

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARINGS: 23-24 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0331) Program 4.2: Onshore Detention Network

Senator Cash asked:

In relation to DIAC officers reported incidents of abuse or threats of abuse made against them by detainees or other persons within the Detention Network?

- a. What was the nature of these incidents?
- b. What action was taken in respect of each incident?
- c. How many charges have been laid in respect of these incidents?
- d. What is the status of these charges?
- e. What is the status of each officer involved in these incidents [i.e. stress leave, change of location, hospital treatment, and financial compensation?

Answer:

- a) The inappropriate behaviours reported as incidents include alleged or observed abusive/aggressive behaviour, alleged physical and sexual assaults, involvement in disturbances and damage to facilities.
- b) The detention service provider, 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 defusing 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.

Where behavioural issues are observed or a complaint is made, Serco considers 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 is recorded in multiple systems depending on the nature of the incident. The very detailed information sought in the question is not readily available in consolidated form and 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. It is considered that the human resources required would represent an unreasonable diversion of departmental resources.

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

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

d) In relation to DIAC staff, nine "Client Aggression" incidents occurring at immigration detention facilities have been recorded in the last 12 months in DIAC's 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. All incidents recorded in DIAC'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.