the average time spent in detention;

- (d) as a consequence of (a) to (c) inclusive, unavailability of amenities and facilities at CIIDC including exercise areas, educational facility and prayer rooms as a consequence of those areas being deployed as client accommodation;
- (e) as a consequence of (a) to (c) inclusive, the strain on infrastructure at both CIIDC and VIDC, particularly the security features of infrastructure as well as the lead times necessary to introduce appropriate infrastructure and the presence of incomplete construction on site at CIIDC (most notably Lilac/Aqua); and
- (f) substantial changes in the composition, particularly risk profiles, of the clients accommodated at IDCs.

3.77 These factors are each relevant to the existence, scale and frequency of riots and disturbances at IDCs. Serco expects that the existence and significance of these external factors are well known to the Committee, both as a consequence of their own inquiries and as a consequence of recent reports by the Commonwealth Ombudsman¹⁶ and the Australian Human Rights Commission.¹⁷ If Serco can assist the Committee by addressing these factors in any detail, it would be pleased to do so.

2) The nature of riots and disturbances in detention facilities

3.78 The riots and disturbances that have occurred at the IDCs, notably at CIIDC and VIDC, have varied significantly in type, scale and duration. Disturbances that occur at the IDCs and other facilities include rooftop and other protests, the construction and use of barricades by clients, abuse of staff by clients, assaults (both inter client and by clients on staff), threatened and actual self harm, voluntary starvation, escapes and damage to property. Consistent with its contractual obligations, Serco notifies DIAC of all such disturbances, and works with DIAC and, where appropriate, IHMS to respond to these disturbances as quickly and comprehensively as possible.

3.79 Serco focuses on the prevention of disturbances through:

- (a) intelligence gathering and the use of dynamic security processes (discussed at paragraphs 2.16 to 2.17);
- (b) the employment of the Wellbeing Policy (discussed at paragraphs 3.38 to 3.40) which includes the implementation of a comprehensive activities program (discussed at paragraphs 3.49 to 3.51); and
- (c) actively establishing and promoting a positive culture at all facilities (discussed at paragraphs 3.123 to 3.124).

3.80 When disturbances arise, Serco is able to contain and manage the vast majority of these in a compassionate but effective way.

¹⁶ Report on the Commonwealth and Immigration Ombudsman's Oversight of Immigration Processes on Christmas Island: October 2008 to September 2010, Report no 02/2011 published February 2011.

¹⁷ Report on Immigration detention on Christmas Island 2010:
http://www.hreoc.gov.au/human_rights/immigration/idc2010_christmas_island.html.

- 3.81 Undoubtedly, however, the impact of the external factors discussed in paragraphs 3.76 and 3.77 has included a substantial increase in the frequency and scale of these disturbances. Serco has responded to this increasing incidence of disturbances with a variety of measures including increased staffing levels, updating policies and procedures, supplementing training and where appropriate the deployment of a specialised unit, the Emergency Response Team.
- 3.82 Serco understands that the Committee will have available to it a wide range of data on the trends and level of incidence of these disturbances. Should Serco be able to assist the Committee by providing additional information on these matters, it would be pleased to do so.
- 3.83 In order to provide some insight regarding the “nature” of the riots and disturbances that have occurred in Immigration Detention Centres, the Committee may be assisted by an overview of the major disturbances at CIIDC in March 2011 and VIDC in April 2011. It should be noted, however, that these particular incidents were particularly serious and not typical in either scale or duration.
- Christmas Island Incident of March 2011*
- 3.84 On the evening of 11 March 2011, clients on Christmas Island began breaching compounds and perimeter fences, lighting fires, damaging infrastructure and property and leaving the IDC without authorisation. For approximately 10 days, a cycle emerged whereby clients engaged in activities of this kind at night while during the day the centre was relatively quiet and clients and staff could move safely around the site and repairs could be carried out. During this period, in addition to very extensive property damage, there were several instances where there was a serious risk of injury to the other clients and Serco and DIAC staff working at CIIDC.
- 3.85 On the evening of 13 March 2011, 14 suspected client ringleaders were isolated and taken to the Red Compound (the facility at CIIDC with the highest level of security). Later that night, clients forcibly broke into the Red Compound and released the suspected ringleaders. Throughout that attack there was serious risk of injury to the Serco and DIAC staff located within the Red Compound.
- 3.86 On 14 March, there was an attempt at mediation by CISSR. That evening, more fires were started and riots took place. At this stage, DIAC, in consultation with Serco, arranged a protocol for the AFP to assume control of CIIDC.
- 3.87 On 16 March, 300 clients confronted the AFP outside the centre. The AFP discharged tear gas and more fires and riots took place. On 17 March, clients again attacked the Red Compound and burned marquees. The AFP formally assumed command of CIIDC late that night. Over the period between 18 and 22 March, calm was gradually restored.
- 3.88 Serco is confident that its systems and policies for incident management and response were appropriate and were deployed effectively during this incident. Communications and cooperation between DIAC, Serco and the AFP proved efficient and effective.
- 3.89 Despite the extremely difficult circumstances, Serco staff and management at CIIDC were able to respond swiftly and appropriately to the incident while continuing to engage in their dealings with clients in a dedicated, calm and caring manner. It is largely as a consequence of that commitment and professionalism, and the commitment and

professionalism of DIAC and AFP personnel, that the incident did not result in serious physical injury to any client or staff member.

Villawood Incident of April 2011

- 3.90 At around 8am on the morning of 20 April 2011, a code grey (Major Disturbance) was called over the radio net. Two clients had climbed onto the Macquarie building rooftop (Fowler Compound) using an adjacent security fence and some power cables that joined the building.
- 3.91 The Emergency Control Centre was opened and the Centre Manager set up the command of serious incident structure.
- 3.92 Ten other clients climbed onto the roof over the course of the evening and started throwing roof tiles at staff and other clients.
- 3.93 Simultaneously with the rooftop protests, other clients began attempting to breach compounds and perimeter fences, lighting fires, damaging infrastructure and property and behaving aggressively towards staff.
- 3.94 Staff commenced evacuating clients who were not involved in the disturbance. Staff were then withdrawn for safety.
- 3.95 An intervention plan was drawn up to remove 22 persons of interest from the centre; this intervention was led by Serco and supported by the AFP. The clients were removed and transferred to Silverwater Correctional Facility. This transfer was carried out by NSW Police.
- 3.96 Over the next few days, further persons of interest were identified and transferred to Blaxland Dormitory 2, pending further investigation. 57 clients in total (including those initially removed to Silverwater) were identified as persons of interest.
- 3.97 The rooftop protest continued for 11 days, clients came down from the roof at varying intervals during this period. Ten demountable buildings were destroyed.
- 3.98 As was the case for the incident at CIIDC, Serco is confident that its systems and policies at VIDC for incident management and response were appropriate and were deployed effectively during this incident. Communications and cooperation between DIAC, Serco and the AFP largely proved efficient and effective (although there was an initial misunderstanding between the AFP and local NSW police in relation to jurisdiction in connection with the incident).
- 3.99 Despite the extremely difficult circumstances, Serco staff and management at VIDC were able to respond swiftly and appropriately to the incident while continuing to engage in their dealings with clients in a dedicated, calm and caring manner. As was the case at CIIDC, it is largely as a consequence of the commitment and professionalism of Serco's staff, and the commitment and professionalism of DIAC and AFP personnel, that the incident did not result in serious injury to any client or staff member.

TOR (i): the performance and management of Commonwealth agencies and/or their agents or contractors in discharging their responsibilities associated with the detention and processing of irregular maritime arrivals or other persons

- 3.100 As discussed throughout this submission, Serco provides a broad range of services under the Contract. Serco believes that performance assessment measures are a key means of demonstrating to its customers that the services it provides are in accordance with its contractual obligations and which are otherwise of a consistent, reliable and high quality.
- 3.101 Appropriately, the Contract contains mechanisms to determine, manage and maintain Serco's performance. Specifically, the Contract includes agreed key performance indicators (KPIs) and service delivery standards. It also contains provisions that allow Serco to be financially sanctioned for failure to meet agreed service delivery standards. In addition to these formal measures under the Contract, Serco is also highly responsive to feedback from DIAC regarding its performance and works closely with DIAC on all aspects of service delivery.
- 3.102 In addition to the measures provided by the Contract, Serco also has internal frameworks to ensure quality control. The Serco Management System (**SMS**) is the Serco Group's management framework and forms the basis for how all Serco operations are undertaken. Embedded within the delivery of products and services through the SMS is a commitment to encouraging and fostering innovation and ensuring quality and continual improvement. This gives Serco, DIAC and other relevant stakeholders the confidence that the provision of services and products will be delivered effectively and consistently to the standards required. Specifically, Serco:
- (a) regularly measures and reports on its performance, in terms of business management and meeting its contractual obligations;
 - (b) independently audits its management systems to confirm whether or not they are adequate for meeting regulatory requirements; and
 - (c) regularly reviews the suitability and effectiveness of its systems to identify areas for innovation or improvements that are needed to ensure that it can effectively achieve contracted outcomes.
- 3.103 This is a particularly complex contract and the context within which Serco discharges its obligations is significantly impacted by the "external factors" discussed in this submission at paragraphs 3.76 to 3.77. In spite of this, Serco is dedicated to continuous improvement of its systems, policies and practices to ensure that:
- (a) staff concerns are heard and addressed and human resource support is adequate and appropriate;
 - (b) client wellbeing is maximised in accordance with Serco's value based approach; and
 - (c) high quality services are assured and contractual obligations are satisfied, and where possible, exceeded.

TOR (j): the health, safety and wellbeing of employees of Commonwealth agencies and/or their agents or contractors in performing their duties relating to irregular maritime arrivals or other persons detained in the network

- 3.104 Serco places a high priority on ensuring the health, safety and wellbeing of its employees and contractors. Serco recognises that its staff work an environment where

they are sometimes required to deal with disturbances of the kind discussed at paragraph 3.78 of this submission. We are acutely aware that our staff therefore experience exposure to potentially distressing incidents, particularly threatened or actual violence to others and self harm, and that there have been incidents at IDCs and other facilities involving abuse and even assault of staff members by clients. Serco acknowledges that it is responsible for ensuring that the level of support and resources that it provides to its staff are, as far as possible, appropriate and sufficient for the environment in which they work. Despite the, at times, challenging circumstances in which Serco's staff work, Serco believes that it has appropriate and adequate support in place for its employees.

1) Safety of employees

- 3.105 The Occupational Health, Safety and the Environment component of the induction program ensures that employees are able to operate effectively within a detention centre environment with an understanding of Occupational Health and Safety procedures and policy. The session includes information about the objective of workplace health and safety legislation, the term 'duty of care' and the implications of vicarious liability and the obligations of employers and employees in the workplace
- 3.106 Serco's occupational health and safety policies require that senior management promote safe work conditions, safe work practices and organisation. Serco acknowledges that leadership is critical in developing a safety culture. This safety culture needs to be "owned" by everyone within the organisation and Serco encourages every employee to think safe and work safe. Serco bases its in-house systems on world's best practice, and aspires to Zero Harm.
- 3.107 The Serco Immigration Services National Health, Safety and Environment (**HSE**) plan sets out the business improvement actions that Serco Immigration Services will implement during 2011/2012 to achieve the outcomes expressed in the:
- (a) Serco Group HSE Policy Statement;
 - (b) Serco Group HSE Strategy – Zero Harm; and
 - (c) Contract between DIAC and Serco.
- 3.108 Serco's HSE strategy towards Zero Harm identifies Serco's objectives and targets in the areas of health, safety and environment for the short, medium and long term. Safety objectives include a continued focus on reducing numbers of reportable incidents, the development of systems and processes to manage and monitor near-miss events, the embedding of a single health and safety management system and operating procedures across all operations and ensuring minimum competency in health and safety management and consistent training standards. Health objectives include a reduction in the amount of time lost as a result of incidents through active rehabilitation and making available a consistent level of occupational health support to all Serco employees.
- 3.109 Serco's performance against its HSE objectives is regularly reviewed and monitored by senior management. This strategy, originally established in 2010, is currently being reviewed as part of our "continuous improvement" commitment.
- 3.110 The Serco HSE Policy is the overarching policy for all HSE site safety systems. Serco commenced implementing a Serco Management System in March 2011 which

established the corporate standards for HSE, amongst other areas. Serco has commenced a project to develop a single HSE management system for use in its immigration services operations to improve and deliver a consistent and systematic approach to HSE.

3.111 A copy of the HSE Policy is can be found at **Annexure 10** to this submission.

2) Psychological support

3.112 Serco recognises that employees can, at times, require psychological support for work and non-work related issues. Serco believes that it has an obligation to provide its employees and subcontractors with access to free psychological support.

3.113 To reflect that recognition, Serco has engaged the services of IPS – an independent provider of employee counselling services. IPS’s Employee Assistance Program (**EAP**) is an independent and confidential service that provides:

- telephone based professional counselling and support services
- face to face off-site professional counselling and onward referral if required for all Serco employees and their immediate families at no cost;
- advice on work-related issues affecting psychological aspects of occupational health and safety issues; and
- critical incident support at the workplace when required.

3.114 EAP reference cards are placed in new starter packs distributed during induction and all employees are reminded of the service availability. Further, Serco employs two permanent psychologists. One is based full time on Christmas Island and the second provides support services to the other centres on a rotating basis.

3.115 As already noted, Serco’s subcontractors also have access to the EAP.

TOR (k): the level, adequacy and effectiveness of reporting incidents and the response to incidents within the immigration detention network, including relevant policies, procedures, authorities and protocols

3.116 In compliance with its obligations under the Contract, Serco has extensive systems, procedures and policies in place at its IDC facilities in connection with incident prevention and response. Serco has in place:

- (a) systems for intelligence gathering and monitoring in order to identify the risk of potential incidents;
- (b) procedures and policies for preventing disturbances and other incidents (both DIAC policies and internal Serco policies);
- (c) procedures and policies for responding to and managing incidents (these include DIAC policies and internal Serco policies);
- (d) training standards for Serco staff, including in relation to incident response and use of force; and
- (e) Immigration Detention Centre Use of Force Policy and Procedures.

As a general comment, many of the documents that will be discussed in this section are “living” documents in the sense that they are subject to regular revision and updating.

- 3.117 Serco strives to hold itself to the standards required under these systems, procedures and policies. The programs in place for training all staff about the nature of these standards are a critical part of ensuring compliance. Serco believes that its record in relation to incident reporting, management and response is, despite the frequency and scale of reportable incidents, very strong. Critically, Serco is particularly careful to ensure compliance with its obligations to immediately notify and collaborate with DIAC (and, as appropriate, the AFP) in the event of serious incidents such as riots.
- 3.118 Serco has systems for intelligence gathering and monitoring in order to identify the risk of potential incidents, including:
- (a) Centre Security Services Plans which are developed by Serco and which, among other roles:
 - (i) outline the requirements for the centre security risk assessments, client risk assessments and the intelligence plan, all of which identify centre risks and assesses them in terms of likelihood and magnitude of impact; and
 - (ii) outline the intelligence obligations of Serco personnel.
 - (b) Intelligence plans which are developed by Serco and which outline the responsibility for all Serco personnel to actively gather intelligence on clients, visitors and other persons accessing the centre, amongst other things.
 - (c) Internal operational plans which are developed by Serco (including updates). The operational plans record intelligence that is either gathered by Serco analysts or provided to Serco by client informants, amongst other things.
 - (d) Serco’s internal operational plans and updates are also used as “rolling” plans during incidents, in that they are updated following incidents, and among other information, capture any “lessons learned”.
 - (e) DIAC’s immigration detention statistics.¹⁸ These statistics enable Serco to estimate the level of risk at the IDCs.
 - (f) Serco intelligence reports.
 - (g) Serco client risk assessments and centre risk assessments (which are based upon relevant client risk assessments, as well as other factors at the centre such as security infrastructure).
- 3.119 Serco has procedures and policies for preventing disturbances and other incidents (both DIAC policies and internal Serco policies), including:

¹⁸ Since 2007, DIAC have maintained statistics that:

1. Outline the nationality and number of PIDs in detention on Christmas Island and the division of numbers between men, women and children;
2. Arrival type and protection visa status of PIDs; and
3. Length of time in detention of PIDs.

- (a) A Centre Security Services Plan. In addition to listing all of the plans, procedures and manuals relevant to the maintenance of security, this document also outlines the schedule of security exercises, which provides a calendar plan for security training exercises in conjunction with DIAC, emergency services and police. The purpose is to test the capabilities of Serco's emergency response plan and procedures and contingency plans.
- (b) Operational plans and updates. These are regularly reviewed as part of a "debrief" process after all significant incidents at IDCs.
- (c) Incident management protocols which are prepared by Serco, and which provide a framework for the prevention of, and preparedness for, potential incidents and disturbances.
- (d) Contingency management plans which are prepared by Serco, and which provide for guidelines, procedures and information on how Serco personnel are to deal with specific types of disturbances or incidents.
- (e) Serco intelligence reports and Serco client and centre risk assessments.
- (f) AS3745:2000 Emergency Control Organisation and Procedures and ISO31000:2009 Risk Management.
- (g) Chapter 8 of the DIAC DSM (Security and Safety). The purpose of the DSM is to articulate the Government's philosophy for the provision of client-focused services to persons in immigration detention, and provides guidance to departmental staff, service providers and stakeholders. Among other roles, the DSM provides guidelines on Serco's obligations in relation to incident prevention, and provides guidance on searches of people in detention, incident management and reporting, and searches of the physical facility.

3.120 Serco has procedures and policies for responding to and managing incidents (these included DIAC policies and internal Serco policies), including:

- (a) The Centre Security Services Plan.
- (b) The Operational plans and updates. These are used during incidents to plan and assess responses to the incident on a continual "rolling" basis. For example, the following operational logs were maintained in relation to the CIIDC incidents of March 2011:
 - (i) a CIIDC Command Suite Occurrence Log was maintained at CIIDC by the local command team; and
 - (ii) a CIIDC Canberra Command Suite Occurrence Log was maintained by the command team in Canberra.
- (c) Contingency management plans, which provide for guidelines, procedures and information on how Serco personnel are to deal with specific types of disturbances or incidents at CIIDC.

- (d) The incident management protocols and other plans and guidelines deal with both incident prevention and incident response.¹⁹
- (e) TRIMEVAC guidelines, information and signage prepared in conjunction with the AS3745:2000 Emergency Response Plan. This manual, to be used in conjunction with existing procedures and processes, provides information and guidelines for a range of eventualities (bomb threat, explosion, terrorism, medical emergency, fire and building damage) and includes procedures for the situations outlined in the manual. In relation to emergency response to incidents, the manual:
 - (i) outlines the responsibilities of the emergency control organisation; and
 - (ii) shows the structure of the emergency control organisation and the lines of communication and responsibilities of individuals within the structure.
- (f) Maintaining a list of trained hostage and crisis negotiators.
- (g) Chapter 8 of the DIAC DSM (Security and Safety), which is referred to at 3.119. Among other roles, the DSM provides guidance in relation to incident management and reporting, use of force and/or restraint, and management of incidents such as escapes, deaths and other critical incidents.

The induction training program that Serco provided to its staff and management which is discussed at paragraphs 3.22 to 3.24 of these submissions includes training on incident response and use of force. A copy of the current outline from the Induction Training Course is provided at **Annexure 1** to this submission. In addition to the induction training Chapter 8 of the DIAC DSM (Security and Safety) also outlines the training requirements for staff engaging in the use of force / restraints.

- 3.121 In addition to the procedures and policies for “debriefing” after incidents and other “continuous improvement” mechanisms, Serco has in place the Immigration Detention Centre Use of Force Policy and Procedures document, which requires Serco to:
- (a) debrief all staff members present in situations in which force and/or restraint has been used;
 - (b) debrief all clients who have been the subject of use of force and/ or restraint; and
 - (c) report any instance of the use of force and/or restraint in line with DIAC occupational health and safety reporting procedures and the Serco Incident Reporting policy and procedure manual.

TOR (n): the management of good order and public order with respect to the immigration detention network

- 3.122 Despite circumstances that have, at times, been extremely challenging, Serco has maintained good order at the IDCs and other immigration facilities to the greatest extent possible. While there have been instances at IDCs where good order has been disrupted by riots and other serious disturbances, Serco has worked effectively with DIAC and the AFP to restore order as safely and quickly as possible.

¹⁹ These plans and guidelines broadly align with Chapter 8 of the DSM.

- 3.123 In addition to the policies and procedures for incident prevention, management and response that have already been discussed in this submission, Serco also seeks to maintain order by actively establishing and promoting a positive culture at all facilities. This culture is described and promoted in the Wellbeing Policy. Serco strives for a culture where:
- the human rights of clients are recognised and protected;
 - problems and issues are identified as soon as possible to allow for early rectification to prevent issues escalating;
 - the monitoring of the health and wellbeing of clients is robust, consistent and vigilant;
 - staff feel sufficiently equipped and supported; and
 - clients are enabled and encouraged to communicate their concerns and issues to staff.
- 3.124 In addition to supporting this culture through the policies, systems and procedures that have already been discussed in this submission, each IDC Centre Manager also:
- (a) convenes an IDC Client Consultative Committee as a forum for consultation, identification of issues, awareness raising and confidence building, and to facilitate mutual understanding and trust.
 - (b) operates other mechanisms, including a complaints process, to obtain feedback from clients.
 - (c) appoints a Religion Liaison Officer to assist clients with religious matters and coordinate all religious activities.
- 3.125 Serco is committed to “continuous improvement” to ensure the delivery of high quality services, based on a humane and dignified approach. Our track record in Australia and globally is evidence of this approach. Serco believes that “continuous improvement” of systems, policies and procedures is critical to maintaining the “best practice” standards to which Serco seeks to hold itself both in Australia and globally.
- 3.126 Consistent with this commitment, and although it believes that (with DIAC) it has succeeded in maintaining good order at IDCs to the greatest extent possible in sometimes difficult circumstances, Serco believes that there is an opportunity to further improve its capacity to maintain order at IDCs. Specifically, Serco respectfully suggests that there is room for additional clarity around the respective roles and responsibilities of Serco, DIAC and the AFP in the context of riots and other serious disturbances. As will be discussed in section 4 of this submission, Serco considers that further clarification could be achieved through:
- (a) the introduction of regulations regarding the management and control of detention centres; and
 - (b) the implementation of final and binding interagency co-operation and communications protocols between Serco, DIAC, the AFP and relevant state or local police.

4 Recommendations

Recommendations for consideration by the Committee

- 4.1 Serco has identified the following recommendations that it respectfully commends to the Committee for their consideration.

Introduction of regulations regarding the management and control of detention centres

- 4.2 The Minister is specifically granted powers to establish and maintain detention centres under s 273 of the Act. Further, the Minister has the power to make regulations in relation to the operation and regulation of IDCs, extending to the conduct and supervision of clients and relevantly, the powers of “officers” and “authorised officers” performing functions in connection with the supervision of clients.
- 4.3 The Act provides powers to “officers” and “authorised officers” in relation to the interception, seizure, search and detention of unlawful non-citizens upon entry into Australia’s migration zone. Only a limited number of these powers are relevant to the operation and maintenance of IDCs.²⁰
- 4.4 There are currently, and appropriately, strict limits on the obligations and powers of private sector detention centre operators in relation to the management and control of detention centres, particularly regarding the use of force in the context of responding to riots and other serious disturbances. Serco believes that additional clarity is required to ensure that the precise limits on those obligations and powers are well understood. The Act does not directly address this matter. No regulations or other legislative instruments have been implemented to govern the responsibilities and powers of persons who operate detention centres. As a consequence, there is insufficient clarity for detention centre operators around the limits on their obligations and powers in relation to use of force, to ensure the good order and control of immigration detention facilities.
- 4.5 Serco believes that it is important for the limits on the powers of detention centre operators to be unequivocal and well understood. The current lack of clarity could be addressed through the introduction of regulations using the powers granted by the Act to the Minister for this purpose.

Implement final and binding interagency co-operation and communications protocols between Serco, DIAC, the AFP and relevant state or local police:

²⁰ These powers include:

- Section 178 (Designated persons to be in immigration detention), which states that a designated person (as defined under the Migration Act) must be kept in immigration detention, and they may only be released upon their removal from Australia (either at their request or otherwise) or they are granted a visa.
- Section 180(1) (Detention of designated person), which states that if a designated person is not in immigration detention immediately after commencement of Division 6, an “officer” may, without warrant, detain the person and “take reasonable action to ensure that the person is kept in immigration detention for the purposes of section 178”.
- Section 180(3) (Detention of designated person), which states that if a designated person escapes from immigration detention after commencement, an officer may, without warrant detain the person and “take reasonable action to ensure that the person is kept in immigration detention for the purposes of section 178”.

4.6 To date, Serco, DIAC, the AFP and other agencies have worked together effectively and efficiently to respond to incidents and disturbances in IDCs. Nonetheless, Serco believes that their capacity to respond to future incidents will be enhanced by the introduction of a binding interagency cooperation and communications protocol. Indeed, the need for such a protocol has already been recognised and a draft protocol is in an advanced stage. Serco respectfully suggests that the Committee recommend that a final and binding cooperation and communications protocol be agreed between Serco, DIAC, the AFP and each state or local police force to define:

- (a) the limits on Serco's ability to use force to maintain security of clients, including its ability to use force to maintain good order and discipline or to remove violent clients from association with other clients;
- (b) when police will attend a facility in the IDC network to investigate and prosecute breaches of the law by clients, including with respect to assaults or other criminal acts and escapes from detention;
- (c) the circumstances in which police will respond to mass incidents of unrest;
- (d) the circumstances in which the police will assume primary responsibility for the operation of a facility in the IDC network;
- (e) role definition; and
- (f) communications protocols.

Recommendation for national infrastructure review

4.7 Should the Committee consider it to be within the scope of this inquiry, Serco suggests that a recommendation might be made to the effect that DIAC, with assistance from Serco, is to undertake a review of infrastructure (including security infrastructure) across the broader immigration detention network.

Annexure Table

Annexure	
1	Induction Training Course – Template
2	Harassment, Bullying and Discrimination Procedure
3	Grievance Procedure
4	Wellbeing of People in Detention policy and procedure manual
5	Individual Management Plan policy and procedure manual
6	Programs and Activities policy and procedure manual
7	Activities Plan – example
8	Communication Services for People in Detention policy and procedure manual
9	Working with Minors policy and procedure manual
10	Health, Safety and Environment policy