

JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

*Q24 &
Q30*

- Question:**
24. How many SERCO or DIAC officers have reported incidents of abuse or threats of abuse made against them by detainees or other persons within the Detention Network and how many detainees or other persons within the Detention Network have reported incidents of abuse or threats of abuse?
- What was the nature of these incidents?
 - What action was taken in respect of each incident?
 - How many charges have been laid in respect of these incidents?
 - What is the status of these charges?
 - What is the status of each officer involved in these incidents (i.e. stress leave, change of location, hospital treatment, and financial compensation)?
30. Have there been any allegations of any kind of abuse – sexual or physical – against any detainee in any of the detention facilities on the mainland or on Christmas Island by another detainee, employee of the Government or employee of the contractor? What has been the outcome of those allegations?

Answer:

Since commencing as the detention services provider on 1 October 2009, to 30 June 2011, Serco reported 871 incidents of alleged or observed inappropriate behaviour by clients or other persons within the detention network towards Serco staff. DIAC officers reported 9 incidents of inappropriate behaviour towards them in the same period. Other sources, including service providers, reported 8 incidents of inappropriate behaviour towards their staff members.

Clients reported 31 incidents of inappropriate behaviour towards them from other clients. Serco reported 700 incidents of inappropriate behaviour between clients. DIAC officers reported 8 incidents of inappropriate behaviour between clients. External sources reported 6 incidents of inappropriate behaviour between clients.

The inappropriate behaviours reported as incidents above include alleged or observed abusive/aggressive behaviour, physical and sexual assaults, involvement in disturbances and damage to facilities.

Serco has a behavioural management policy in place to guide the management of behavioural issues that arise within immigration detention environments. The policy focuses on preventing behavioural issues through fostering a positive physical and social environment and diffusing issues that do arise before they escalate. All people in immigration detention are briefed on the policy around anti-social behaviour during the induction process and are advised about how they can raise issues or make a complaint to the detention service provider, the department, Commonwealth Ombudsman or Australian Human Rights Commission.

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Where behavioural issues are observed or a complaint is made, Serco consider an appropriate intervention or response to address the particular circumstances. The type of intervention or response that may be implemented includes, but is not limited to:

- group or individual counselling on the consequences of anti-social behaviour
- establishment of a behavioural management agreement
- transfer of a client to a different area of a facility or to another facility
- withdrawal of access to amenities
- curfews or restrictions on access to specific areas
- referral to third party for investigation (such as Police or child welfare agencies)

Action taken by Serco in relation to these incidents are recorded in multiple systems depending upon the nature of the incident. The very detailed information sought in the question is not readily available in consolidated form and it would be a major task to collect and assemble it. In order to report on the outcome for each incident, the department would need to manually interrogate these systems. The department estimates that this would take a departmental officer an average of 30 minutes for each incident. This equates to approximately 58 working days.

The police authorities were notified 264 times in relation to incidents of possible criminal behaviour.

The departments systems do not directly record whether DIAC or Serco notifies police in relation to possible criminal behaviour resulted in charges being laid.

The status of any action taken by police in relation to notifications about possible criminal behaviour are a matter for police. Where a client is convicted of a criminal offence, this is notified to the department and considered as part of the character assessment in the visa assessment process; the conviction records are accessed using police and court records.

In relation to DIAC staff, nine "client aggression" incidents occurring at immigration detention facilities have been recorded in the last 12 months in the departments Occupational Health and Safety (OHS) incident register. As at 30 June 2011, there is no record of workers' compensation as a result of any of these incidents. None of these incidents have resulted in workers' compensation claims to date. All incidents recorded in the department's national OHS incident register are reviewed by a manager and a national OHS coordinator to ensure that any necessary action is taken and support is provided to the impacted staff member. The departments systems do not record the status of Serco staff or other persons involved in these incidents.

Note: On 29 June 2009, the department entered into a five-year contract with Serco Australia Pty Ltd (Serco) to provide services at immigration facilities. Serco took responsibility for detention service provision through a staged approach beginning on Christmas Island on 1 October 2009. The transition from the previous detention service provider, G4S, to Serco was completed on 31 January 2010 when Serco took responsibility for managing all immigration detention facilities on Christmas Island and mainland Australia.