



## **Australian Government**

Australian Government response to the  
Senate Legal and Constitutional Affairs References Committee report:  
Serious allegations of abuse, self-harm and neglect of asylum seekers  
in relation to the Nauru Regional Processing Centre, and any like  
allegations in relation to the Manus Regional Processing Centre

APRIL 2024

## Committee Recommendations

### Recommendation 1:

**The Committee recommends that the Department of Immigration and Border Protection, as a matter of urgency, commission an external review of its medical transfer procedures in offshore processing centres.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### Recommendation 2:

**The Committee recommends that the Australian Government undertake to seek advice in relation to whether improvements are required to the medical treatment options available to asylum seekers and refugees in the Republic of Nauru and Papua New Guinea, particularly mental health services.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### Recommendation 3:

**The Committee recommends that the Australian Government recognise the impacts of long-term immigration detention, including by commissioning an independent assessment of its impacts on physical and mental health.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### Recommendation 4:

**The Committee recommends that an external audit and investigation be conducted into all incident reports over the life of the Transfield Pty Ltd and Broadspectrum Australia Pty Ltd contracts at the Manus Island and Nauru Regional Processing Centres, including analysis of: (a) incidents which were downgraded in severity; and (b) any inconsistencies in relation to incidents being downgraded in severity; and (c) evidence of follow-up activities in relation to reported incidents.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 5:**

**The Committee recommends that the Australian Government undertake to work with the Government of the Republic of Nauru to establish an independent children's advocate who would have both the jurisdiction and authority to advocate for the rights of children being held in the Republic of Nauru.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 6:**

**The Committee recommends that the Department of Immigration and Border Protection confirm publicly that any asylum seeker or refugee who has been transferred to Australia for medical or other reasons, or who remains in Australia pursuant to domestic legal action, can apply to participate in the US refugee resettlement arrangement, and that they will not need to return to either the Republic of Nauru or Papua New Guinea to do so.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 7:**

**The Committee recommends that the Australian Government give serious consideration to all resettlement offers it receives, including the Government of New Zealand's offer to resettle refugees from Papua New Guinea and the Republic of Nauru. Further, if particular resettlement offers are considered sustainable, the Government should clearly outline the reasons.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 8:**

**The Committee recommends that the Australian Government give consideration to supporting refugee and asylum seeker family members to pursue options to resettle together.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 9:**

**The Committee recommends that the Australian Government increase Australian funding to the United Nations High Commissioner for Refugees.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 10:**

**The Committee recommends that the Australian Government commit to increasing Australia's annual refugee intake.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 11:**

**The Committee recommends that the Australian Government undertake to work with Australia's Asia-Pacific neighbours to establish a regional framework for the processing of claims for asylum.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

**Recommendation 12:**

**The Committee recommends that the Australian Government review the Work Health and Safety Act 2011 to ensure that Comcare can exercise its regulatory powers in relation to Australian workplaces outside Australia's geographical jurisdiction, in a timely and straightforward manner.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

## **Additional Comments by the Australian Greens**

### **Recommendation 1**

**Regional Processing Centres on Manus Island and Nauru should be closed immediately and all detainees immediately brought to Australia and offered resettlement in Australia as refugees.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 2**

**The policy of mandatory indefinite detention for people seeking asylum who have arrived in Australia by boat should end.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 3**

**A Royal Commission should be held into the establishment and management of the Regional Processing Centres on Manus Island and Nauru, and the associated Australian government policy of boat turnbacks.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 4**

**Children born on Nauru to detainees should be brought to Australia with their families and guaranteed the right to citizenship.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 5**

**Further studies should be urgently conducted regarding the extent of legacy cadmium disposal on Nauru, and the threat to human health and the environment.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 6**

**All detainees on Nauru should immediately be tested for elevated levels of cadmium and other heavy metals present at or near the site of the Nauru Regional Processing Centre, and appropriate medical advice sought and followed.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 7**

**Comcare's investigation into alleged breaches of the Work Health and Safety Act 2011 (Cth) (WHS Act) by the Minister of Immigration and Border Protection should be expedited.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 8**

**The Senate Legal and Constitutional Affairs References Committee should conduct an inquiry to examine the merits of the government's claims of public interest immunity made during the course of this inquiry.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

### **Recommendation 9**

**Given the committee's concerns about the level of accountability and transparency that currently applies to the operation of Australia's Regional Processing Centres in the Republic of Nauru and Papua New Guinea, the following matter should be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 28 March 2019:**

- (a) conditions at the Regional Processing Centres in the Republic of Nauru and Papua New Guinea;**
- (b) the provision of support services for asylum seekers and refugees who have been alleged or been found to have been subject to abuse, neglect or self-harm in**

the centres or within the community while residing in Nauru and Papua New Guinea;

- (c) the Department of Immigration and Border Protection's oversight of contractors, sub-contractors, healthcare services, and Regional Processing Centres' operation generally;
- (d) attempts by the Commonwealth Government to negotiate third country resettlement of asylum seekers and refugees;
- (e) additional measures that could be implemented to expedite appropriate third country resettlement of asylum seekers and refugees within the centres;
- (f) the presence of cadmium in the Republic of Nauru, and the health risks associated with prolonged cadmium and phosphate exposure;
- (g) the implications of Australia's intention to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (h) transparency and accountability mechanisms that apply to the Regional Processing Centres;
- (i) measures Australia could take to develop and implement an appropriate and sustainable regional approach to how the arrival and settlement of asylum seekers is managed in the Asia-Pacific region;
- (j) any other related matters; and
- (k) the committee be granted access to all inquiry submissions and documents of the committee's previous inquiries relating to the conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.