

## **Submission to the Australian Federal Government into the Operations of Offshore Regional Processing Centres.**

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### **TERMS OF REFERENCE:**

- a. conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea;
- b. transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea;
- c. implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru;
- d. the extent to which the Australian-funded regional processing centres in the Republic of Nauru and Papua New Guinea are operating in compliance with Australian and international legal obligations;
- e. the extent to which contracts associated with the operation of offshore processing centres are:
  - i. delivering value for money consistent with the definition contained in the Commonwealth procurement rules,
  - ii. meeting the terms of their contracts, and
  - iii. delivering services which meet Australian standards; and
  - iv. any other related matter

### **Observations on my time at December 2012-July 2013**

#### **Summary**

In this submission I am describing my own first-hand observations of the conditions and treatment of asylum seekers in Papua New Guinea at Manus Island Regional Processing Centre in the period from November 2012 until August 2013. I have also commented on the transparency mechanisms (or lack of) around the MIRPC and the extent to which contracts associated with the operation of the MIRPC were delivered in term of meeting their contracts and delivering services that meet Australian standards. I do not have legal knowledge of these issues but I am more concerned about the inadequacy of the services delivered, the punitive culture of MIRPC, and the emotional impact on asylum seekers at Manus. I have given a short overview of the operational changes that took place during my time at Manus. The examples following this overview illustrate the effects of this negative culture on the asylum seekers.

#### **General Observations**

Over the last couple of years I have followed the distressing events at Manus and Nauru very closely as I spent 4 deployments there in 2012 - 2013, with The Salvation Army. I have written the following observations of the difficulties and complexities of working on Manus in such a volatile, politically sensitive and constrained environment.

I commenced at Manus in late November 2012 at the commencement of the contract. The goal of TSA (The Salvation Army) at this time was to provide support services to the newly arriving families, and later Single Adult Males, who were distraught and shocked at what had happened. Some of them thought that they were going on a ship to Australia. None of the asylum seekers had been told where they were going, and had not even been able to pack for themselves as they were given no notice but escorted one at a time like criminals on the flight by federal police. They were introduced to a fenced compound that looked and felt like a makeshift prison.

Infrastructure was far from complete, and everything was difficult – it was impossible to get print cartridges for over 3 weeks. We could not buy basic stationery, there was no reliable internet, no working printers, and no IT support. Water restrictions were a daily event, plumbing problems were not fixed, basic supplies of items for clients such as shampoo and washing powder were not available, and failures of electricity, water and internet were common. For four days in a row both staff and transferees were unable to shower or wash clothes unless we could catch some rainwater in a bucket. This was not a one-off event as the water desalination plant (the RoPu) continued to break down at times for the entire 8 months.

The focus of The Salvation Army was to build community by involving the transferees in setting up the canteen, the multi-faith tent, a garden, and a schedule of activities – sports, English lessons, handcrafts, music activities and games nights. We also initiated involvement of transferees in meal planning and preparation, and began developing relationships in the local Manus community in order to build positive partnerships into the future. The difficulties in finding resources, working with non-functional IT and communication processes, and the ongoing lack of support staff were at times overwhelming. There was optimism, commitment and passion, but also naivety, confusion and inefficiency at this time. There were no policies from DIAC on which to base operating procedures. We most desperately needed processes for purchasing and supply, dealing with feedback and complaints, incidents, and risk management. However our case management, client activities, English classes, client communication and community engagement had progressed well. In December I set up the Community Consultative Committee, against some resistance from some client groups as there was already growing friction. This committee over time deteriorated into simply a mechanism for issuing DIAC directives.

In this pioneering phase we found that the local Manus people were eager to be involved - to share knowledge, and to learn about the people and their cultures. As the transferees were desperate to keep busy it was a priority to organise meaningful activities that use the skills available in the centre and around us. A skills audit of the transferees was carried out and proposals initiated for a variety of activities, using the expertise and resources of transferees, staff and the local community. Education options were discussed positively with the DIAC team including the possibility of distance education, partnering with local providers, and the use of e-readers as a resource.

The centre was far from stable – regular new arrivals of more families and then SAMs every few days brought unrest and distress. However the DIAC team at this time supported TSA, G4S, Save the Children and IHMS to get the Centre running positively, despite the inadequate resources and so far undeveloped policies and procedures.

By March, recreation activities were further under way, but processes were at a standstill. However the dedication and creativity of the support staff from TSA, SCA and IHMS was unquestionable.

We worked on health, educational and other new activities. The PNG Centre Manager assisted the negotiations with the local Papitalai secondary school for use of the grounds for excursions, a cooking project had commenced, and the community garden and other transferee-led activities were going well (martial arts, handcrafts, music groups, art classes and various sports). Proposals for church excursions, e-readers, beach trips, a coffee cart project, religious visitors, sporting visits, a local social enterprise, and a partnership with Lorengau Technical college, were also in negotiation using the wealth of skills on hand in the centre itself and the local community. Many professions were represented among the transferees: nurses, teachers, cooks, farmers, mechanics, musicians, artists, an optometrist, an accountant, a solicitor and many more. At the time (until May 2013) the DIAC team was supportive of these proposals.

The complaints register was operational, a risk assessment protocol had been developed, and other processes were slowly forming in consultation with DIAC. After March deployment I left for 2 weeks feeling optimistic that TSA was making headway in making things better for the transferees at Manus. However on the morning of my departure a newly arrived DIAC team member told me that the transferees on Manus were unable to participate in any vocational education or activities, under the “no advantage” principle. They were also to have “no advantage” over the local Manus population. Thus several of the projects that had been initiated were cancelled immediately. The direction was to focus on the basics within the centre – recreation and English classes only. Excursions were also put on hold along with any other community partnerships.

My next deployment in April/May was marked by inconsistency and conflict. Decisions were reversed, contradictory directives were issued by the new management team of DIAC. There were constant serious incidents as always and increasing challenges from the transferees, and most of our time was spent dealing reactively with extreme situations. However over this time TSA developed a good working relationship with both G4S and IHMS. A health and security education program was developed to be delivered to all transferees by all contracted organisation and the PNG management. The program was to include PNG law, health issues, bullying and harassment, personal safety and conflict resolution in response to the serious and increasing issues of fighting, sexual assaults, racist taunts, and self-harm. This did not take place I found out later for a number of reasons – the IHMS management changed and there was reluctance to collaborate on the project. By this time a prison culture was developing across both staff and transferees, where those perceived as “soft” were victimised by the “tough”.

After a much needed 4 week break I returned to Manus in July 2013. I noticed on this, my last deployment that there were banks of rubbish by the roads, mountains of plastic bottles on the beaches and flies everywhere in the Centre. Beautiful Manus had never been like this before - the beaches and the jungle were pristine, and flies were just not around. The local people who had been so welcoming had become suspicious and hostile, reluctant to engage with Centre activities. Salvation Army PNG staff commented that young Manus people were increasingly using recreational drugs which were more freely available since the arrival of large numbers of FIFO staff.

It was gratifying to see that the canteen was well-supplied for the first time ever and that the internet etc. was going smoothly. However it was so disappointing that almost none of the proactive initiatives had come to fruition – the transferees were going on the one same excursion and there were no new activities. Transferees were wandering around doing very little, in torn clothes and no shoes. It was as though they had given up in despair.

I could understand only too well why this happened – the culture in management had become defensive and confrontational. The transferees were increasingly disrespected and institutionalised. The men were more compliant in the everyday activities, but it was plain from my conversations with them that anger and resentment were building. Several of the men warned me that the tension ‘will blow up one day’, and the “incidents” would result in loss of life (as eventually happened to Reza Berati). I was surprised that someone had not already died at Manus, as serious illnesses, and severe injuries from violence and self-harm were commonplace. Such conditions would not be tolerated onshore, particularly for people who have not committed a crime.

Leadership culture manifested in its trappings of tough talk, simple solutions and assigning blame elsewhere. Unfortunately TSA did not have the leadership capability to work for the benefit of the transferees. I say this with utmost respect for the TSA management team, and with great unease about my own incapacity. Working with a security organisation such as G4S presented many challenges but over time a reasonable working relationship was achieved. However the relationship with DIAC was an ongoing problem as the ground rules were constantly shifting, depending on the leadership at the time and the policy changes that were taking place in Government.

I chose then to leave Manus - frustrated with both sides of the government, extremely disappointed in myself and in TSA, despairing that we could allow asylum seekers to be treated so disrespectfully.

## EXAMPLES

I have chosen just a few instances that show the complexity of the environment. Many of the transferees complained of the appalling physical conditions but in general they were far more upset by the lack of respect which is clearly demonstrated in the following stories.

- **Physical conditions:** Many transferees made repeated formal complaints about leaking tents that were never fixed, fans that were never fixed, the strong smell of sewerage right through the centre, water lying stagnant in channels between tents, the inadequate toilets and showers (at one stage there were 8 for 500 men), and the lack of privacy in the tents (between 3 and 5 men to a tent). The families’ complaints were similar – inadequate toilet, laundry and shower facilities, lack of privacy. The western toilets could have been simply adapted with hoses to be more hygienic for the transferees. Skin problems of rashes and infected sores were particularly rampant as a result of crowding, humidity and inadequate facilities.
- **Code Black** would happen several times a week, as self-harm was an expression of the despair and frustration experienced by the transferees. Suicide attempts were treated as a risk behaviour requiring discipline rather than a mental health issue of the individual. Children of the families at Manus gestured and drew pictures of people cutting their wrists, trying to hang themselves, fighting, crying and climbing fences. Many of the transferees were suffering from PTSD: panic attacks, collapse and self-harm were everyday events, with the men, families and children. However, under the banner of “risk”, these issues were treated “behaviourally” withdrawal of privileges, such as exclusion from excursions.
- **Visit by Hon Chris Bowen, then Minister for Immigration and Citizenship.** The families gathered politely to meet with the Minister. The Minister addressed the group, and did not ask for questions. However a couple of transferees asked questions that were well-prepared and courteous, but were given token attention. Five minutes later the Minister left – a TSA support worker collected up all the written submissions and handed them to the Minister’s staff but there was no acknowledgement by staff or the Minister.

- **Dental and medical care:** Transferees were unable to access dental treatment for months as the dentist in Lorengau was “away”. Extraction was usually the only solution as “transferees could not be advantaged over onshore asylum seekers or the local population”. Similarly there was not a psychiatrist or clinical psychologist available to help with serious mental health problems.
- **E- readers:** As there were difficulties getting books to Manus, and they tended to fall apart in the extreme humidity, TSA looked into the possibility of getting e-readers. We finally sourced appropriate cheap e-readers (with no Wifi), and negotiated a strategy for distribution and use. DIAC finally in March approved the purchase of 150 e-readers for distribution through the Education program, preloaded with appropriate language dictionaries, educational programs and some books. Save the Children were also involved in the proposal and were to use the e-readers for their school program. The next team from DIAC then arrived and reversed the approval of the e-reader. It was a flat ‘no’: again, transferees were to have “no advantage” (= every possible disadvantage). The comment was made – “imagine how the Australian public would react to the news that asylum seekers had such privileges”. I sent an email to DIAC in May questioning this decision. The response finally came in late July as I was leaving, that a combined submission from Nauru and Manus may be considered.
- **Departures:** There were strict instructions to service providers not to show any emotions to transferees leaving for Australia. At Lorengau airport one of the TSA cultural advisors hugged a few of the departing men and shook hands with others before they walked across the tarmac. TSA management was reprimanded by DIAC for the staff member’s “completely inappropriate and unprofessional behaviour” and TSA support staff were subsequently banned from assisting with transferee movements. These cultural advisors had spent many months supporting the transferees in the Centre.
- **Excursion to village**  
In March/April the education team conducted a skills audit of all the transferees, discovering that there were several fish farmers and rice growers in the group. One of the TSA local staff was from a nearby village that was trying to set up a fish farm. A proposal was done to commence visits to the village with 2 separate groups, to build up the relationship and share knowledge. A small group of transferees who were fish farmers were to meet with some of the fishermen of the village to discuss fish-farming techniques over a picnic lunch. On a separate excursion some transferee families were to meet with a few village families for lunch and a craft day.

G4S risk manager completed a risk management plan for the visits, but I had to leave before it was completed and approved to take place.

However all the planning had been done in consultation with DIAC and it seemed that the visits would be able to take place.

When I returned in July one visit had taken place but had not been a success. A decision had been made for the first excursion to be ‘a drive through’ only, to avoid risk of a personal interaction. However there had been no consultation with the village community. The village members assembled to welcome the transferees with food etc., and were predictably offended when the transferees were not allowed out of the bus. The transferees were also upset that they had brought nothing for the village. A small village is not a side-show to be looked at through the windows of a bus! The risk assessment had not considered either the transferees or the villagers as people.

- **Excursions:** By May there were still about 30 Hazaras who were unable to go on excursions as their vaccinations were not up-to-date. These were some of the first men to arrive on Manus in December - January. The group had been very patient but were threatening to protest and prevent any excursions from happening.

(I was aware that this group of men had been overlooked by IHMS in the vaccination program). The Hazara men, who had been waiting so long, peacefully blockaded the next excursion and were consequently warned that they may be subject to Behaviour Management Plans (i.e. given a black mark which can affect their processing.) It was openly stated that any “non-compliant behaviour” on the part of transferees could negatively affect their processing outcome.

- **Mobile phones, cigarettes and phone cards**

According to the transferees, trade of cigarettes and phone cards for gambling and favours with other transferees (and G4S guards) was rife. Longstanding non-smokers regularly purchased cigarettes from the canteen for this purpose. When I noted this at an Ops meeting DIAC expressed dismay, and issued strict instructions that TSA must stop these activities taking place.

One day on my deployment during May one of the SAMS requested to talk to me. The young man requested a mobile phone. The distribution of mobile phones was one per tent, but we understood that this was inequitable, as all the phones inevitably ended up with the dominant clients who negotiated their use with phone cards and cigarettes, the currencies of the centre. I said to the young man that I could enable access to a mobile at any time that he needed it – it would be in the G4S office in the compound. The man said that he needed to send and receive messages and they were personal and confidential, so he had to have one himself. Then he said he will cut his wrists if he cannot get a mobile phone. I said that I really hoped that he would not do this but I still cannot give him a mobile phone. I then asked a G4S guard to follow the man to the tent as I was concerned for his safety. The man did cut his wrists quite badly and was taken to IHMS.

Such interactions were common in the Centre. The desperation revealed in such incidents is typical of institutionalised behaviour where all negotiation is extreme, and such ultimatums become normal. This dynamic of using self-harm as leverage was common, as the men had nothing else to use in order to get what they needed from G4S, IHMS and TSA. I discovered the value of taking time to really listen to the person, giving the respect of my time, rather than trying to resolve things neatly and quickly.

- **Leadership culture and language**

Over the period of 3 months from May to July a DIAC management team change brought a culture of blame and covering up of mistakes. Statements that were simply incorrect were made with great authority in meetings, but no one dared to challenge.

Over the entire period it was clear from the functioning of daily the ops meetings that the Australian government delegation was in charge – the views of Centre Manager and other service providers were frequently disregarded and disdained.

Over this period the language used by the DIAC Leadership team at Ops meetings about the transferees was often derogatory. TSA staff had ongoing issues with some G4S staff who had come from a prison setting calling the transferees ‘animals’, ‘f...wits’, ‘gorillas’, ‘the zoo’ etc. However the language used by some leaders of DIAC and others in leadership was constantly negative in a much more insidious way – transferees as a group were labelled as manipulative troublemakers, idiots, stupid, badly behaved, undeserving, attention seekers and ungrateful nuisances, “who were never going to Australia”. Save the Children staff at no time spoke in this way, and challenged the attitudes of others on occasion. Their comments were treated with derision. TSA remained silent on this issue, much to my personal and professional regret.

- **Fight and aftermath 24 May**

May 2013: A Brawl in the dining room on a Friday night that involved about 70 men, Iranian and Vietnamese, arose from a dispute over a plate. Trouble had been brewing for weeks as some of the Iranian men were bullying the Vietnamese. Some Vietnamese men had told me earlier that week that they are very peaceful but when pushed too far they act as a group.

There were many injuries resulting from the fight and several people were charged. A process of mediation was undertaken by TSA and an uneasy truce was reached. I requested that cultural advisors be present for the mediation as they had the respect and trust of the transferees, but the Management of DIAC insisted that it was not appropriate reprimanded me for the request. Fortunately, however, the cultural advisors were quickly ushered in by G4S, and it was too late for the DIAC Management to call them out again.

The next day we tried to get the centre back to normal. The Vietnamese clients had been planning all the previous week for a party on the Sunday night. (A party is a soft drink with music and dancing). I took a trolley load of drinks down donated by TSA but could not find the Vietnamese men anywhere. I went to the white marquee to find the Vietnamese and the Iranians who had been involved in the altercation singing and praying together in a church service. The party went ahead with speeches about peace and harmony. Iranians danced with Vietnamese, Iraqis with Hazaras etc. (This was a wonderful night. However, with so many diverse young men living closely together, further clashes were inevitable and expected).

- **Alleged rape case**

April 2013: The incident of the alleged rape was very complex. In the centre there was ongoing unease between the different, often conflicting ethnic groups: racist language and discriminatory behaviour was common, towards each other, towards and from the PNG staff and some other support staff. It was an environment where power dynamics were not only expressed in open conflict but also more covertly in sexual behaviours. At that time there were 7

young men who were noted to be vulnerable and put on the Preventative list which was reviewed each week. It was believed by the G4S staff and other support staff that several of these vulnerable young men had experienced sexual assault.

An incident form about the alleged rape of the young man was completed and sent on to the PNG Police, who conducted several interviews, denying any support. The young man refused to make any statements to PNG Police as he said he was afraid of what might happen – that he may be arrested himself, or suffer reprisals back in the camp. The young man's situation was complicated by the knowledge that the PNG law was extremely severe about homosexual acts, and there is little sympathy for victims of homosexual rape.

All contracted service providers believed that the young man had been raped, and should get the care due to any victim of serious sexual assault. The only strategy reluctantly approved by DIAC was a separation from the suspected perpetrators – in isolation in IHMS, Bravo compound. Over the period of 3 weeks that the young man was kept in the IHMS area there was constant pressure from DIAC to integrate him back into the SAMS compound. At the Preventative meetings both IHMS representatives and I requested many times for the young man to be sent somewhere that had adequate treatment for sexual assault. This was refused unconditionally.

One of the other vulnerable young men was subsequently slashed across the back in the men's toilets.

This was a particularly distressing episode to a couple of IHMS staff and to the caseworker and myself who worked so hard to get these young men more support. Again I left before the situation was resolved and when I returned the young man had chosen to return to the compound. In fact he had no other choice.

- **Leadership Culture**



- **Red Alert**

- **J:**

## **Conclusion**

I acknowledge that not all the asylum seekers at Manus were good people: there was a very small criminal element – people of whom I was afraid. Just as happens at home. However in general, the transferees were ordinary people who had been through difficult times. They were patient, optimistic and eager to contribute in any way that they could. Most transferees, though they justifiably complained of the physical conditions at Manus, expressed much greater despair over the uncertainty, isolation, humiliation, and worthlessness that they experienced at Manus. Similarly there were many inspirational staff at Manus from all organisations, including many DIAC staff, who respected the transferees, listened to them and tried to help them to find a life worth living. However in such an isolated environment the evolution of a detention and security culture finally crushed these motivations in favour of control, silence and submission. Please contact me if you require clarification of these matters or extra information.